

Minutes

Ordinary Council Meeting

Monday, 23rd September 2024

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Peter Bean
Chief Executive Officer
Kingston City Council



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**City of Kingston
Ordinary Council Meeting**

Minutes

23 September 2024

The meeting commenced at 7.02pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Jenna Davey-Burns (Mayor)
Cr Tracey Davies (Deputy Mayor)
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
Steve Tierney, Acting 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
Andrew Hockley, Advocacy Lead
Jessica Baguley, Governance Officer
Ellie Lockard, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

Apologies from Cr Bearsley and Cr Cochrane were submitted to the meeting.

Moved: Cr Davies

Seconded: Cr Hua

That the apologies from Cr Bearsley and Cr Cochrane be received.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Davies

Seconded: Cr Hill

That the Minutes of the Ordinary Council Meeting held on 26 August 2024 and the Special Council Meeting held on 16 September 2024 be confirmed.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

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 Reduce Traffic, Speed and On-Street Parking on Argus Street and Friendship Square

Moved: Cr Saab

Seconded: Cr Davies

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

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

5. Delegates' Reports

Nil

Councillor Statements

Nil

Presentation of Awards

Nil

6. Question Time

Question time was held at 7.08pm.

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.
- Preambles submitted with questions are not read out.
- In accordance with Sub-Rule 39.8 of the Governance Rules, questions of a similar nature were grouped together.
- 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 or 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,

“Can the CEO or relevant responsible officer please advise how much has been collected by the council since 1st January 2021 in stormwater quality contributions from developers in-lieu of adequate and appropriate drainage infrastructure being included as part of the building permits? Can the CEO please advise what if any projects since that date have been funded from this balance to provide for the increased drainage and other network capacity – or other stormwater/drainage and other network capacity or other stormwater/drainage asset upgrades or improvements - that these contributions are meant to provide for?”

The General Manager Planning and Place provided the following response,
“The Stormwater in lieu contribution scheme deals with the treatment of stormwater and does not deal with the provision of drainage infrastructure on site. Each site is assessed for drainage infrastructure requirements when permits are sought from Council. \$2.3 million has been collected by the Council in stormwater quality contributions since 1 January 2021, bringing a total balance as at end of 30 June 2024 to \$4.2 million. As responded to at the August Council Meeting in response to an earlier question, the Council has prioritised Bricker Reserve Moorabbin (design by mid-2025 and construction in 2026) and Le Page Park design will occur over the coming year following successful grant funding from Melbourne Water. Council seeks to ensure that wherever possible it works with Melbourne Water to also obtain capital funding through partnerships for stormwater enhancement projects.”

Question,

“What is the total amount of money brought in by the \$600 fee in the last financial year, which is charged to strip shop owners who use the footpath in front of their shops to e.g. put table chairs on etc. One figure please.”

The General Manager Planning and Place provided the following response,
“The Council revenue from the 220 footpath trading permits it issued in 2023/24 financial year was \$124,874. Permits include the erection of A-frame signs, the storage of goods on the footpath or the placement of chairs and tables.”

Question,

“What are Council’s Plans for the former Nursing home in Brindisi Street Mentone? Is Council considering giving or leasing this property to a social housing provider?”

The Chief Finance Office provided the following response,

“A copy of the Mentone Structure Plan is available on Council’s website. The Structure Plan reinforces the need to consider Remo Street for future consideration of Mentone open space needs. The basis for this is the land’s immediate adjacency to the Keith Styles reserve. The Council has not discussed the future leasing of this property, which could occur in the short-medium term. Without pre-empting the considerations of a future Council, it is likely that the open space needs of the area would also require consideration.”

Question,

“Can the public please know who proposed the motion to raise the remuneration of the CEO which was reviewed on the night of the 16th September, which was the last day before council went into caretaker mode?”

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

“The CEO Employment Matters Committee, comprised of Councillors and two independent members, recommended the motion that was moved and resolved by Council at the Council Meeting 16 September.”

Question,

“Is there a precinct plan for the Mentone Recreation Reserve and surrounds in existence? Where can the public see this?”

The General Manager Planning and Place provided the following response,
“The Council has not developed any recent precinct plans for the Mentone Recreation Reserve and its surrounds. The Mentone Structure Plan represents the most recently completed strategic land use planning work for the broader Activity Centre area.”

Question,

“What is the total amount of money brought into the Council in the last financial year for all dog and cat registration fees?”

The General Manager Planning and Place provided the following response,
“The Council last year received \$1,174,192 in animal registration fees which includes the amounts charged for Domestic Animal Businesses. These fees relate to the 20,734 registrations which occurred in the previous financial year.”

Question,

“Please, would the Council consider replacing bins on the beach, even if there are fewer than previous?”

