

Minutes

Ordinary Council Meeting

Monday, 24th June 2024

**City of Kingston
Ordinary Council Meeting**

Minutes

24 June 2024

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**City of Kingston
Ordinary Council Meeting**

Minutes

24 June 2024

The meeting commenced at 7.18pm 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 (attended online)
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley
Cr Hadi Saab
Cr Steve Staikos

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
Alfred Carnovale, Manager City Development
Kelly Shacklock, Manager Governance, Risk and Integrity
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 Hill

Seconded: Cr Saab

That the Minutes of the Ordinary Council Meeting held on 27 May 2024 be confirmed.

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

CARRIED

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

Cr Howe foreshadowed a declaration of a conflict of interest in Item 7.2.

Cr Saab foreshadowed a declaration of a conflict of interest in Item 8.3.

Cr Bearsley foreshadowed a declaration of a conflict of interest in Item 8.3.

The General Manager Infrastructure and Open Space, Samantha Krull foreshadowed a declaration of a conflict of interest in item 14.1.

4. Petitions

Nil

5. Delegates' Reports

Nil

Councillor Statements

The Mayor recounted an event welcoming the newly elected 2024/25 Junior Council and acknowledging the outgoing 2023/24 Junior Council. The Mayor also acknowledged the Junior Mayor Isabella Koukoumanis and Deputy Mayor Lucian Hendricks who were recently elected by their peers.

Cr Staikos announced his resignation as Councillor of the City of Kingston. He expressed his thanks to fellow Councillors, the Kingston City Council organisation and the community over his four terms as Councillor and reflected on his tenure, key projects and Council achievements.

Cr Bearsley and the Mayor expressed their appreciation and acknowledged Cr Staikos's achievements and contributions as a Councillor.

Presentation of Awards

Nil

6. Question Time

Question time was held at 7.40pm.

Cr Hua left the meeting at 7:41pm.

Cr Howe left the meeting at 7:41pm.

Cr Hill left the meeting at 7:41pm.

Cr Howe returned to the meeting at 7:44pm.

Cr Hill returned to the meeting at 7:44pm.

Cr Hua returned to the meeting at 7:44pm.

Marc asked,

1. *“Why has Council increased its employee numbers by 9% to 1102 employees during a time of severe cost of living crisis being experienced by ratepayers, spending \$10,894,000 more than last year?”*
2. *“Why has Kingston Council reduced the expenditure on Family & Children Centres downward 69% from \$2,523,000 in 22/23 to now, \$783,000 as mentioned in your 24/25 year budget?”*

The Chief Finance Officer provided the following response,

1. *I refer to page 56 of the 2024/25 Budget and page 576 of the Council meeting agenda from the meeting of 27 May 2024. The full time equivalent staffing numbers change from 1,071.2 in 2023/24 to 1,102.9 in 2024/25 which is a 2.9 per cent increase. This includes increases in funded roles for community facing-services, additional staff for managing Kingston’s community resources and open spaces, and growth in demand. The change in employee costs is also affected by the Workcover premium, the superannuation guarantee increase and changes in accounting treatment of costs previously capitalised. Further details are shown in note 4.1.7 of the Budget on page 70 of the document.*
2. *I refer to page 36 of the 2024/25 Budget and page 556 of the Council meeting agenda from the meeting of 27 May 2024. Expenditure on Family and Children’s Centres increases from \$13.9 million in 2023/24 to \$15 million in 2024/25. The numbers referred to in the question are net of revenue from other sources including grants and fees, and there is additional revenue budgeted in 2024/25.”*

Wandzia asked,

1. *Is the Program Kingston Council mentions and says its promoting in your Agenda called ‘Homes for Homes’ program, which you write homeowners undertake to contribute 0.1% of their properties’ sale price to be added to a pool of funds to create social and affordable housing” mandatory or voluntary?*
2. *Is this the same program you currently describe on your Council website under your heading Housing and Homelessness called ‘Homes for Homes’, where you say Homes for Homes is a non profit company founded by the Big Issue where your home donation goes to this company Big Issue and is Tax deductible.”*

The General Manager Planning and Place, Jonathan Guttmann, provided the following response,

“The Council’s practice is to include a voluntary note on Planning Permits for two or more dwelling applications, encouraging a permit holder and/or owner to voluntarily commit to Homes for Homes Limited program. The program described on the Council’s website is the same program. The website says: “Homes for Homes is a non-for-profit company founded by the Big Issue. They aim to deliver social and affordable housing through tax-deductible donations made when a home is sold. Homeowners agree to a small percentage donation on the sale of their house, which goes towards providing homes for others. The initiative is an innovative new funding model that will increase the supply of social and affordable housing within Kingston and across Victoria.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Graham and Deborah were grouped together.

