

# Minutes

## Ordinary Council Meeting

**Monday, 25th November 2024**

[kingston.vic.gov.au](http://kingston.vic.gov.au)

**Peter Bean**  
Chief Executive Officer  
Kingston City Council



*City of*  
**KINGSTON**

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**City of Kingston  
Ordinary Council Meeting**

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The meeting commenced at 7.11pm 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 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  
Kelly Shacklock, Manager Governance, Risk and Integrity  
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 Saab**

That the Minutes of the Ordinary Council Meeting held on 21 October 2024 and the Special Council Meeting held on 13 November 2024 be confirmed.

**CARRIED**

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

**AGAINST:** Nil (0)

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

Cr O'Donnell foreshadowed a declaration of a conflict of interest in Item 4.2 – Petition - Removal of No Parking Signs in Kubis Avenue, Aspendale.

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**4. Petitions**

**4.1 Allow Dog Training Professionals to Use Community Space for Community Education**

**Moved: Cr Howe**

**Seconded: Cr Athanasopoulos**

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)

**4.2 Removal of No Parking Signs in Kubis Avenue, Aspendale**

Cr O'Donnell declared a general in this item as she is a signatory to the petition and left the meeting at 7.15pm prior to any discussion on the matter.

**Moved: Cr White**

**Seconded: Cr Howe**

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

**CARRIED**

**FOR:** Crs Agirtan, Ashworth-Collett, Athanasopoulos, Erevnidis, Hill, Howe, Law, Oxley, Saab and White (10)

**AGAINST:** Nil (0)

Cr O'Donnell returned to the meeting at 7.17pm.

**4.3 AFL Goal Posts at Kingston Heath Reserve**

**Moved: Cr Agirtan**

**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)

**5. Delegates' Reports**

Nil

**Councillor Statements**

The Mayor expressed sympathy to the family and friends of local women Bianca Jones and Holly Bowles on behalf of Kingston City Council following their recent passing.

**Presentation of Awards**

Nil

**6. Question Time**

Question time was held at 7.20pm.

**Note:** Questions from two submitters were not accepted due to non-compliance with the Governance Rules; one was determined repetitive of a question already answered and one submitter 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.

**Gavin asked,**

(In relation to the timing of the 2023-2024 Annual Report being tabled to Council and expenditure concerns) *"have Council perhaps got some priorities wrong?"*

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

*"Statutory and regulatory reporting obligations (including the Local Government Act 2020 and the Audit Act 1994) dictate the date of tabling of the Council Annual Report, inclusive of the need for audited performance and financial statements, and receipt of the Victorian Auditor-General's Office (VAGO) Audit Report. Expenditure is clearly set out in accordance with legislative requirements and accounting standards. The question of priorities will always be up to individual preferences."*

**Georgia asked,**

*"Is there an update regarding what is happening at the vacant land near the Mentone train station?"*

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

*"The vacant land which is fronting Balcombe Road and is fenced and was previously used for commuter parking is State Government owned land. The land was identified as surplus following the Level Crossing Removal Project at Balcombe Road, Mentone by the State Government. Council has been advocating to the State Government that this land could be used to in part or in full to expand the open space around the Mentone Station Gardens area and Mentone Heritage Rail Bridge. Council has not received any updates from the State Government on its future intentions for this land."*

**Question from George**

*"Were volunteers to Kingston Ward Committees ever paid?"*

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

*“When in effect approximately five years ago, Kingston Ward Committee members were paid.”*

**Paul asked,**

*“Will Kingston Council make a referral to the Independent Broad-based Anti-Corruption Commission in relation to the unconstitutional merger between Kingswood and Peninsula, the risky acquisition for the land which was zoned for Golf Courses by a union dominated super fund, and subsequent rezoning by the Labor state government? Why has the council not yet updated the community, by way of a letter or newsletter update, in relation to the rezoning of the Kingswood Golf Course, who the decision maker will be in relation to any application to develop the land and what role the council will play given the council is the local planning statutory authority, and the decision to rezone was made way back in 2023?”*

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

*“In response to the first question should Paul have concerns regarding the merger process or the zoning of the land at the former Kingswood Golf Course Dingley Village, he is encouraged to raise this directly with the integrity agencies which is an option open to him. Kingston City Council is not currently considering any such action. In response to the second question the decision to rezone the Kingswood Golf Course Site was not a decision made by the City of Kingston. The decision maker on the next stage of the process which is the consideration of a Development Plan, is the State Planning Minister or appointed delegate and Council will encourage the State Department of Transport and Planning to update the community on this process. Council will play an important role in providing input into the future design of the subdivision of the land.”*

