

Minutes

Ordinary Council Meeting

Monday, 22nd September 2025

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

Table of Contents

1.	Apologies	3
2.	Confirmation of Minutes of Previous Meetings	3
3.	Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest	4
	<i>[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]</i>	
4.	Petitions	4
5.	Delegates' Reports, Councillor Statements and Presentation of Awards	4
6.	Question Time.....	5
7.	Planning and Place Reports.....	9
8.	Community Strengthening Reports	24
9.	Infrastructure and Open Space Reports	27
10.	Customer and Corporate Support Reports	29
11.	Chief Finance Office Reports	32
12.	Notices of Motion	33
13.	Urgent Business.....	33
14.	Confidential Items	34

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

The meeting commenced at 7:06pm 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 (attended online)
Cr Georgia Erevnidis
Cr Chris Hill
Cr Sarah O'Donnell (attended online)
Cr Hadi Saab
Cr Caroline White

In Attendance: Peter Bean, Chief Executive Officer
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Bernard Rohan, Chief Financial Officer
Kate Waters, General Manager Community Strengthening
Jaclyn Murdoch, Manager City Development
Kelly Shacklock, Manager Governance, Risk and Integrity
Sharon Lozsan, Team Leader Council Governance
Lily Bowe, Council Governance Officer
Ellie Lockard, Council Governance Officer
Justin Welsford, Media and Communications Advisor
John Tanner, Municipal Monitor

1. Apologies

Apologies from Cr Law and Cr Athanasopoulos were submitted to the meeting.

COUNCIL RESOLUTION

Moved: Cr Saab

Seconded: Cr Agirtan

That Council receive the apologies from Cr Law and Cr Athanasopoulos.

FOR: Crs White, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Nil (0)

CARRIED

The meeting was adjourned at 7.12pm.

The meeting resumed at 7.35pm.

Cr O'Donnell arrived at the meeting at 7.35pm.

2. Confirmation of Minutes of Previous Meetings

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Howe

That the Minutes of the Ordinary Council Meeting held on 25 August 2025 be confirmed.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

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

Nil.

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

Delegates' Reports

Cr Saab provided a delegate's report regarding attendance at Mayoral and Councillor taskforce supporting people seeking asylum and refugees in New South Wales in early September.

Councillor Statements

Cr Saab made a statement regarding the All Abilities Co-Design Working Group and All Abilities Action Plan.

Cr Hill made a statement regarding the 2025 Youth Awards and the 2025 Sustainable Business Awards.

COUNCIL RESOLUTION

Moved: Cr Hill

Seconded: Cr Erevnidis

That the Delegate Report and Councillor Statements be received.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

6. Question Time

Question time was held at 7.45pm. A total of 25 questions were received, with 24 being allowed under the Governance Rules. Preambles submitted with questions were not read out. In accordance with clause 39.9 of the Governance Rules, like questions were grouped together.

Amy asked:

1. *Why is the Family Day Care (FDC) item confidential?*
2. *Have you done a capacity assessment of other providers?*

Natalie asked:

1. *Regarding Family Day Care – There are other cost saving measures, have they been considered and what are they?*
2. *Kingston Council FDC has been awarded exceeding in its program and care for our children, has this been taken into consideration?*

Rosalyn asked:

1. *Could you please confirm the cost of delivering the service vs the revenue generated through fees to the families?*
2. *From our understanding FDC doesn't cost the council, they are not a financial burden. If it is financial burden, many Educators are happy to pay for their own training which saves money, has this been considered?*

Jade asked:

1. *Have you considered the Rapid Review into Child Safety and can you comment on how this move aligns with the recommendations from this review?*
2. *Will you release the response to the family and FDC educators survey? If not why?*

Nick asked:

1. *What support will you give for families and educators if the change occurs, please explain how?*
2. *Will you ensure that every educator is transitioned to new providers and how?*

General Manager Community Strengthening, Kate Waters, responded:

Thank you for your questions, I will provide a collective response.

The Council's Family Day Care Service item has been designated as confidential in accordance with the Local Government Act 2020, as Council business information that would prejudice the Council's position in commercial negotiations if prematurely released.

The Family Day Care consultation report, is attached to the confidential report.

Relevant information will be made public, pending Council's decision.

Family Day Care educators are sub contractors who run a small business. They have the choice of which service coordination provider to subcontract to. There are not-for-profit and private service coordination providers.

For example, 29 educators currently sub-contract to Council and 47 educators, that also operate in the City Kingston, sub-contract to a not for profit or private provider. Other providers have expressed interest in increasing their number of educators in Kingston.

All service coordination providers are governed by the Education and Care Services National Law Act and the National Quality Framework

Officers have been closely monitoring educator numbers, utilisation and the overall financial performance of the Family Day Care service for many years.