Graham asked,

“Did the CEO Mr Peter Bean have knowledge of and approve the figure of \$4770.91 which was spent by Kingston Council on the party for Cr Hadi Saab on 1st November 2023 at 6.00pm in the Oakleigh Room at the Council Officers when he ended his mayoralty? If not, who (the name/s please) at Council, approved of this \$4770.91 spend on this party?”

Deborah asked,

“Can the CEO and Council officers please tell us if the figure of the \$4770.91 was spent by Council on the party for Ex Mayor Hadi Saab on 1st Nov 2023 at 6.00pm in the Oakleigh Room at the Council when he finished his Mayoral term is correct? Can Council please issue the invitation list for this party and specifically reveal the members of the community who were invited?”

The Chief Executive Officer provided the following response,

“I was aware of a function to recognise the support received by the outgoing Mayor during his term including the cost of \$4770.91 to host it.”

Jagoda asked,

“Can you Mr Bean, as CEO of Kingston Council, in the interest of transparency, please name the actual people and the institutions which were involved in your selection to the CEO position at Kingston Council? Who, in the end, (please name the actual person) actually made the decision to hire you to become CEO of Kingston Council?”

The Chief Executive Officer provided the following response,

“The selection process of my appointment as Kingston’s CEO involved the Councillors and an independent professional consultant, as set out in Chief Executive Officer Employment and Remuneration Policy. The appointment of the CEO is by Council resolution, meaning this is a matter for the whole Council to consider and determine. The requirements for the CEO appointment are set out at section 44 of the Local Government Act 2020.”

Stephen asked,

“Why is there no sign or record in any historical agenda on the council website of the meeting arranged by Council which Council admitted actually occurred (in the May 27th Question time) between (supposedly) the Council Executive and the principal director and lobbyist of Redbridge Consulting, Kos Samaras and Simon Welsh and Council? Can you please indicate exactly where this meeting is listed in the past Agendas and/or in the Council Archive?”

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

“This was reported publicly at Council Meeting 25 March 2024. Agenda Item is 10.7, Appendix 3 - Informal Meeting of Councillors Record - Councillor Planning Workshop of 24 February 2024. Kos Samaras and Simon Welsh of Redbridge Group are listed as External Attendees. This information is on Council’s website, if you use the search box for Council Meeting March 2024.”

Donna asked,

“Why has Kingston Council given the Hawthorn Football Club \$1,500,000 of our ratepayer money toward building their football oval and pavilion building? Were our public monies from Kingston toward this Hawthorn Football Club project approved by a vote from Councillors?”

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

“At the May 2023 Meeting, Council resolved to enter into a Funding and Community Access Agreement with Hawthorn Football Club and to contribute \$5M towards the development of a new community oval and pavilion focussed on showcasing women’s sport. The funding contribution is spread in increments across 3 financial years. The partnership between Council and Hawthorn Football Club is for a period of 30 years, for a minimum of 20 hours per week of community sport use. Council will play an active role in the seasonal allocation and coordination of the community use of the oval and pavilion. The oval will be open for general public access when not in use.”

Elena asked,

“Can you please tell us who is watching the performance indicators (KPI) of a CEO and rating their capability and success in their job? What parameters are used to determine the success or failure of a Council CEO?”

The Chief Executive Officer provided the following response,

“The CEO Employment Matters Committee (the Committee) oversees the process setting and monitoring CEO KPIs. The parameters to monitor CEO performance include the set KPIs as set by the Committee. The progress against the KPIs are monitored and reported to Council as required.”

Colin asked,

“Can Council officers and Council media please cease calling disturbances and upsets within the domestic environment by any people at “family violence” as this negatively impacts on the positive important and valuable role the family unit has in all our lives and in a stable society? Can Council please establish a ‘family’ celebration week where we all celebrate the joy and benefit of family life in our Kingston area?”

The Acting General Manager Community Strengthening provided the following response,

“Family violence is a commonly used term by all levels of government, the community sector, the education sector etc, and is defined as any threatening, coercive, dominating or abusive behaviour that occurs between people in a family, domestic or intimate relationship, or former intimate relationship. Council runs a full calendar of family events such as Spring Fair, Carols by Kingston, Mordifest and the Pet Expo which all encourage family participation, celebration and enjoyment.”

Larisa asked,

“Why is the register of Councillors Gift Hospitality and Political Donations nowhere to be found on the Kingston Council Website? Is Council going to create this register on the official Council website so that all people can see in a real lifetime frame and not delayed by months or years, with full transparency, what monies and other benefits are flowing through to Councillors and see what is going on?”

The Chief Executive Officer provided the following response,

“Our apologies that this register was not in public view on our website. This has now been rectified and the register is available on Council’s website.”

