

Minutes

Ordinary Council Meeting

Monday, 3rd February 2025

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Peter Bean
Chief Executive Officer
Kingston City Council



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The meeting commenced at 7:00pm 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
Cr Sarah O'Donnell
Cr Caroline White

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttman, 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
Kelly Shacklock, Manager Governance, Risk and Integrity
Jessica Baguley, Governance Officer
Gabrielle Pattenden, Governance Officer
Justin Welsford, Media and Communications Advisor

1. Apologies

An apology from Cr Saab was submitted to the meeting.

Moved: Cr Hill

Seconded: Cr Athanasopoulos

That the apology from Cr Saab be received.

CARRIED

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

AGAINST: Nil (0)

2. Confirmation of Minutes of Previous Meetings

Moved: Cr O'Donnell

Seconded: Cr Agirtan

That the Minutes of the Ordinary Council Meeting held on 16 December 2024 be confirmed.

CARRIED

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

AGAINST: Nil (0)

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

Cr Ashworth-Collett foreshadowed a declaration of a conflict of interest in Item 7.1.

4. Petitions

4.1 Rejection of Proposal to Increase Parking in Showers Avenue, Chelsea

Moved: Cr Howe

Seconded: Cr Agirtan

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

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

AGAINST: Nil (0)

CARRIED

4.2 Increase the Number of Parking Spaces in Showers Avenue Chelsea

Moved: Cr Howe

Seconded: Cr Agirtan

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

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

AGAINST: Nil (0)

CARRIED

5. Delegates' Reports, Councillor Statements and Presentation of Awards

Nil

6. Question Time

Question time was held at 7.04pm.

Note: Of the 20 questions received, four were not accepted due to non-compliance with the Governance Rules as they were determined repetitive of a question already answered or exceeded the number of questions permitted. Preambles submitted with questions were not read out. In accordance with clause 39.9 of the Governance Rules, like questions have been grouped together.

Georgia asked,

“Could we please have an update on any proposals for the old Mentone station? Will a new EOI be released or are there any other plans to make sure this fantastic space is being utilised as best it can?”

The Chief Finance Officer provided the following response,

“Council concluded an Expression of Interest campaign in the middle of 2024 and has agreed leasing terms with a new hospitality operator. Announcements will follow shortly. Building designs and plans are currently being reviewed by the landowner (VicTrack). The opening of the new venue is scheduled for mid to late 2025.”

Simon Johnson asked,

“I refer to a report known as “Stop Line” (Stop line) which was published in 2011. The report was made secret by a previous Council. As previous Councils have been briefed on the report, will this Council also be briefed? In the interests of transparency, will this Council consider making the report public, as well as the costs incurred by Council?”

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

“Any report deemed confidential or made so by any Council under applicable legislation or legislated powers remains confidential and therefore restricted from further circulation. Confidentiality breaches are an offence under the Local Government Act 2020 for which significant penalties apply.”

Simon Johnson asked,

“Why is Kingston Council spending money on upgrading drainage in Northcliffe Road and Munro Ave Edithvale (Sandpiper Ward) when more urgent works are required to fix Tootal Rd in Dingley”

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

“Road condition audit is undertaken every four years on all Council-managed roads. This determines a priority list for road reconstruction projects. The Tootal Road upgrade requires significant drainage works, which are currently in investigation and concept design.”

Stephen asked,

“What is the purpose, rationale, and what benefit do seniors, diverse ethnic and religious communities of Kingston does displaying the rainbow flag serve specifically during the current cost of living crisis?”

Irina asked,

“Why is Kingston Council flying LGBTQ flags yet again?”

Geoff asked,

“Were the current body of Councillors elected recently consulted about the decision to fly the LGBTQ flag? Who made the decision to fly the LGBT flag at Kingston this year?”

Anna asked,

“Does Council have any legal obligation to fly and display the LGBTQ flag? Has Council received any complaints from the public regarding the flying of the LGBTQ flag?”

The General Manager Community Strengthening provide the following response,

The rainbow flag is currently flying at the Kingston City Hall, Mentone Civic Centre and the Cheltenham Civic Centre to acknowledge and celebrate the annual Midsumma Festival, which concludes on 9 February. The flag is flown as a show of support and inclusion for our LGBTIQ+ community, which in Kingston is estimated to be almost 12,000 adults, inclusive of those in our seniors and multicultural communities. In October 2023 Council adopted the Civic Flag Policy that states “The Rainbow Flag will be flown during the Midsumma Festival and on International Day Against Homophobia, Biphobia, Interphobia and Transphobia (IDAHOBIT). In addition, in 2021, Council resolved to complete the [Rainbow Local Government Pledge commitments](#), which include flying the rainbow flag from Council buildings on LGBTQIA+ awareness days. 17 complaints have been received in relation to the flying of the Rainbow Flag.”