There are several factors that Council will consider when making their decision, and some of these include declining educator numbers, declining demand from families, increased operational risks, financial viability of the service and the increase in alternative service coordination providers including not for profit providers.

The review is not a cost saving measure.

This review commenced prior to the Rapid Child Safety review. However, the recommendations have been considered in all of Council's child related services and we continue to monitor changes and requirements in this space.

The adopted budget for 2025/26 includes a surplus of \$165,000 for the Family Care Care service. However, at the end of August 2025, the service has a deficit of \$29,000. As stated earlier, financial viability is only one factor being considered. If council resolved to continue providing the service, there are several finance related initiatives that could be considered.

If Council resolved to exit the service, we will continue to provide service coordination until 31 December 2025.

Every educator that wants to transition to a new service coordination provider will be supported. I'll also note, that some educators have indicated they plan to retire at the end of 2025 and therefore would not continue to sub contract to any service coordination provider.

To support educators to transition to an alternate provider:

- *Family Day Care Australia and service providers would be invited to an expo/information session/s with educators.
 - o *With consent, documents could be shared with new providers to make transition smoother for educators and families.*
 - o *Council would work to negotiate a 12 month period of matched fees.*
 - o *Family Day Care Australia also provides a lot of support – some educators might choose to transition directly through them.**
- *Through Kingston Business, all educators have been offered three free business mentoring sessions.*

For families:

- *If a family's educator choose to subcontract to an alternate service coordination provider, families can transition with them – with no loss to service.*
- *If a families educator choose not to subcontract to an alternate service coordination provider, staff could work with them to find an alternate educator now, noting many of Council's educators currently have vacancies.*

Finally, I would like to take the opportunity to reinforce this review hasn't questioned the community value or quality of the Family Day Care service delivered by educators, but rather Council's role in coordinating the service.

Gavin asked:

Recently Council communicated concerns to the Suburban Rail Loop Authority and Minister, concerns centre on the potential negative impact the proposed \$35 billion SRL Tunnel from Cheltenham to Box Hill could have on Kingston's infrastructure, open space, high rise overdevelopment and dismantling of Councils planning controls. Given the magnitude of this project cost and council's concerns, would Council and Councillors consider revising their stance from that of declared concerns to a complete declared rejection of the SRL project on behalf of Kingston residents?

Manager City Development, Jaclyn Murdoch, responded:

I would like to thank Gavin for his question.

The Suburban Rail Loop is a State Government Project and the decision to proceed with the project and the costs associated with the construction of the project, are matters for the State Government. Significant works to advance the project have

already begun in Kingston with major site establishment works for tunnelling operations well underway in the Kingston Green Wedge proximate to Kingston Road. The Council is involved in the Suburban Rail Loop East Standing Advisory Committee that is occurring. This Advisory Committee is evaluating the proposed structure plans and planning scheme provisions that would be implemented around the Suburban Rail Loop Station locations. This Committee is providing opportunities for all interested parties to provide submissions regarding the planning for the Suburban Rail Loop Project which will then be used to form the Advisory Committees report of the Minister. The Council is through its submissions to the Advisory Committee highlighting both the components of the project it feels are critical to enhancing our local area, but also aspects of the planning for the project, that it feels require further work.

Gavin asked:

Many residents in the Kingston community have voiced significant concern with the recent decision by the State Government to appoint monitors to oversee council, questioning the real intent behind the intervention. Given the concerns, will Council, rather than just accepting this situation, unequivocally voice their objection to the appointment of these monitors?

General Manager Customer and Corporate Support responded:

On the 22nd August 2025, Council issued a response to the State Government decision to appoint a monitor. To quote the statement, available on Council's website; "Kingston Mayor Cr Georgina Oxley and CEO Peter Bean expressed their commitment to working with the monitors.

"Our councillors, executive team and staff are keen to assist however we can to support them in the role," Mr Bean said.

"Council remains committed to delivering excellent services to our community, built on a foundation of good governance and strong customer service."

"We look forward to better understanding the Victorian Government's concerns and working closely with the monitors to share our strong processes, governance oversight and transparent decision-making," Cr Oxley said.

"Our focus remains on serving the people of Kingston and I will continue to lead with independence and integrity, with decision-making that is guided by what is best for our community."

Tasos asked:

Can council please inform me under what building codes is the council allowing 2 sites (food trucks permanently stationed on a property) to operate on an interim permit until they obtain a proper permit knowing that the properties concerned have a permit for warehousing?

Manager City Development, Jaclyn Murdoch, responded:

I would like to thank Tasos for his question.

The Council is aware of a couple of proposals that involve the operation of food trucks on private property. Following the question submitted, Officers will contact Tasos to obtain the address particulars of the sites(s) he has sought advice on. Officers will also advise Tasos of the regulations relevant to the sites in question and the status of an existing permit for warehousing applicable to the sites.