Roslyn asked,

1. *“Why has Council reduced its Outside School hours program by 30% from \$240,00 in 23/24 years to \$168,00 in 24/25?”*
2. *“Why has Council reduced its Family Day Care program by 36% from \$192,000 in 23/24 down to \$124,00 in 24/25?”*

The Chief Finance Officer provided the following response,

1. *“I refer to page 37 of the 2024/25 Budget and page 557 of the Council meeting agenda from the meeting of 27 May 2024. The outside school hours program is changing its service offering in 2024/25 and the LePage program has ceased from January 2024. This affects the budget allocations across the two financial years.*
2. *I refer to page 36 of the 2024/25 Budget and page 556 of the Council meeting agenda from the meeting of 27 May 2024. Expenditure on family day care increases from \$1.2 million in 2023/24 to \$1.4 million in 2024/25. The numbers referred to in the question are net of revenue from other sources including grants and fees, and there is additional revenue budgeted in 2024/25.”*

Julia asked,

“Can the community please have earlier access to the Agendas for all Council meetings instead of the current practise of Council to release the agenda on the Friday before the Monday meetings which does not give the public nearly enough time and a proper chance to go through it properly? Why can’t the community get the agenda days in advance like the Kingston Councillors do?”

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

“Agendas for Council meetings are made available to Councillors on the Thursday afternoon prior to the meeting and to the public by midday on the Friday prior to the meeting.”

Rosemary asked,

“Will Kingston be sending out letters to the ratepayers in Kingston who own a property and run a business and pay rates in Kingston (eg factories, investment properties, businesses etc) to advise them that they are eligible to vote in the Kingston council local government election in addition to being a state enrolled resident elsewhere? Where do all these particular ratepayers and owners go (where online on your site please?) to register their interest and formally enrol to vote at the Kingston election coming in October?”

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

“More than 11,000 letters were sent in the month of May to those with an entitlement to vote who are not on the State electoral role. This includes owner rate payers and businesses. Eligible voters can apply via Council’s website on the page ‘Council elections - City of Kingston’.”

Lynne asked

“How can a current Kingston Councillor be appointed the State Secretary of the Victorian Labor Party, which is an appointment given to him by a Labor Party Parliamentary Minister of the Victorian State Government, and still be allowed to function, drawer a wage, vote and qualify as a Councillor, seeing this goes against the rules of the Local Government Act 2020? Has the CEO, Mr Peter Bean, investigated this situation with Kingston Governance Lawyers?”

The Chief Executive Officer provided the following response,

“The Local Government Act 2020, section 44 sets out the qualifications and requirements of individuals to hold the role of a Councillor. The position of State Secretary does not deem a Councillor unqualified to perform the role. Therefore investigation is not required.”

Rose asked

“Will Council please remove the glass wall that was erected in the Council Meeting room between the public sitting area and the Councillors? Do you think that spending \$40,000 of ratepayer funds on this glorified pool fence was justified considering that the only people who come to watch Councillors and Council at meetings are residents who are in their older years who have presented no threat whatsoever to Councillors and never did?”

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

“The balustrade will not be removed. The installation of the balustrade was a risk-based decision to ensure all appropriate measures were taken to provide a safe working environment and to support Council meetings being open to the public.”

Gail asked,

“Why has our honoured and recognised Australian flag nowhere to be seen and completely missing from the official Kingston Council website? Is this not an insult?”

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

“There is no requirement for the Australian Flag to be displayed on Council’s website. I am not aware of any Council in Victoria that displays the Australian Flag on their website. We do however have a Civic Flag Policy which formalises Council’s compliance with the Australian National Flag Protocols administered by the Department of Prime Minister and Cabinet.”

Ian asked,

1. *“Searching Kingston’s Agendas & Minutes, there are no Agendas or Minutes published for the 2024 April, May & June Planning Committee meetings. Could you please tell me when Council will display them so they are available to read and download?”*
2. *“Could you please ensure that I am provided with the specific details of the complaints against me that I have earlier requested?”*

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

1. *“No planning committee meetings were held in April, May and June, therefore no agendas or minutes are available for those meetings.”*
2. *“This complaint will be handled in accordance with Council’s Complaint Handling Policy which can be found online at Kingston.vic.gov.au/complaints. An officer will be in touch.”*

Leo asked,

“LXRP provided correspondence last week indicating for the first time that the Rogers-Cremona street pedestrian crossing would close permanently in early July. How is it possible that Council Traffic Department (In discussions last week) and previous Council reports on the impact of the project have had no awareness of this proposal? Will Council and in particular Cr Chris Hill advocate to retain a crossing at this location as an important access route for local Como Ward resident?”

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

“The closure of the Rogers Street and Cremona Street pedestrian crossing has been a decision that the Level Crossing Removal Project has made. Council has made previous representations to the LXRP regarding the importance of this crossing for the community through the Level Crossing Removal Works at Mentone. Council is not aware of when and whether the LXRP have historically made the community aware of its intentions to close the pedestrian crossing. The consequence of this change is that community members will need to walk an additional 200 metres approximately further south to cross under the elevated rail nearer to Warrigal Road. The Council will write to the LXRP and ask that they formally notify Leo of the reasons for the decision they have made to close the pedestrian crossing.”