Question,

“I would like the bins to be returned. If the council does not wish to do so, then I would like the council to acknowledge that their decision will make the beaches worse off.”

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

“Bins that were previously on the sand are being relocated to beach access points just off the beach. This makes it possible and safe to empty the bins frequently during busy periods and is expected to lead to a better outcome. Officers will be monitoring the service change and will come back to Council in April of next year with a further report outlining the successes and challenges brought about by the change.”

Question,

“Is it true that when you receive questions for Public Question time now you colour parts of the question submitted with different coloured highlighters e.g. green for the parts that can be read; yellow for the parts that cannot be read, red for the question to be banned and not read out at all, and purple for the parts of the question the mayor herself wants deleted?”

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

“Yes, in accordance with the Governance Rules, Division 8, clause 39.”

Question,

“Is it legally allowable for a Council and Councillors to vote for a change in the status of the accessway we all use currently, into a ‘public highway’ whilst the Council is in Caretaker mode? Are our Councillors aware that there is a lot at stake in this vote and it will have huge ramifications for the future of Mentone?”

Question,

“Is the private landowner who owns the land and the accessway into Florence St behind Safeway in Mentone in agreement with Council planning to take away his private property by voting to make it a ‘public highway’ as mentioned in your Item 7.3 Agenda Council meeting 23 Sept’ 24? Is mentioning that this landowner might not be subject to compensation for this takeover of his private property an intimidatory posture and that negotiations between Council and this owner have broken down?”

The General Manager Planning and Place provided the following response,

“The Council is not voting to change the status of the land; it is resolving to commence a statutory process under the Local Government Act to further consider this matter as part of a consultation process, that would occur post the Council election period. It would be necessary post any consultation to seek direction from the Council pending review of any submissions which it receives. The process outlined in the Council report would be the opportunity for Council to engage with those directly affected by the proposal including landowners. The intent of the report in relation to the subject land is not intended to be an ‘intimidatory posture’; it is a recognition that the land in question identified through the Mentone Structure Plan as a proposed road, could be potentially developed eliminating access in this location to the Mentone Shopping Centre.”

7. Planning and Place Reports

7.1 Town Planning Application Decisions - August 2024

Moved: Cr Hill

Seconded: Cr Davies

That the report be noted.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

7.2 This is Chelsea - Community Consultation Outcomes

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Note the 'This is Chelsea Community Consultation Summary Report' provided at Appendix 1; and
2. Be presented with a report to the next Council prior to the exhibition of the Draft Structure Plan.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

7.3 Mentone Car Park

Moved: Cr Hill

Seconded: Cr Saab

That Council defer consideration of this matter until the December 2024 Ordinary Council Meeting after the establishment of the next Council.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

Note: Cr Hill requested through the Chair and was granted by an extension of time of two minutes to speak on the matter.

6. Community Strengthening Reports

Nil

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9. Infrastructure and Open Space Reports

9.1 Capital Works Program Results 2023/24 Financial Year

Moved: Cr Saab

Seconded: Cr Davies

That Council note the report and attachment.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Governance and Compliance Report

Moved: Cr Davies

Seconded: Cr Saab

That Council receive the Informal Meetings of Councillors Records as attached at Appendix 1.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

10.2 Performance Report - Council Plan Year Three - Quarter Four (April to June 2024)

Moved: Cr Hill

Seconded: Cr Saab

That Council note the status and commentary for the Year Three Annual Action Plan 2023–24 actions and Council Plan 2021-25 Strategic Indicators for Quarter Four (April to June 2024).

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

10.3 Quarterly Advocacy Update

Moved: Cr Saab

Seconded: Cr Eden

That Council receive the September 2024 Advocacy update report.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

11. Chief Finance Office Reports

11.1 Finance Report June 2024 and 2023/24 Financial Statement and Performance Statement

Moved: Cr Oxley

Seconded: Cr Davies

That Council

1. Note the recommendation from Council's Audit & Risk Committee;
2. Adopt in principle the 2023/24 Annual Performance Statement and Annual Financial Report (Annual Financial Statements) as part of the Annual Report, subject to any changes recommended or agreed to by the auditor;
3. Authorise Cr Davey-Burns (Mayor), Cr Georgina Oxley (Audit & Risk Committee member), and Peter Bean (Chief Executive Officer) to certify the Annual Financial Statements and Performance Statement for the year ended 30 June 2024, in their final form after any changes recommended or agreed by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2020*; and
4. Authorise Cr Davey-Burns (Mayor) and Peter Bean (Chief Executive Officer) to sign the Governance and Management Checklist.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua and Saab (7)

AGAINST: Nil (0)

12. Notices of Motion

Nil

13. Urgent Business

There were no items of urgent business.

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14. Confidential Items

Nil

The meeting closed at 7.46pm.

Confirmed.....

The Mayor 21 October 2024