Tasos asked:

Is someone from the council monitoring/inspecting the work carried out by the tree pruning contractors?

General Manager Infrastructure and Open Space, Samantha Krull, responded:

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

Council employs a number of qualified arborists to review the quality of work of the tree pruning contractors. Street trees are pruned by qualified contractors to meet the State Government's Electricity Safety Regulations.

The schedule of tree pruning and information is outlined on Council's website. Any specific trees or areas of concern can be lodged as a request through our customer channels.

Yvette asked:

- 1. How many people identify as Aboriginal in the Kingston municipality?*
- 2. What proportion (as a %) do they represent in the whole Kingston community?*

Rose asked:

- 1. How many Aboriginal people live in the City of Kingston municipality?*
- 2. What proportion, as a percentage, of the whole Kingston population do they represent?*

General Manager Community Strengthening, Kate Waters, responded:

The 2021 census data states 722 people identify as Aboriginal or Torres Strait Islander.

This is 0.5% of the Kingston population.

Geoff asked:

How much money is still due to the Druze community granted by the previous Council and when will they receive this?

Robert asked:

Will the Druze grant from the previous Council be reviewed in light of the community petition of 476 people calling to reverse this grant?

General Manager Community Strengthening, Kate Waters, responded:

As per the Council resolution from June 2024, \$25,000 has been paid to the Druze Community Charity of Victoria for 2024/25. Further payments are made in line with the funding agreement, which includes submission of the annual acquittal.

I am not aware of the petition referred to in the question. However, Council resolved to award a three year Community Festivals, events and creative activities grants to the Druze Community Charity of Victoria at the Council Meeting in June 2024. Council also reconsidered this funding stream at the Council Meeting in May 2025.

Irina asked:

Why didn't Council approach or ask the regular attending public if they wanted the printed hard copy of the agenda, which was always made available in the past, discontinued?

Roslyn asked:

How much does it cost Council to create one printed hard copy of the agenda for the public, which was, until recently, always made available to the public who attend Council meetings personally? Please answer with a simple one word cost figure.

General Manager Customer and Corporate Support, Dan Hogan, responded:

More than 12 months ago, the decision to discontinue printing was made due to the cost and the lack of demand for the agenda at Council meetings. Consultation was not required as public usage of the agendas is the indicator of demand for these. Members

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

of the public attending meetings have not used or requested printed agendas for some time, with most preferring to access these via their mobile devices. Depending on the size of the agenda, you can assume anywhere from a couple of hundred dollars upwards.

Stephen asked:

Is it illegal for the public to bring an Australian flag into Council?

Gil asked:

Is it illegal to wear the Australian flag emblem in the form of T shirts and hats etc to a Council meeting? A simple yes or no answer will suffice.

General Manager Customer and Corporate Support, Dan Hogan, responded:

No, but it would probably be a waste of a perfectly good flag, because you couldn't wave it around, as it would likely to be distracting to others including Council, and if it was a giant one like your see at the boxing day Test, it would probably be a safety issue too.

No it is not illegal to wear clothing bearing the Australian flag.

7. Planning and Place Reports

7.1 Town Planning Application Decisions - August 2025

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Howe

That Council note the report of Town Planning Application Decisions for the month of August 2025.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

7.2 KP-2025/109 - 92 Carroll Road (Lot 2 on LP76596) and 41 Cleeland Road (Lot 37 on LP203116), OAKLEIGH SOUTH VIC 3167

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Saab

That Council determine to support the proposal and issue a planning permit to construct or carry out works (extension of existing facility) on the land, to construct or put up for display five (5) business identification sign, one (1) directional sign, two (2) pole sign, to reduce the number of car parking spaces required under Clause 52.06-5 and to remove, destroy or lop vegetation, including dead native vegetation from the land at No. 92 Carroll Road and 41 Cleeland Road, Oakleigh South, 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 and an electronic copy must be provided. The plans must be substantially in accordance with the plans submitted to Council, prepared by Concept; Rev E; dated 25/07/2025; inclusive of sheets 1 to 15., but modified to show:

- a) The provision of an amended landscape plan in accordance with the submitted Landscape Plans prepared by Habitat8 (Date: 25.07.2025, Rev. E), with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - ii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iii. Green façades or modular irrigated green walls to be fitted with suitable vegetation where appropriate on external walls of office buildings;
 - v. Permeable paving to be installed outside Office 2;
 - vi. Permeable driveway and pedestrian path surfaces to be installed within the Notional Root Zone of T1 to be illustrated and notated;
 - vii. Cleeland Road car park pedestrian path to be installed with permeable paving;
 - viii. Permeable surfaces to be installed within the car park spaces located in the Cleeland Road car park in addition the southern boundary car park spaces, to be illustrated and notated;
 - ix. Structural soils to be installed to a minimum depth of 700mm beneath all car park spaces along the southern boundary and both sides of the Cleeland Road car park, to be illustrated and notated;
 - x. Car park spaces along the northern boundary of the Cleeland Road car park to be installed at or above existing grade;
 - xii. A minimum of sixty (60) indigenous and native replacement trees to be planted within the subject site;
 - xiii. Surface areas of meaningful green infrastructure to be included as canopy tree replacement where appropriate and notated;
 - xiv. Substitute all *Eucalyptus camaldulensis* (River Red Gum), *Acacia implexa* (Lightwood) and *Banksia integrifolia* (Coast Banksia) located within proposed garden beds outside of Offices 1, 3 and 4 with suitable vegetation capable of reaching their mature growth potential that are unlikely to adversely impact the vegetation growth of other planting;
 - xv. Three (3) *Eucalyptus ovata* (Swamp Gum) located in the garden bed to the north of the Shared Plant Room adjacent to Office 2 to be reduced to one (1) *Eucalyptus ovata* (Swamp Gum) planted within the garden bed with a root director;

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

- xvi. Either suitably space the *Banksia integrifolias* (Coast Banksias) located between the Proposed Substation Reserves and Office 2 allowing for future canopy growth or substitute the trees with a more suitably sized indigenous canopy tree species;
- xvii. Substitute the three (3) proposed *Eucalyptus camaldulensis* (River Red Gum) located either side of T47 and T49 along the southern boundary with indigenous canopy trees capable of reaching a minimum mature height of 8metres;
- xviii. Reduce the quantity of *Eucalyptus melliodora* (Yellow Box) located in the south-east corner of the site to a minimum of three (3) specimens to allow for future canopy growth;
- xix. Reduce the quantity of *Eucalyptus melliodora* (Yellow Box) located either side of the driveway linking the Cleeland Road car park to the main site by providing two (2) specimens planted south of the driveway and one (1) specimen planted north of the driveway;
- xx. Indigenous canopy trees capable of reaching the minimum mature dimensions of 8metres in height and 5metres in width with typically non-invasive root structures to be planted along the southern boundary and eastern boundary and spaced accordingly to provide a contiguous canopy at maturity where the constraints of easements allow. Otherwise trees, grasses and ground covers suitable for growth within easements should be selected;
- xxi. Native canopy trees capable of reaching the minimum mature dimensions of 8metres in height and 5metres in width to be planted along the southern setback of the Cleeland Road car park either within linear garden beds or individual tree vaults tree grilles finishing flush with their surrounds located at the junction of car park spaces and pedestrian path;
- xxii. All canopy trees planted within garden beds to be underplanted with a mix of indigenous and native, small to medium sized shrubs, grasses and groundcovers;
- xxiii. Sliding gate to be constructed above NGL within the Notional Root Zone of T21 and T36;
- xxiv. Excavation is prohibited within the Notional Root Zone of retained trees unless directed otherwise by and carried out under the supervision of the nominated project arborist' to be clearly notated;
- xxv. 'All works must be above natural ground level within the Notional Root Zone of retained trees' to be clearly notated;
- xxvi. Elevations and sectional details of modular irrigated green walls and/or green facades to be illustrated to scale and notated including dimensions, materials, planting media, irrigation and drainage, if provided within the development;
- xxvii. Sectional details of permeable car park surface to be illustrated to scale and notated including materials and dimensions;
- xxviii. Sectional detail of structural soils installed beneath car park spaces to be illustrated to scale and notated including materials, drainage and dimensions;
- xxix. Existing and finished ground levels to be clearly notated in the vicinity

- of Notional Root Zones of trees to be retained on site;
- xxx. Notes regarding green wall maintenance including a schedule, description of works and any specific maintenance requirements;
 - xxxi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- b) The width of all vehicle crossover nominated.
 - c) All crossings must be constructed at a 90 degree alignment with the kerb on Carroll Road and Cleeland Road and all internal driveways must align with the existing / proposed vehicle crossing.
 - d) The location of tree protection measures illustrated to scale and labelled on the Demolition Plan and Ground Floor Plan as per the endorsed Tree Management Plan.
 - e) The location of permeable car park and pedestrian path surfaces illustrated to scale and labelled on the Ground Floor Plan.
 - f) The location and typical elevation of green façades and/or walls illustrated to scale and labelled on the Ground Floor Plans.
 - g) Exact location and details including inlets, outlets, pit, inverts, pipe size, offsets of any exiting Council drain along the eastern property boundary within subject site must be investigated on site and adequate details must be shown on plan.
 - h) Any changes as required by Condition 5.
 - i) An updated native vegetation removal report, including details extent of removals (ha), strategic biodiversity score and habitat units, leading to an updated offset calculation to be provided in accordance with conditions 9-14.

Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Trees to Be Retained

- 4. The retention of T1 Eucalyptus viminalis (Manna Gum) located in the south-east corner of the property; T20 Callistemon viminalis cv (Weeping Bottlebrush), T21, T22 & T23 Agonis flexuosa (Willow Myrtle), T24 Callistemon salignus (Willow Bottlebrush), T25 Callistemon viminalis (Weeping Bottlebrush), T26 Agonis flexuosa (Willow Myrtle), T27 Callistemon viminalis (Weeping Bottlebrush), T28 Agonis flexuosa (Willow Myrtle), T29 Callistemon salignus (Willow Bottlebrush), T30 Eucalyptus mannifera (Brittle Gum), T31 Callistemon viminalis cv (Weeping Bottlebrush), T32 Casuarina cunninghamiana (River She-Oak), T33 Eucalyptus mannifera (Brittle Gum), T34 Agonis flexuosa (Willow Myrtle), T35 & T36 Callistemon salignus (Willow Bottlebrush), T47 Casuarina cunninghamiana (River She-Oak), T48 Melaleuca styphelioides (Prickly Paperbark) and T49 Eucalyptus camaldulensis (River Red Gum) located along the southern boundary of the property.

Tree Management and Protection Plan

5. Concurrent with the endorsement of plans, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - ii) Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - iii) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iv) How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - v) How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - vi) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii) Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi) Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii) A notation to refer to the Tree Management Plan.
6. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
7. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Tree Protection

8. Tree Protection Fencing is to be established around the street trees (T54-61 & T63) prior to demolition and maintained until all works on site are complete.
 - a. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the

fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.

- b. The fencing is to encompass the entire nature strip with each end 1 metre from the base of each street tree.

Native Vegetation Removal

- 9. To offset the removal of native vegetation, the permit holder must secure a native vegetation offset, in accordance with Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP 2017) in accordance the updated offset calculations by condition 1 (i) of this permit. The general offset must meet the following criteria:
 - a) Located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal district.
 - b) Have a strategic biodiversity value as required by the amended native vegetation removal report required by condition 1(i).
- 10. Concurrent with the endorsement of plans, evidence that the required offset by this planning permit has been secured must be provided to the satisfaction of the responsible authority. This offset evidence can be:
 - a) A security agreement signed by both parties, to the required standard, for the offset site or sites, including a ten (10) year offset management plan, and/or
 - b) An allocated credit extract from the Native Vegetation Credit Register.
- 11. A copy of the offset evidence will be endorsed by the responsible authority and form part of this planning permit. Within thirty (30) days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Energy, Environment and Climate Action.
- 12. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- 13. Before works start, a native vegetation protection fence must be erected on either side of the works associated with the outfall replacement to isolate the vegetation to be retained from the impact of site works. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority.
- 14. Prior to the completion of works, replacement planting and revegetation of the site must occur to the satisfaction of the responsible authority. All planting must occur under the direction and supervision of the Council's foreshore team.

Maximum Site Capacity

- 15. No more than 210 people (staff and visitors combined) are permitted on the site at any one time.

Ancillary Office

- 16. The offices must only be used in conjunction with and ancillary to the primary use of the land as freezing and cold storage. The office use must not operate independently or separately from the primary use to the satisfaction of the

responsible authority.

Environmentally Sustainable Design

17. Prior to the endorsement of the plans required pursuant to condition 1 of this permit, the sustainable management plan (SMP V4) prepared by Sustainable Development Consultants dated June 2025 must be re-submitted but amended to include:

Stormwater

- Refer to [Civil Design Requirements for Developers Part A: Integrated Stormwater Management](#) on how to provide an appropriate stormwater management response. This includes addressing the following:
- Provide a copy of the civil engineer's report which is referenced in the SMP so that Council can assess the stormwater response. Alternatively, include a copy of the MUSIC report and stormwater markup in the SMP.
- Council does not support any proprietary products to count towards TP and TN reduction. If these systems are included, they should not be reflected in the MUSIC assessment, and an in-lieu stormwater contribution must be updated.

IEQ

- The daylight assessment must be updated to reflect the latest set of plans, noting changes to the internal layouts of some offices.
- Credit 'IEQ 1.4 Daylight Access' in BESS, which is a mandatory credit, has not been achieved. Design changes should be implemented to increase the percent of nominated floor area in the office spaces that achieves the relevant daylight factor to 33% or greater. It is likely that a reduction of the large overhangs or depth of shading wings could achieve this.
- Note, it is not expected that the warehouse spaces achieve the minimum standard for daylight. As these spaces cannot be scoped out of this credit, the percent of office floor area that achieves the standard can be inputted for the warehouse spaces too. This will ensure the score for the credit is based solely on the performance of the office areas.