Simon asked,

“Considering the potential risk of undue influence on councillors whose employment involves supporting MPs in their political roles, would Kingston Council consider requesting the appointment of a municipal monitor? This would ensure the council’s functions are overseen and remain free from any potential undue political influence.”

The Chief Executive Officer provided the following response,

“No.”

Rosemary West asked,

“Will Kingston Council join with Bayside and other Suburban Rail Loop East Councils in a joint effort to mitigate the impact of the SRL on SRL East communities and if not, why not? Will Kingston Council consider following the example of Bayside Council by undertaking a survey of Kingston residents regarding whether or not they support the Suburban Rail Loop?”

The General Manager Planning and Place provided the following response,

“The City of Kingston has been an active participant in the strategic planning initiatives involving the Suburban Rail Loop Project since the projects inception and has made ongoing submissions to the SRL The Council as part of tonight’s agenda will be considering a report regarding the Suburban Rail Loop Key emerging Directions Work. The Suburban Rail Loop is an approved project being undertaken by the State Government. A role the Council is seeking to play is to provide constructive feedback to the Suburban Rail Loop Authority on how it best engages with the Kingston community to ensure that anyone wishing to provide feedback, is able to do so.”

7. Planning and Place Reports

7.1 Town Planning Application Decisions - May 2024

Moved: Cr Hill

Seconded: Cr Hua

That the report be noted.

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

CARRIED

7.2 KP-2013/645/B - 11 Pier One Drive and Part 107 - 109 McLeod Road, Patterson Lakes

Cr Howe declared a general conflict of interest in this item due to a legal matter involving the Zuchowski family and left the meeting at 8.01pm prior to any discussion on the matter.

Moved: Cr Davies

Seconded: Cr Hill

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use and develop the land for a six storey building comprising dwellings and associated car parking within a land subject to inundation overlay, with a reduction in the car parking requirement pursuant to Clause 37.02' at 11 Pier One Drive and Part 107 - 109 McLeod Road, Patterson Lakes subject to the following conditions:

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 and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 17 November 2014, but modified to show:
 - a) **DELETED**
 - b) Areas of secluded private open space to be no less than 8 square metres for all apartments with exception of apartments 215, 315, 415 and 515;
 - c) The car park layout and access arrangements to be in accordance with the relevant standards of Clause 52.06 of the Planning Scheme and AS2890.1-2004 exempt car spaces 307 and 409;
 - d) Intercom to be noted on the ground floor and elevation plan;
 - e) One (1) disabled car parking space provided on the site compliant with Australian Standards;
 - f) Line marking and signage for visitor car parking is to be provided in accordance with Clause 52.06 Car Parking of the Kingston Planning Scheme and Australian Standards;
 - g) The surface material of all driveways / accessways and car parking spaces nominated in all-weather concrete sealcoat, or similar;
 - h) The provision of a full colour, finishes and building materials schedule,

including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development.

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

Site Management Plan

3. Prior to commencement of the development hereby permitted, a Site Management Plan, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The Site Management Plan must clearly set out measures to prevent amenity loss to surrounding properties during the construction period. The Plan is to include, but limited to, measures to control the emission of dust/sand, rubbish on site, loading/unloading times, construction times, and parking of builder's vehicles etc. This plan when endorsed must not be varied without the prior approval of the Responsible Authority. It must also be implemented to the satisfaction of the Responsible Authority.

Construction Management Plan

4. Before 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 and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.

Waste Management Plan

5. Before the commencement of any buildings and works on the Land, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include but is not limited to:
 - a) The manner in which waste will be stored and collected including: type, size and number of containers.
 - b) Spatial provision for on-site storage.
 - c) Details whether waste collection is to be performed by Council's services or privately contracted.
 - d) The size of the collection vehicle and the frequency, time and point of collection.

The waste management plan must be implemented to the satisfaction of the Responsible Authority. The waste management plan must not be modified unless without the written consent of the Responsible Authority.

Melbourne Water

6. The finished ground floor level must be constructed no lower than 1.85 metres to Australian Height Datum (AHD). The applicable flood is 1.55 metres to AHD.
7. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Lighting

8. Exterior lighting must be installed in such positions as to effectively illuminate

all communal areas to the satisfaction of the Responsible Authority. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Public Transport Victoria (PTV)

9. The permit holder must take all reasonable steps to ensure that disruption to bus operation along McLeod Road / Thompson Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

Maintenance

10. 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.
11. All piping and 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

12. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
13. 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. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
14. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.

Expiry

15. In accordance with section 68 of the *Planning and Environment Act 1987 (Act)*, this permit will expire if one of the following circumstances applies:

- The development is not started before within (2) years from the date of this permit.
- The development is not completed within four (4) years from the date of permit issue.