Deborah asked,

“With the election of many independent Councillors who represent the will of the people who voted for them, and who bring back to basics culture and focus to this new Council, will the CEO and management now pull back on organising and spending money on controversial events and actions such as drag story times for children, flag flying for sexual minorities, queer children’s groups and pride marches?”

The General Manager Community Strengthening provided the following response,

“Council is currently developing their Council Plan for 2025-29 and will commence developing the annual budget shortly. The Council Plan and Budget 2025-26 will be considered for endorsement at the Council Meeting in June 2025. Council officers will then implement the Council Plan, in line with the budget.”

Roslyn asked,

“Now that President Donald Trump has been elected in the United States, will Kingston Council take a leaf out of his anti-woke administration and shut down all DEI departments and appointments within the Kingston Council executive and save ratepayers hundreds of thousands of dollars?”

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

“The policies and strategies of Kingston City Council are tailored to the aspirations of our duly elected Council for our local community, rather than the views of the President of the United States. Council is committed to the fair representation and participation of all people within the City of Kingston.”

Gil asked

“Has the CEO and executive gone behind the backs of the Councillors and had any contact in any way, to make deals and/or arrangements with private developers and any other entities be they State, Federal or International, regarding Council development plans within the city of Kingston?”

The General Manager Planning and Place provided the following response,

“The Council plays an important role consistent with its Council Plan, in furthering the prosperity of the City. This will routinely involve discussions with a range of parties interested in undertaking further investment in Kingston. The context for then determining whether or not development applications should be supported is governed by the Planning and Environment Act. The Council publishes applications submitted for its consideration on its website and they are routinely advertised if required under the Planning Scheme.”

Lynne asked,

“Can the Councillors please pull the Kingston Council executive into line, and bring them back to see some form of rational practical common sense regarding the nonsense of pursuing extremist Net Zero climate policies which e.g. is making them spend millions of ratepayer money unnecessarily swapping over from perfectly functional gas to all electric in the Council building?”

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

“The Council’s objective to reduce carbon emissions are reflected in its Climate and Emergency Response Plan June 2021. Considerations regarding any changes associated with the appropriateness of the plant and equipment at Councils larger sites will be based on a range of criteria including its age, existing efficiency, energy pricing and carbon reduction objectives.”

Robert asked,

“Were any of the current Councillors who make up the new council, consulted about swapping the Council building on Nepean Highway, at a cost millions of dollars, over from gas to electric?”

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

“The 1230 Nepean Highway building electrification project is currently in the investigation stage. This project was identified as part of the Climate and Ecological Emergency Response Plan which was adopted by the previous Council. The current Council will have opportunity to consider the project through the annual budget process. Community members will also be able to comment on the budget when it is exhibited prior to adoption by Council.”

Marc French asked,

“Why did the Kingston Council planning department not reach out and arrange the collaboration with the owners and designers of the proposed Hella site which was requested by the factory owners opposite and residents in Southern Rd Mentone?”

The General Manager Planning and Place provided the following response,

The Council has previously advised that the application submitted was exempt from public notice under the Planning and Environment Act 1987. This was the reason that consultation has not occurred. Council acknowledge the interest in relation to this matter and have agreed following a recent discussion with the Chicquita Ward Councillor that at key stages of the sites redevelopment, updates will be sent to local residents.”

Elena asked,

“Is it true that the residents and factory owners of Southern Rd Mentone, a quiet and wide street, still have a right to object to, and seek remedy for the potential loss of this current amenity in Southern Road?”

The General Manager Planning and Place provided the following response,

“The application in Southern Road has been determined by the Council. The zoning of the area is well established with part of Southern Road being industrial and the balance being residential. Council had actively explored rezoning the industrial land but was unable to achieve the approval from the State Government to achieve this outcome.”

Rosemary West asked,

“1. What if any replacement of trees illegally removed from Groves Reserve in early 2023 has Council yet undertaken or required the perpetrator to undertake? 2. Can Council please identify which trees on the environmentally significant Coast Banksia Woodland of Groves Reserve have been marked, apparently by the Level Crossings Removal Authority for removal and why?”

The General Manager Planning and Place provided the following response,

“In response to Question 1, the occupier of the land has submitted a landscape plan to Council and Council has requested some additional information. Once this plan is approved the occupier will be responsible for providing replacement planting a responsibility they acknowledge sits with them. In response to Question 2, the Council will contact the Level Crossing Removal Authority and ask that they contact the submitter to provide advice on any proposed tree removal near or within Groves Reserve.”

Tasos asked,

“What is the reason that council staff do not adhere to the council charter and guidelines in answering phone enquiries within the specified 48 hours?”

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

“It would be the expectation of the organisation that officers adhere to our customer service standards, notwithstanding exceptional circumstances. I would be happy to take further information from Tasos in order to investigate further.”

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Tasos asked,

“Does Council , once they award a contract to new contractors monitor the quality of service and standard of work is provided?”

The Chief Finance Officer provided the following response,

“Yes. This is the practice.”