Urban Ecology

- Paved parking and vehicle accessways to be constructed with light-coloured materials (i.e. materials with Solar Reflective Index ≥ 50 or Solar Absorptance ≤ 0.6).
18. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed SMP is to be submitted to and approved by the Responsible Authority detailing that all of the required measures specified in the SMP have been implemented, to the satisfaction of the Responsible Authority.

Drainage

19. Unless with prior written consent of the Responsible Authority, before the development commences the following Integrated Stormwater Management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority:
 - a. Prior to submitting detailed engineering drainage plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - b. The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - c. The water sensitive urban design treatments as per conditions 12a & 12b above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - d. Detailed Stormwater Management (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved Stormwater Management (drainage) Strategy Report. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.
20. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the Responsible Authority including the following:
 - a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties.
 - b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate calculated as per Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c. All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

General

21. The amenity of the area must not be detrimentally affected by the development and/or use, through the:
 - i) Transport of materials, goods or commodities to or from the land.
 - ii) Appearance of any building, works or materials.
 - iii) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

steam, soot, ash, dust, waste water, waste products, grit or oil.

iv) Presence of vermin.

v) Any other way.

22. Before occupation of the development hereby permitted, 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.
23. Before occupation of the development hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
- i) Constructed to the satisfaction of the Responsible Authority.
 - ii) Properly formed to such levels that they can be used in accordance with plans.
 - iii) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - iv) Drained to the satisfaction of the Responsible Authority.
 - v) Line-marked to indicate each car space, all access lanes and, if necessary, direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
 - vi) In accordance with any Council adopted guidelines for the construction of parks.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

24. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
25. The development of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the *Environment Protection Regulations 2021* and EPA Publication 1826.4 noise limit relating to the measurement of Environmental Noise and recommended sound levels.
26. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossing.
27. Any existing vehicular crossover not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossover must be fully constructed to the Responsible Authority's standard specification.
28. The loading and unloading of goods to and from vehicles must only be carried out on the land.
29. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.
30. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the Responsible Authority's satisfaction.
31. Construction on the site must be restricted to the following times:

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

Monday to Friday: 7:00am to 7:00pm;
Saturday: 9:00am to 6:00pm; and
Sunday and Public Holidays: No construction permitted.
Or otherwise as approved by the Responsible Authority in writing.

32. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.

Signage

33. The location and details of the sign(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
34. All signs must be located wholly within the title boundary of the land and must not protrude above the overall height of the building.
35. The sign(s) must not be located within or encroach onto the road reservation.
36. Signs must not be illuminated internally or by external lights except with the prior written consent of the Responsible Authority.
37. No sign(s) or other advertising or identification may be erected or displayed on the site without written Council consent.
38. The sign(s) must not be animated and no flashing or intermittent lights may be displayed.
39. The intensity of the light on the sign(s) must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
40. This permit (or part of the permit that relates to advertising signs) expires 15 years from the date of issue of the permit.

Completion of Works

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

Permit Expiry

42. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
- The development is not started before two (2) years from date of this permit.
 - The development is not completed before four (4) years from the date of permit issue.
 - The signs (or part of the permit that relates to signs) expires 15 years from the date of issue of the 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: The Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: Any buildings and works (including eaves) to be located within an easement

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

requires separate consent from Council and/or the relevant service authority. This 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: The fee for removal of the three (3) street trees from the nature strip is **\$2,809.86** (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks notice from the Developer/Owner.

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: 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 construction of any crossovers as shown on the endorsed development plans, the three (3) *Corymbia eximia* (Yellow Bloodwood, Asset IDs. TR1003757, TR1003756 & TR1003745) located within the Carroll Road nature strip must be removed by Council at the expense of the Developer/Owner. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least 2 weeks prior to its required removal date.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

**7.3 KP-2024/632 - Land adjoining Eel Race Road (Crown Allotment 2069
Parish of Lyndhurst on CD054423A)**

COUNCIL RESOLUTION

Moved: Cr Howe

Seconded: Cr Agirtan

That Council determine to support the proposal and issue a planning permit for the removal of native vegetation at land adjoining Eel Race Road (Crown Allotment 2069 Parish of Lyndhurst on CD054423A), subject to the following conditions:

Amended Plans

1. Before the works commence, 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 an electronic copy must be provided. The plans must be substantially in accordance with the plans submitted to Council on 27 May 2025, but modified to show:
 - a) A revegetation plan amended in accordance with the requirements of Melbourne Water under condition 8 of this planning permit.
 - b) Offset evidence in accordance with conditions 17 and 18 of this planning permit.
 - c) Tree replacement planting at a ratio of 3:1.