In accordance with section 69 of the Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Note: Separate consent from Council and the relevant service authority maybe required to build over the easement and 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: If further information is required in relation to Melbourne Water’s permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water’s reference 149721.

Note: The applicable floor level for the property is 1.55 metres to Australian Height Datum (AHD).

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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.

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*).

THIS PERMIT HAS BEEN AMENDED PURSUANT TO SECTION 72 OF THE PLANNING AND ENVIRONMENT ACT 1987 AS FOLLOWS:

| Amendment | Date of Amendment | Description of Amendment | Name of responsible authority that approved the amendment |
|------------------|--------------------------|--|--|
| A | 15-Aug-2016 | <ul style="list-style-type: none"> • Change the preamble to read ‘To use and develop the land for a six storey building comprising dwellings and associated car parking within a land subject to inundation overlay, with a reduction in the car parking requirement pursuant to Clause 37.02’ • Condition 1c to include at the end of the condition the words ‘ exempt car spaces 307 and 409’ • Delete stormwater conditions 9 – 14 | Kingston City Council |

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24 June 2024

| | | | |
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| B | **Same as the date of approval** | Amending the conditions of the permit by: <ul style="list-style-type: none">• Deleting condition 1(a). Sheet 12 of the endorsed plans dated 26 May 2016, being the Functional Layout Plan is deleted from the endorsed set. | Kingston City Council |
|---|----------------------------------|---|-----------------------|

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Hua, Bearsley and Saab (8)

AGAINST: Nil (0)

ABSTAINED: Cr Oxley (1)

Cr Howe returned to the meeting at 8.04pm.

7.3 PT-2024/82 - 6 Susan Street, Mordialloc - Tree Removal Application

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Support grant of a Local Law Permit for those Nine (9) trees outlined on table 1 of this report where the recommendation is to remove pursuant to the assessment criteria contained within Clause 42 of the Community Local Law; and
2. Not support the grant of a Local Law Permit for those Five (5) trees outlined in sections 4.6 of this report where the recommendation is to retain pursuant to the assessment criteria contained within Clause 42 of the Community Local Law.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Cr Eden (1)

7.4 Kingston Planning Scheme Amendment C223 - 275-315 Kingston Road, Clarinda

Moved: Cr Saab

Seconded: Cr Davies

That Council adopt the submission included as an appendix to this report in response to SRLA's proposed Planning Scheme Amendment C223 to the Kingston Planning Scheme.

CARRIED

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

AGAINST: Cr Eden (1)

ABSTAINED: Cr Oxley (1)

7.5 Suburban Rail Loop Key Emerging Directions - Council Submission

Moved: Cr Saab

Seconded: Cr Hill

That Council approve the submission at Appendix 1 in response to the Key Emerging Directions for the Suburban Rail Loop East Structure Planning and submit it to the Suburban Rail Loop Authority.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

7.6 Consultation Outcome on Proposed Change to Mandatory Desexing Order for Dogs

Moved: Cr Hill

Seconded: Cr Davies

That Council

1. Continue to specify that all cats and dogs are required to be desexed within three months of age in line with the existing Order pursuant to the provisions of the *Domestic Animals Act*;
2. Review whether or not it is possible to delay the additional fee for dogs which are not desexed in situations within the first 12 months, where a valid exemption has been obtained by the owner.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Cr Cochrane (1)

7.7 Consultation Outcome of Proposed Change to Dog Order Limiting Dogs Under Control at Off-Leash Areas

Moved: Cr Saab

Seconded: Cr Hill

That Council amend the current dog control order to limit the number of dogs under a person's control to six (6) (whether on or off leash) in a reserve, the foreshore, public place or designated area at any one time.

LOST

FOR: Crs Davey-Burns, Hill and Saab (3)

AGAINST: Crs Oxley, Cochrane, Davies, Howe and Bearsley (5)

ABSTAINED: Crs Eden and Hua (2)

8. Community Strengthening Reports

**8.1 Kingston Grants Program - Funding Recommendations for Round 1
Community Bi-annual Grants 2024-25**

Moved: Cr Saab

Seconded: Cr Davies

That Council approve the funding recommendations of the Kingston Grants Program Assessment Panel for Round 1 of the 2024-25 Community Bi-annual Grants as outlined in Appendix 3, subject to the following changes:

