

# Minutes

## Ordinary Council Meeting

Monday, 21st October 2024

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Peter Bean  
Chief Executive Officer  
Kingston City Council



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**City of Kingston  
Ordinary Council Meeting**

**Minutes**

**21 October 2024**

The meeting commenced at 7.15pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

**Present:** Cr Jenna Davey-Burns (Mayor)  
Cr Tracey Davies (Deputy Mayor)  
Cr Tamsin Bearsley  
Cr Tim Cochrane  
Cr David Eden  
Cr Chris Hill  
Cr George Hua  
Cr Georgina Oxley  
Cr Hadi Saab

**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  
Kelly Shacklock, Manager Governance, Risk and Integrity  
Sharon Lozsan, Team Leader Council Governance  
Jessica Baguley, Governance Officer  
Gabrielle Pattenden, Governance Officer

**1. Apologies**

There were no apologies submitted to the meeting.

**2. Confirmation of Minutes of Previous Meetings**

**Moved: Cr Saab**

**Seconded: Cr Davies**

That the Minutes of the Ordinary Council Meeting held on 23 September 2024 be confirmed.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**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 Pedestrian Crossing for Elonera Preschool**

**Moved: Cr Cochrane**

**Seconded: Cr Davies**

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

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**4.2 Derelict House in Cheltenham**

**Moved: Cr Davies**

**Seconded: Cr Bearsley**

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

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**5. Delegates' Reports**

There were no delegates' reports.

**Councillor Statements**

Deputy Mayor Cr Davies acknowledged the contribution of outgoing Mayor Cr Davey Burns and presented her with a native tree as a token of appreciation.

The Mayor Cr Davey-Burns recognised the contribution of outgoing Deputy Mayor Cr Davies and presented her with flowers as a token of appreciation.

The Mayor made a statement acknowledging the work of Council officers during the Council term.

Retiring Councillors Bearsley, Cochrane and Hua made statements reflecting on their Council terms.

Crs Saab and Oxley made statements acknowledging the contributions of retiring Councillors.

**Presentation of Awards**

There were no presentations of awards.

**6. Question Time**

Question time was held at 7.41pm.

**Note:**

- A question from one submitter was not accepted due to non-compliance with the Governance Rules as it was determined repetitive of a question already answered.
- A question from one submitter was not accepted due to non-compliance with the Governance Rules as it was determined to be objectionable in nature.
- Section 304 of the Local Government Act 2020 deems that a Councillor or member of Council staff must not use Council resources in a way that is intended to is likely to affect the result of an election during the Election Period. In accordance with the Act, submitters' names were not read out.

**Question,**

*"Why are dogs not allowed inside the Carrum Community Guide Hall? How Can Council change a policy during caretaker/election period?"*

**The General Manager Community Strengthening provided the following response,**

*"The use of a community hall for dog training has been identified as a use that is no longer appropriate. This is based on considerations such as hygiene and cleanness and risk of allergies. The types of uses appropriate to community halls are people based i.e. yoga, seniors cards and games groups, support groups and kids birthday parties. Dog training is no longer deemed compatible with these uses. There has been no change of policy. The management of community halls is operational and therefore the Election Period does not affect it."*

**Question,**

*"Why is Governance at Kingston Council allowing the vote by Councillors of the delegation of powers to the specific people mentioned, which is an important delegation issue needing much scrutiny by the public during caretaker mode at Council? Is this delegation going to affect all regulations under the entire planning act and not just vegetation, especially as it will allow the planning and environment act to bypass Council votes for SRL activity centre high rises and make the planning authority Lily D'Ambrosio in the State Government?"*

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

*"Council commonly delegates the powers of local government to Council Officers to allow the effective and efficient function of Council. This legal mechanism allows Council Officers to be empowered to fulfil specific roles and responsibilities which is the reason for its inclusion. The delegation, as printed within Appendix 1 of Agenda Item 10.1 of tonight's agenda, includes and is limited to:*

1. *Section 147(4) of the Planning and Environment Act 1987 appoints the officer to be an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and*
2. *Section 313 of the Local Government Act 2020 authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument."*

**Question,**

*“Where can we all see these plans and the application which you have now suddenly approved in relation to the former Hella site in Southern Road Mentone.”*

**The General Manager Planning and Place provided the following response,**

*“Council had previously advised that the application is exempt from the public notice requirements and review to VCAT rights as contained in the Planning and Environment Act 1987. The approved plans can be viewed by contacting Council’s Planning Department to arrange a suitable time. Council will contact the permit holder to understand whether it intends to further progress its plans for the site, and as previously agreed provide a further update to residents and industrial businesses.”*

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**7. Planning and Place Reports**

**7.1 Town Planning Application Decisions - September 2024**

**Moved: Cr Oxley**

**Seconded: Cr Davies**

That the report be noted.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua,  
Bearsley and Saab (9)

**AGAINST:** Nil (0)

**8. Community Strengthening Reports**

**8.1 Lift Installation Update - Old Mentone Bakery**

**Moved: Cr Hill**

**Seconded: Cr Davies**

That Council:

1. Note the updated high-level cost estimate and potential alternative solutions outlined in this report.
2. Note the installation of a lift and installation/extension to the first floor of the Old Mentone Bakery, will be referred to the 2025/26 budget process for consideration.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)



9. Infrastructure and Open Space Reports

Nil

**10. Customer and Corporate Support Reports**

**10.1 Kingston Annual Report 2023-24**

**Moved: Cr Davey-Burns**

**Seconded: Cr Davies**

That Council

1. Receive the text version of the 2023–24 Annual Report as presented by the Mayor, in accordance with the Local Government Act 2020.
2. Note that following the outcome of the council election the designed version of the 2023-24 Annual Report will be published on Kingston’s Corporate Website.

**CARRIED**

**FOR:** Crs Davey-Burns, Cochrane, Davies, Hill, Hua, Bearsley and Saab (7)

**AGAINST:** Nil (0)

**ABSTAINED:** Crs Eden and Oxley (2)

**10.2 Governance and Compliance Report**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council:

1. Defer consideration of points 1a) and 1b) of the officer recommendation until the November Ordinary Council Meeting;

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

2. Receive the minutes from the September 2024 Audit and Risk Committee; and

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**CARRIED**

3. Note the Informal Meeting of Councillors Records (*Appendix 3*).

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

**CARRIED**

**Note:** It was decided by the Chairperson that each part of the Motion be put to the vote separately.

**The Resolution reads as follows:**

**Moved: Cr Oxley**

**Seconded: Cr Eden**

That Council:

1. Defer consideration of points 1a) and 1b) of the officer recommendation until the November Ordinary Council Meeting;
2. Receive the minutes from the September 2024 Audit and Risk Committee; and
3. Note the Informal Meeting of Councillors Records (*Appendix 3*).

**CARRIED**

**10.3 Biannual Report from the Audit and Risk Committee - September 2024**

**Moved: Cr Davies**

**Seconded: Cr Hill**

That Council receive the Audit and Risk Committee bi-annual report.

**CARRIED**

**FOR:** Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley and Saab (9)

**AGAINST:** Nil (0)

11. Chief Finance Office Reports

Nil

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**12. Notices of Motion**

Nil

**13. Urgent Business**

Nil

**14. Confidential Items**

Nil

The meeting closed at 8.09pm.

**Confirmed.....**

**The Mayor 25 November 2024**