Endorsed Plans

2. The extent of works (removal of native vegetation) as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Department of Energy, Environment and Climate Action

4. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited unless with the consent of the responsible authority:
 - a) Any vehicle or pedestrian access, trenching or soil excavation.
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - c) Entry or exit pits for underground services.
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.
5. Measures to protect watercourses from sediment pollution and other pollutants arising from construction activities must be implemented before earthworks begin on-site.
6. All areas proposed for revegetation must be replanted with indigenous species of local provenance and should be maintained for twelve (12) months to ensure

successful regeneration.

7. A suitably qualified wildlife handler or zoologist is to be present when felling trees or removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DEECA on 136 186 for further advice.

Melbourne Water

8. Prior to the endorsement of plans under this permit, an amended landscape plan to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plants must be planted in a "natural" pattern. "Natural" meaning the plants are more sporadic and randomly planted.
9. Plants used for revegetation purposes must be sourced from a local nursery and grown using seeds of local provenance.
10. Care must be taken not to cause erosion of the sandy soils, where possible roots of removed vegetation must left in place, and/or jute matting is to be utilised to reduce erosion and sediment run off into Eel Race Creek.
11. The City of Kingston must maintain the revegetation for a period of at least twelve (12) months from the date of the commencement of revegetation works. Any non-surviving plants within that twelve (12) month period must be replaced, like for like, by the City of Kingston.
12. The landscape areas must be maintained at natural surface levels and no fill or retaining walls are to be used in the development of this land.
13. During the construction phase, any excavated fill or other materials must not be stockpiled within the floodplain.
14. During the construction phase, sediment and contaminant laden runoff must be contained onsite. Such runoff is not permitted to enter nearby stormwater drains or waterways.
15. Prior to commencement of construction, a site environmental management plan (SEMP) must be produced, approved by Melbourne Water and adopted on-site. When approved the site environmental management plan will form part of the permit. The site environmental management plan must be implemented to the satisfaction of the responsible authority. The site environmental management plan must address the following:
 - a) Sediment and silt management controls.
 - b) Vegetation management techniques.
 - c) Access tracks.
 - d) Spoil stockpiling.
 - e) Machinery and plant locations.
 - f) Exclusion fencing around native vegetation/habitat.
16. Any required buildings or works within 5 metres of Melbourne Water assets or 20 metres of Melbourne Water watercourses must be completed to the satisfaction of Melbourne Water. Prior to works beginning, a separate application must be made direct to Melbourne Water.

Native Vegetation Removal

17. To offset the removal of 0.012 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP 2017). The general offset must be 0.005 general habitat units and meet the following criteria:
 - a) Located within the Port Phillip and Westernport Catchment Management boundary or Kingston City Council municipal district.
 - b) Have a strategic biodiversity value of at least 0.208.
18. Concurrent with the endorsement of plans, evidence that the required offset by this planning permit has been secured must be provided to the satisfaction of the responsible authority. This offset evidence can be:
 - a) A security agreement signed by both parties, to the required standard, for the offset site or sites, including a ten (10) year offset management plan, and/or
 - b) An allocated credit extract from the Native Vegetation Credit Register.
19. A copy of the offset evidence will be endorsed by the responsible authority and form part of this planning permit. Within thirty (30) days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Energy, Environment and Climate Action.
20. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
21. Before works start, a native vegetation protection fence must be erected on either side of the works associated with the outfall replacement to isolate the vegetation to be retained from the impact of site works. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority.
22. Prior to the completion of works, replacement planting and revegetation of the site must occur to the satisfaction of the responsible authority. All planting must occur under the direction and supervision of the Council's foreshore team.

Completion of Works

23. Once the works have started, the works must be continued and completed to the satisfaction of the responsible authority.

Permit Expiry

24. In accordance with Section 68 of the *Planning and Environment Act 1987* (the Act), this permit will expire if one of the following circumstances applies:
 - The works (removal of native vegetation) are not started within two (2) years from the date of permit issue.
 - The works (removal of native vegetation) are not completed within four (4) years from the date of permit issue.

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

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

periods referred to in this condition.

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

Note: The permit holder must provide a copy of this planning permit and any endorsed plans to any external contractor(s) to ensure that all vegetation (including native vegetation) to be retained on site are protected during any works.