**Wandzia French asked,**

*“Why do the Kingston Council executive put the important private motions from Councillors and other important agenda items such as the finance and governance reports last, in the set out of its normal Council agendas? Can the new Councillors have a say as to the order of agenda items in the Council meetings?”*

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

*“Rules governing items and order of the Council Meeting agenda are set either by the Local Government Act 2020, or Council’s Governance Rules. Once an agenda has been sent to Councillors, the order of business for that Council meeting may be altered by resolution of Council.”*

**Robert Green asked,**

*“Does Kingston Council ask children between 12- 17 for age verification documents when joining Queer in Kingston. What is stopping them falsifying their age as 16 and therefore not requiring parental consent?”*

**Elena asked,**

*“Is it true that a child who wishes to engage with and join the Kingston Council initiated group called Queer in Kingston, does not need parental consent to do so if they are 14 years and over?”*

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

*“No, we do not ask for proof of age documentation. Children under 16 years of age require parental consent to participate in the Queer in Kingston group.”*

**Irina Mathias asked,**

*“For this new Council, will the public questions submitted to Kingston Council for Council meetings be now seen uncensored and complete by the new Councillors before the CEO selects them out and censors them, or do the new Councillors only get to see those questions that pass being vetted and given the go ahead (the green highlighter by the CEO?)”*

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

*“Current practice does not include the circulation of public questions received up to 3pm on the day of the Council Meeting. In terms of being read aloud and potentially answered during a Council Meeting, all questions are vetted to ensure they are in accordance with the Governance Rules as clearly set out on Public Question forms in hardcopy, digital and online forms. Under Division 8 of the Governance Rules, a question must not be read and an answer must only be given to the Council meeting if the Chair (Mayor) or Chief Executive Officer has determined that the relevant question does not relate to a matter beyond or outside Council’s powers; and is not defamatory, indecent, abusive or objectionable; and is not repetitive of a question, matter, issue or principle already answered (whether at that meeting or an earlier one); and is not asked to be derogatory of or to embarrass a Councillor, a member of Council staff or a member of the community; and does not relate to a matter already considered and resolved upon by Council. Further, under the Governance Rules 39.8, All questions and answers must be as brief as possible. Any preamble to a question will not be read out unless the Chair considers it appropriate.”*

**Julia Sinclair asked,**

*“How many people in total (fulltime and parttime) work in the financial accounting department at Kingston Council?”*

**The Chief Finance Officer provided the following response,**

*“The 2024/25 Budget is available on Council’s website and this includes a breakdown of all human resource information on page 57. As per that material, the Finance Department has 25.2 full time equivalent roles, of which 21.8 roles are full-time and 3.4 roles are part-time.”*

**Yvette Bentator Moore asked,**

*“What date was the electrification changeover contract mentioned in page 78 of the November 25 2024 agenda approved and by whom was this approved? If the contract for this electrification is to multiple companies, please state how many companies, and the date of each contract part?”*

**Anna Michos asked,**

*“Can the CEO please answer how much is the total whole cost of the electrification changeover (all parts) e.g. consultation, supply, ongoing costs etc) at the Council offices mentioned in the current November 2024 agenda on page 78?”*

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

*“We are currently in the concept design stage for this project and assessing suitable technologies, including costs. No contracts for works have been awarded. Any works will be considered as part of Council’s annual budget process.”*

**Geoff Adams asked,**

*“Why has the Kingston Council executive rushed to bring forward the vote to increase and alter delegation powers to certain individuals (Item 10.2) back on the table for the new Councillors to consider at their very first Council meeting even whilst they are still new from induction when it was agreed at the last previous Council meeting that this should be deferred till the December Council meeting?”*

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

*“Delegations and authorisations of Officers are essential components to the good governance and functioning of Council and the municipality as required under the Local Government Act 2020 and other legislation and regulation. In terms of timing, the Council did not agree to bring this back at the December meeting of Council. Council resolved at Ordinary Council Meeting of 21 October to defer these items to the November meeting. Officers are acting in accordance with the direction of Council and as obligated under the Local Government Act. The decision to defer the items last month was based on concerns regarding the appropriateness and legality of receiving such an item during the Election Period which was in effect at the time. As this period has now expired, this risk no longer remains.”*