1. Recognise the importance of the delivery of community grants to achieve the outcomes of Council's strategic plan and ensure that the foundational principle of the grants program is to enable and empower community members and organisations to deliver what is determined and needed by them in a flexible and responsive way at a grass roots level.
2. Enable all applicants who will receive staged funding to be able to re-apply in years two and three.
3. Undertake a review of the funding allocated to the Community grants program to ascertain if the annual funding of \$1.8 million meets the needs of our growing community and provide a report back to Council ahead of the mid-term 2024-25 budget review.
4. Provide an independent report back to Council by September 2025 that provides an evaluation on the newly designed Community grants program and options for improving flexibility, responsiveness and ease of access for community organisations and not an overly burdensome administrative process.
5. Acknowledge that this is the first time Council has delivered the grants in this format and that if any community members have concerns or issues, the grants program is amended to enable a 30-day period of review following the outcome of the decision at the June Ordinary Council Meeting. A report will be provided by Officers in relation to the complaints and feedback received by the August Council meeting.
6. Receive a report to Council to amend the Councillor review process to review applications.
7. Southern Football Netball League Inc and Omega Cricket Club receive \$0 respectively, due to an understanding of the need for a municipal wide approach to delivering first aid training and that Council officers will explore offering municipal wide first aid training to community groups and clubs as part of its annual training program.
8. Parkdale Bowling & Social Club receive \$0, given Council recognises the alignment with its Strategic Direction: Sustainable, as outlined in the Council Plan 2021-24 and will therefore refer this application to the 2024-25 capital works program.

CARRIED

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

AGAINST: Nil (0)

ABSTAINED: Crs Eden and Oxley (2)

8.2 Kingston Grants Program - Funding Recommendations for Operational & Partnership Grants 2024-27

Moved: Cr Bearsley

Seconded: Cr Davies

That Council:

1. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership Grants - Community Centres & Neighbourhood Houses as outlined in Appendix 3.
2. Approve \$491,505 (which includes the staged funding reduction for 2024-25) to be spent on the 2024-27 Operational & Partnership Grants – Specialist Community & Welfare Services grant in 2024-25, noting this is an overspend of \$24,974, subject to the following change:
 - Anglican Parish of Longbeach – Pantry5000 receive \$37,000 per annum for 2024-27, due to the increasing cost of living crisis and the large demand on the type of service offered by Pantry5000 which provides support to vulnerable people and families.
3. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership Grants - Specialist Community & Welfare Services and notes the staged funding reduction for 2021-24 Partnership Grant recipients, as outlined in Appendix 4.
4. Approve \$87,314 (which includes the staged funding reduction for 2024-25) to be spent on the 2024-27 Operational & Partnership Grants – Community Interest Organisations grants in 2024-25, noting this is an overspend of \$7,814.
5. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership Grants - Community Interest Organisations and notes the staged funding reduction for 2021-24 Partnership Grant recipients, as outlined in Appendix 5
6. Receive a report at the Council Meeting on 22 July 2024, presenting the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership – Multicultural and Seniors Groups for approval.

Amendment

Moved Cr Eden

Seconded Cr Oxley

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

That Council, upon all grant reports being debated at this meeting, have the Audit and Risk Committee review the process that has been followed by Councillors, along with submitting the attachment to VAGO and the Inspectorate

LOST

FOR: Crs Eden and Oxley (2)

AGAINST: Crs Davies, Hua, Bearsley and Saab (4)

ABSTAINED: Crs Davey-Burns, Cochrane, Hill and Howe (4)

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Procedural Motion

Moved: Cr Davies

That the Motion be put.

CARRIED

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

AGAINST: Crs Eden and Oxley (2)

Note: It was requested by Cr Saab and agreed to by the Chairperson that part 2 of the Motion be put to the vote separately.

Parts 1, 3, 4, 5 & 6 of the Substantive Motion were and CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

Part 2 of the Substantive Motion was put and CARRIED

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

AGAINST: Cr Saab (1)

CARRIED

Cr Cochrane left the meeting at 9:00pm.

Cr Cochrane returned to the meeting at 9:01pm.

The Resolution reads as follows:

Moved: Cr Bearsley

Seconded: Cr Davies

That Council:

1. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership Grants - Community Centres & Neighbourhood Houses as outlined in Appendix 3.
2. Approve \$491,505 (which includes the staged funding reduction for 2024-25) to be spent on the 2024-27 Operational & Partnership Grants – Specialist Community & Welfare Services grant in 2024-25, noting this is an overspend of \$24,974, subject to the following change:
 - Anglican Parish of Longbeach – Pantry 5000 receive \$37,000 per annum for 2024-27, due to the increasing cost of living crisis and the large demand on the type of service offered by Pantry5000 which provides support to vulnerable people and families.
3. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership Grants - Specialist Community & Welfare Services and notes the staged funding reduction for 2021-24 Partnership Grant recipients, as outlined in Appendix 4.
4. Approve \$87,314 (which includes the staged funding reduction for 2024-25) to be spent on the 2024-27 Operational & Partnership Grants – Community Interest Organisations grants in 2024-25, noting this is an overspend of \$7,814.
5. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership Grants -

- Community Interest Organisations and notes the staged funding reduction for 2021-24 Partnership Grant recipients, as outlined in Appendix 5
6. Receive a report at the Council Meeting on 22 July 2024, presenting the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Operational & Partnership – Multicultural and Seniors Groups for approval.