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7. Planning and Place Reports

7.1 Town Planning Application Decisions - December 2024

Cr Ashworth-Collett declared a general in this item as prior to becoming a Councillor she submitted feedback in relation to one of the matters listed and left the meeting at 7.17pm prior to any discussion on the matter.

Cr Hill left the meeting at 7:17pm.

Moved: Cr Athanasopoulos

Seconded: Cr Agirtan

That Council note the report of Town Planning Decisions for the month of December 2024.

CARRIED

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Howe, Law, Oxley,
O'Donnell and White (8)

AGAINST: Nil (0)

Cr Ashworth-Collett returned to the meeting at 7:18pm.

8. Community Strengthening Reports

8.1 Kingston Women of the Year Awards 2025 Nominations and Selection of Winners

Moved: Cr Law

Seconded: Cr O'Donnell

That Council:

1. Confirm the 2025 winners for the Kingston Women of the Year Awards, for the overall Kingston Woman of the Year 2025, and four category winners for each nomination category (Courageous Commitment, Excelling in Arts or Sport, Inspiring Innovation and Success in STEM), as presented in Confidential Appendix 1.
2. Determine, pursuant to Section 125 of the Local Government Act 2020, that the identities of all award winners remain confidential until 7 March 2025, except for the notification of the overall award winner by the Mayor prior to 7 March 2025.

Cr Hill returned to the meeting at 7:18pm.

CARRIED

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

AGAINST: Nil (0)

9. Infrastructure and Open Space Reports

9.1 Response to Resolution - Notice of Motion 8/2024 - Electronic Scoreboards

Moved: Cr Hill

Seconded: Cr Erevnidis

That Council:

1. Note the report; and
2. Endorse Option 2 - Refine current approach and develop a Scoreboard Policy, as set out in the report, that will improve the current approach and provide clarity on roles and responsibilities.

CARRIED

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

AGAINST: Nil (0)

9.2 Federal Grant Funding – Play Our Way – Bentleigh Greens Soccer Pitch for Women and Girls

Moved: Cr Athanasopoulos

Seconded: Cr Agirtan

That Council:

1. Note the Australian Cyprian Sports and Social Association (Bentleigh Greens Soccer Club) successful application for \$1.5M as part of the Federal Government “Play Our Way” grant program towards a new football/soccer pitch at Kingston Heath Reserve Regional Soccer Complex to support women’s and girls’ participation in football;
2. Endorse the project and support in principle \$800,000 Council funding contribution towards the \$2.5M project in the 25/26 and 26/27 Capital Works Program to fund the shortfall in project cost estimates;
3. Endorse commencement of community engagement on the project and receive a report following engagement.
4. Endorse in principle that officers will develop a Heads of Agreement with the Bentleigh Greens Soccer Club that confirms:
 - a) Bentleigh Greens Soccer Club funding contribution commitment towards the project of \$100,000 through a signed funding agreement with the Bentleigh Greens Soccer Club prior to the commencement of the project construction;
 - b) The terms and conditions of the new lease with the Bentleigh Greens Soccer Club;
 - c) The allocation of women’s and girls’ access to all soccer pitches for training and competition at Kingston Heath Soccer Complex, in line with Council’s Fair Access Policy;
 - d) Requires reporting by the club on the growth in female participation due to this project

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- e) There will be no perimeter fencing that reduces community access when not being used for formal training or games
 - f) The heads of agreement are not to be signed until a report is presented to Council on the outcomes of the community consultation.
5. Note that this project must not limit the use of the existing pitches for women and girls.

CARRIED

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

AGAINST: Nil (0)

9.3 CON-24/062 Northcliffe Road (Station Street to Munro Avenue) and Munro Avenue (Bayside Avenue to 50m north of Northcliffe Road), Edithvale - Road Reconstructions

Moved: Cr Ashworth-Collett

Seconded: Cr Agirtan

That Council:

1. Note the outcome of the tender assessment process for Contract No. 24/062 Northcliffe Road (Station Street to Munro Avenue) and Munro Avenue (Bayside Avenue to 50m north of Northcliffe Road), Edithvale – Road Reconstructions, as set out in confidential Appendix 1 attached to this report;
2. Award Contract No. 24/062 Northcliffe Road (Station to Munro) and Munro Avenue (Bayside to 50m north of Northcliffe), Edithvale – Road Reconstructions for the fixed lump sum price of \$3,090,366.34 (exclusive of GST) to VCrete Contractors 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

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

AGAINST: Nil (0)

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10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report

Moved: Cr Agirtan

Seconded: Cr O'Donnell

That Council:

1. Receive and note the Informal Meetings of Councillors Records at Appendix 1;
and
2. Receive the minutes from the Audit and Risk Committee Appendix 2.

CARRIED

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

AGAINST: Nil (0)

11. Chief Finance Office Reports

Nil

12. Notices of Motion

Nil

13. Urgent Business

There were no items of Urgent Business.

14. Confidential Items

Nil

The meeting closed at 7.34pm.