**Rose asked**

*“Has Kingston Council received a letter or any correspondence at all from Port Hedland City Council? If so, can you reveal the contents, and can the public see this?”*

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

*“Yes, a letter was received in early November and relates to their Council Resolution regarding COVID-19 vaccines. The letter was addressed to the Mayor, Deputy Mayor and Councillors. Yes, the public can see it.”*

**Penny asked,**

*“Why is it that Councillor representation is being considered to be withdrawn from the interfaith committee? There are at least two councillors who’s faith is not represented on this committee and at the swearing in of the present councillors is out of the eleven people acknowledge god in their pledge. How is it that the committee that was founded as a priority but the commissioners in 1994 is how being deemed as not worthy of councillor representation when current situations have been re-awakened public interest in this area?”*



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

*“The Interfaith Network Committee is not an Advisory Committee, but a chance for people of different faiths to come together and have dialogue to promote mutual respect and understanding between themselves. They look for opportunities to promote interfaith in the broader community through hosting three events per annum such the interface bus tour. As such, the Interfaith Network Committee will still continue to meet, supported by Council officers, and Councillors will continue to be provided with Information and invitations as relevant.”*

**7. Planning and Place Reports**

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

**Moved: Cr Athanasopoulos**

**Seconded: Cr Hill**

That the report be noted.

**CARRIED**

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

**AGAINST:** Nil (0)

**7.2 KP-2023/536 - 202-204 Old Dandenong Road, Heatherton**

**Moved: Cr Saab**

**Seconded: Cr Agirtan**

That Council determine to support the proposal and issue a Planning Permit for Part demolition and to construct and carry out works (access / car parking area & BBQ structure) in the Heritage Overlay (Schedule 55) and to create access to a road in a Transport Zone 2 at 202-204 Old Dandenong Road, Heatherton, 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 considered plans prepared by Style comprising Drawings No SP02, A-01, sheets 1 to 2 (inclusive) dated 30 May 2024, but modified to show:
  - a) the driveway nominated to be constructed using permeable materials of pH neutral composition which allows water to penetrate through the surface and into the soil profile within the tree protection zone of Tree 14.
  - b) a materials schedule to include all external paint colours.
  - c) the trees to be retained and removed in accordance with the Local Law Permit PT-2024/166 and accompanying Arborist Report.

**Endorsed Plans**

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

**Vegetation Conditions**

3. Before the development commences the Root Investigation Report by Green Connection Arboricultural Consultancy Services dated 16 August 2024 must be endorsed by the Responsible Authority and all works within the TPZ of Tree 14 identified in the report must be carried out in accordance with this document and to be supervised by a qualified arborist (AQF Level 5) with no scraping to occur within the TPZ of this tree unless stated otherwise in writing by the arborist.

**Infrastructure and Road Works**

4. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
5. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
6. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
7. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
8. All redundant vehicle crossings and pedestrian crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

**Traffic Conditions**

9. The blind aisle measurements for the accessway, to be maintained for a safe turnaround area as per AS/NZS 2890.1:2004.

**Department of Transport Conditions**

10. Prior to the commencement of use, the entry only crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
11. Appropriate line markings and signage must be installed to restrict exit movements from the site via this access point.

**Completion of Works**

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

**Permit Expiry**

13. This permit will expire if one of the following circumstances applies:
  - a) The development (including demolition) is not started within two (2) years of the issue date of this permit.
  - b) The development (including demolition) 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:** 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:** Replacement planting is required by Local Law Permit PT-2024/166 issued on 15 October 2024 and must be undertaken in accordance with those conditions

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and within 12 months of the date of that permit.

**Note:** The replacement trees planted as a result of condition of the abovementioned Local Law Permit are considered protected trees.

**Note:** Failure to comply with replacement planting conditions under the permit by the specified date is an offence under Kingston Community Local Law Clause 262.6. Any breach may be subject to prosecution.

**Note:** Where the applicant is not the owner of the subject land but the owner has given their consent to this application, the owner will be responsible, jointly and severally with the applicant, for compliance with the conditions on the permit.

**Note:** Before removing / 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:** Prior to the commencement of the development, you are required to obtain the necessary building permit.

**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 cultural heritage management plan must be held on site during the construction activity.

**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**

Nil

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**9. Infrastructure and Open Space Reports**

**9.1 2024/25 Capital Budget Outcome - Quarter 1 Review**

**Moved: Cr Saab**

**Seconded: Cr Athanasopoulos**

That Council:

1. Note that the 2024/25 capital works program is tracking slightly ahead of program; and
2. Note the summary of project highlights in Appendix 1.