8.3 Kingston Grants Program - Funding Recommendations for Community Festivals, Events & Creative Activities Grants 2024 -27

Cr Bearsley declared a general conflict in this item as she has an association with Aspendale Gardens Residents Association and left the meeting at 9.23pm prior to any discussion on the matter.

Cr Saab declared general conflict of interest in this item he is an executive committee member of the Druze Community of Victoria and left the meeting at 9.23pm prior to any discussion on the matter.

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Extend a staged funding reduction to the 2024-27 Community Festivals, Events & Creative Activities grant stream, in line with the Council Resolution from the Council Meeting on 20 November 2023, which states; '*That Council endorse a staged funding reduction for 2021-2024 Partnership Grant recipients where the amount funded in the 2024-2027 Operational & Partnership grant is reduced more than 25%, or an amount of \$10,000*'.
2. Approve \$122,284 (which includes the staged funding reduction for 2024-25) to be spent on the 2024-27 Community Festivals, Events & Creative Activities Grants in 2024-25, noting this is an overspend of \$58,137.
3. Approve the funding recommendations of the Kingston Grants Program Assessment Panel for the 2024-27 Community Festivals, Events & Creative Activities Grants and notes the staged funding reduction for 2021-24 Partnership Grant (events category) recipients, as outlined in Appendix 3, subject to the following changes:
 - Aspendale Gardens Residents Association, receives \$12,500 in 2024-25 and \$12,500 in 2026-27, due to Council recognising the history of this event and the wider community value it delivers and recognising the applicant delivers the community event every two years, rather than the same activity annually over the three year funding period.
 - Druze Community Charity of Victoria receive \$25,000 per annum for 2024-27, due to Council recognising the alignment with its Strategic Direction: Health and Inclusive, as outlined in the Council Plan 2021-24 and the recognition that this application further supports the Kingston community to celebrate the commonality and diversity of the community by encouraging understanding and respect between peoples of all faiths and cultures.
 - Melbourne Shwetambar Jain Sangh Inc, receive \$10,000 per annum for 2024-27, due to Council recognising the alignment with its Strategic Direction: Health and Inclusive, as outlined in the Council Plan 2021-24 and the recognition that this application further supports the Kingston

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community to celebrate the commonality and diversity of the community by encouraging understanding and respect between peoples of all faiths and cultures (on the proviso a quote(s) is received by Council prior to any funds being released).

Note: It was requested by Cr Oxley and agreed to by the Chairperson that part 3 of the Motion be put to the vote separately.

Parts 1 and 2 of the Motion were put to the vote CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe and Hua (8)

AGAINST: Nil (0)

Part 3 of the Motion was put to the vote and CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe and Hua (6)

AGAINST: Crs Eden and Oxley (2)

8.4 All Abilities Action Plan 2024-2028

Cr Oxley left the meeting at 9:39pm.

Cr Bearsley returned to the meeting at 9:39pm.

Cr Oxley returned to the meeting at 9:39pm.

Cr Saab returned to the meeting at 9:40pm.

Moved: Cr Bearsley

Seconded: Cr Davey-Burns

That Council:

1. Note the results of the co-design and Stage 2 community consultation activities that contributed to the finalisation of the All Abilities Action Plan 2024-2028.
2. Endorse the All Abilities Action Plan 2024-2028, as presented at Appendix 1.

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

7. Infrastructure and Open Space Reports

9.1 Basements and Underground Structures Policy: Management of Groundwater, Dewatering During Construction, and Access

Moved: Cr Bearsley

Seconded: Cr Howe

That Council adopt the Basements and Underground Structures Policy: Management of Groundwater, Dewatering During Construction and Access included in Appendix 1.

Cr Hill left the meeting at 9:42pm.

Cr Eden left the meeting at 9:42pm.

Cr Cochrane left the meeting at 9.43pm.

Cr Cochrane returned to the meeting at 9.43pm.

CARRIED

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

AGAINST: Nil (0)

9.2 Waterways CCTV

Cr Hill returned to the meeting at 9:44pm.

Cr Eden returned to the meeting at 9:45pm.

Moved: Cr Bearsley

Seconded: Cr Saab

That Council:

1. Endorse the Waterways Owners Corporation proposal for CCTV installation within the Waterways Estate for a twelve-month period;
2. Note this recommendation supersedes the Council resolution at the 27 September 2021 Ordinary Council Meeting; and
3. Authorise the Chief Executive Officer, or their delegate, to review, cease or extend the use of the system after the trial period based on evidence outcomes and alignment with policies relating to the use of CCTV.

CARRIED

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

AGAINST: Nil (0)

9.3 Parking Management Policy - Review

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Note the proposed changes made to the Parking Management Policy;
2. Note the community feedback received on the updated Draft Parking Management Policy; and
3. Adopt the Parking Management Policy, Version 3 included in Appendix 1.