**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 Performance Report - Council Plan Year Four - Quarter One (July to September 2024)**

**Moved: Cr Saab**

**Seconded: Cr Hill**

That Council note the status and commentary for the Year Four Annual Action Plan 2024–25 actions for Quarter One (July to September 2024).

**CARRIED**

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

**AGAINST:** Nil (0)

**10.2 Governance and Compliance Report**

**Procedural Motion**

**Moved: Cr Erevnidis**

**Seconded: Cr White**

That consideration of the is item be deferred until the December Ordinary Council Meeting.

**CARRIED**

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

**AGAINST:** Crs Ashworth-Collett, Hill and Howe (3)

**10.3 Councillor Appointments to Committees and Organisations 2024/25**

**Moved: Cr Saab**

**Seconded: Cr Athanasopoulos**

That Council:

1. Determine the following appointments to committees and organisations;
2. Defer the appointment to the Municipal Association of Victoria until the December Ordinary Council Meeting; and
3. Be presented with a further report to revise the terms of reference to reflect this resolution of Councillor appointments.

<b>Legislative Committees</b>	<b>No of Appointees</b>	<b>2025 Appointee/s</b>
Planning Committee	All Councillors	All Councillors
Audit and Risk Committee	The Mayor & one other Councillor	Mayor Cr Agirtan
<b>Internal Committees/Organisations</b>	<b>No of Appointees</b>	<b>2025 Appointee/s</b>
CEO Employment Matters Committee	The Mayor The Deputy Mayor	Mayor Cr Law

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	Two other Councillors appointed by Council	Cr Saab Cr White
Governance and Policy Committee	The Mayor Minimum two Councillors	Mayor Cr Saab Cr White Cr Howe Cr Law Cr Hill
<b>Consultative Committees</b>	<b>No of Appointees</b>	<b>2025 Appointee/s</b>
Kingston Charitable Fund (KCF) Community Grants Panel	The Mayor & one other Councillor	Mayor Cr Howe
Kingston Historic Network	Two Councillors	Cr Howe Cr Hill Cr Ashworth-Collett
<b>Advisory Committees</b>	<b>No of Appointees</b>	<b>2025 Appointee/s</b>
Access and Equity	Unspecified	Mayor Cr Ashworth-Collett Cr Law
Arts and Culture	Maximum of three Councillors	Cr Ashworth-Collett Cr Hill Cr White
Business and Economic Development	Maximum of three Councillors	Cr Erevnidis Cr Agirtan Cr O'Donnell Cr White
Community Safety	Maximum of three Councillors	Cr Agirtan Cr Howe
Environment and Open Spaces	Maximum of three Councillors	Mayor Cr Saab
Active Kingston	Maximum of three Councillors	Cr Hill Cr O'Donnell
Youth (12-17 years old)	Maximum of three Councillors	Cr Erevnidis Cr Hill
Youth (18-25 years old)	Maximum of three Councillors	Cr Hill Cr Ashworth-Collett
<b>External Committees/Organisations</b>	<b>No of Appointees</b>	<b>2025 Appointee/s</b>
Association of Bayside Municipalities	One delegate and one alternate	Cr O'Donnell Cr White
Metropolitan South Eastern Region MAV Representatives and Mayors		Mayor
Metropolitan Transport Forum	One	Cr White Cr Athanasopoulos (alternate)
Moorabbin Airport Consultative Committee	Terms of reference state that membership should be limited to two representatives from each organisation or group	Cr O'Donnell
Greater South East Melbourne (GSEM) Group of Councils		Mayor



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South East Councils Climate Change Alliance (SECCCA)	One delegate and one alternate	Cr Hill Cr Ashworth-Collett (alternate)
Victorian Local Governance Association	Mayor and one delegate	Mayor Cr White (Cr O'Donnell Cr Athanasopoulos alternates)
Local Government Mayoral Taskforce supporting people seeking asylum	Mayor and one Councillor	Cr Saab

**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 September 2024**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Agirtan**

That Council note the September 2024 quarterly financial report and investment report.

**CARRIED**

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

**AGAINST:** Nil (0)

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**12. Notices of Motion**

Nil

**13. Urgent Business**

There were no items of urgent business.

**7. Confidential Items**

Nil

The meeting closed at 7.58pm.

**Confirmed.....**

**The Mayor 16 December 2024**