CARRIED

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

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report

Moved: Cr Hua

Seconded: Cr Davies

That Council:

1. Receive the Informal Meetings of Councillors Records as attached at Appendix 1;
2. Appoint Phillip Lee as Independent Member to the Audit & Risk Committee for a period of one year, with an option to extend the term for additional two years, at the commencement rate of \$2084 that is indexed annually by the Melbourne All Groups CPI on 1 July; and
3. Receive and note the Chief Executive Officer and General Manager Quarterly Expenses as attached at Appendix 2.

CARRIED

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

AGAINST: Nil (0)

10.2 Complaint Resolution Policy

Moved: Cr Bearsley

Seconded: Cr Hua

That Council adopt the Kingston Complaint Resolution Policy.

CARRIED

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

AGAINST: Nil (0)

10.3 CAMMS Contract Extension

Moved: Cr Saab

Seconded: Cr Hill

That Council approve an extension to the supplier contract with Camms Group (CA Technology Pty Ltd) for a period of two years prior to full market tender in 2026.

Cr Oxley returned to the meeting at 9:52pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

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11. Chief Finance Office Reports

11.1 Commercial Use of Council Land Policy

Moved: Cr Bearsley

Seconded: Cr Hua

That Council endorse the draft Commercial Use of Land Policy 2024 for adoption.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

Procedural Motion

Moved: Cr Hua

Seconded: Cr Cochrane

That the meeting be extended for 45 minutes until 10.45pm.

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

CARRIED

11.2 Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy

Moved: Cr Bearsley

Seconded: Cr Hill

That Council endorse the draft revised Discontinuance and Sale of Roads, Rights of Way and Drainage Reserves Policy for public consultation and received a further report at the conclusion of the public consultation period.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

Cr Howe left the meeting at 9.58pm and did not return.

11.3 Boatshed and Bathing Box Policy 2024 - Public Consultation

Moved: Cr Cochrane

Seconded: Cr Bearsley

That consideration of this matter be deferred until the July Ordinary Council meeting.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley and Saab (10)

AGAINST: Nil (0)

11.4 Hardship and Debt Collection Policy Review

Moved: Cr Davies

Seconded: Cr Hill

That Council:

1. Adopt the revised Debt Collection Policy and the revised Hardship Policy that reflect the draft Ministerial Guidelines on Payment of Rates and Charges.
2. Reinstate the Penalty Interest charged on unpaid rates, charges and levies commencing 1 July 2024 and that the interest rate as set under Section 2 of the Penalty Interest Rate Act 1983 (Vic) will apply on the rates and charges, which have not been paid by the dates specified, in accordance with Section 172 of the Local Government Act 1989 (Vic).

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Hua, Bearsley and Saab (8)

AGAINST: Cr Oxley (1)

12. Notices of Motion

12.1 Notice of Motion No. 7/2024 - Crs Hua & Saab - Reduce South Road Congestion

Moved: Cr Hua

Seconded: Cr Saab

That Council:

1. Introduce No Stopping parking restrictions along South Road between Rowans Road and Linton Street during morning peak hours in consultation with VicRoads;
2. Keep existing parking conditions outside morning peak hours along this section of the road;
3. Keep existing parking conditions for angle parking spaces in front of the retail shops at 472-486 South Road Moorabbin and any Bus Zone sections along this section of the road; and
4. Write to Glen Eira City Council informing them of our proposed changes and the reasons for it and supporting them to do the same for the afternoon peak hours.

CARRIED

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

AGAINST: Nil (0)

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Hua

Seconded: Cr Davies

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 New Aquatic and Leisure Centre - Facility Management

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)), and
- the explanation as to why the specified ground/s applies is the report contains details of an option for contracting Council services to an external organisation. Should Council resolve in the favour of this option, the report would prematurely release sensitive information that could impact staff and future commercial negotiations..

Cr Oxley left the meeting at 10:16pm and did not return.

CARRIED

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

AGAINST: Cr Eden (1)

Cr Eden left the meeting at 10:17pm and did not return.

The meeting was closed to members of the public at 10.18pm.

Moved: Cr Saab

Seconded: Cr Hua

That the meeting be opened to members of the public.

CARRIED

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

AGAINST: Nil (0)

The meeting opened to members of the public at 10.27pm.

Note: In the part of the meeting closed to the public it was resolved that the following resolution for Item 14.1 be made public:

14.1 New Aquatic and Leisure Centre - Facility Management

Moved: Cr Saab

Seconded: Cr Hill

That Council:

1. Endorse the officer recommendation to retain the in-house management model for the management of Waves Leisure Centre in Highett, and to proceed with the in-house management model for the future management of the new aquatic and leisure centre in Mordialloc; and
2. Determine, pursuant to Section 125 of the Local Government Act 2020 that this report and resolution be made publicly available following this meeting.

CARRIED

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

AGAINST: Nil (0)

The meeting closed at 10.27pm.

Confirmed.....

The Mayor 22 July 2024