Note: Before removing or 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.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

7.4 Response to Resolution - Notice of Motion 32/2025 - Chelsea Shopping Strip Improvements

COUNCIL RESOLUTION

Moved: Cr Oxley

Seconded: Cr Saab

That Council:

1. Note the minor improvements actioned in August 2025 and further beautification improvements being carried out in Chelsea by the end of the year
2. Note the expected medium and longer-term improvements identified for Chelsea in the coming years; and
3. Note the advocacy work currently underway to secure future funding commitments for major projects in Chelsea, particularly in the lead up to the State Government election.
4. Deliver the lighting project referred to in Section 3.2 of the report as soon as practicable (ideally in the 25/26 financial year).

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

8. Community Strengthening Reports

8.1 Kingston Grants Program - Evaluation Report

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Hill

That Council:

1. Approve the following changes to the Kingston Grants Program, and receive an updated Kingston Grants Program Policy incorporating the changes at the Council Meeting in December 2025:
 - a. Require all grant applicants to align with the Council and Wellbeing Plan 2025–29, and identify annual funding priorities for Community Bi-annual Grants and Community Small Grants streams.
 - b. Simplify the Assessment Criteria and weighted Scoring Matrix.
 - c. Rename the *Operational & Partnership – Specialist Community & Welfare Services Grants* to *Welfare Services Grants*.
 - d. Establish new funding categories under the Welfare Services Grants stream, *Emergency Relief Agencies (as resolved in May 2025)* and *Welfare Support* (funding cap of \$60,000).
 - e. Update the *Operational & Partnerships - Community Centres & Neighbourhood Houses Grants* stream funding formula, following consultation with Community Centres and Neighbourhood Houses.
 - f. Formalise the qualitative component of the *Operational & Partnerships – Multicultural & Seniors* funding model into the overall Funding Formula; and remove the requirement for Assessment Panel review.
 - g. Refine the purpose statement and clarify eligibility criteria of the *Operational & Partnerships – Community Interest Organisations* category to clearly define the scope and intended focus.
 - h. Rename the *Community Festivals, Events & Creative Activities Grants* stream to *Community Events Grants*.
 - i. Remove the \$2,001 minimum threshold for *Community Bi-annual Grants* to allow applications of any amount up to \$10,000.
 - j. Rename the *Community Small Grants – Start-up Support* category to *New Group Start-up Support*.
 - k. Delegate the authority to determine the not recommended funding outcomes for Community Small Grants to the Manager Inclusive Communities, Team Leader Community Capacity and Partnerships, and Coordinator Community Capacity.
2. Note that further investigation will be undertaken into expanding the Community Small Grants stream to include small businesses in the arts and related fields that deliver demonstrable community benefits, with findings and recommendations to be presented in December 2025 alongside the updated Kingston Grants Program Policy.
3. Note that endorsed changes to the Community Bi-annual Grants and Community Small Grants will commence from 1 January 2026. Changes to the other streams will take effect from 1 July 2027, noting these are triennial funding streams with

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

the current funding agreements concluding on 30 June 2026.

FOR: Crs O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Cr White (1)

CARRIED

8.2 Response to Resolution - Notice of Motion 5/2024 Patterson River Sculpture Trail Vision and Direction Statement

COUNCIL RESOLUTION

Moved: Cr Howe

Seconded: Cr Ashworth-Collett

That Council:

1. Endorse the Patterson River Sculpture Trail's vision and direction statement as:
"The Patterson River Sculpture Trail is to celebrate the boating culture and coastal lifestyle, with iconic sculptures that may feature refined detail or vibrant colours. Artist will be encouraged to use ingenuity to reimagine spaces, high or low, and wet or dry."
2. Note that the endorsed vision and direction statement will be incorporated into the Public Art Policy.
3. Note that the process for commissioning and delivery of public art is driven by the endorsed Public Art Policy, Guidelines and Placement Plan.
4. Note that the vision and direction statement will be included in Public Art Briefing documents for the Patterson River Sculpture Trail in addition to other site-specific considerations as required by the Public Art Policy, Guidelines and Placement Plan
5. Note the feedback from Community Consultation on the Patterson River Sculpture Trail undertaken from 21 July to 18 August 2025.
6. Note the progress of public art delivery on the Patterson River trail.
7. Note that continued engagement with DEECA, Parks Victoria and Melbourne Water is required to support the delivery of public art on Patterson River.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

8.3 All Abilities Action Plan 2024-2028: Year 1 Achievements Report

COUNCIL RESOLUTION

Moved: Cr Saab

Seconded: Cr Howe

That Council note the achievements of the All Abilities Action Plan, from the period of July 2024 to June 2025.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

9. Infrastructure and Open Space Reports

9.1 Response to Resolution - Notice of Motion 26/2025 Durable Outdoor Table Tennis Tables

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Erevnidis

That Council:

1. Receive the report;
2. Endorse that officers will include options for outdoor table tennis tables as part of the consultation process for active recreation spaces in the Le Page Park and Namatjira Park, and Bald Hill Master Plans; and
3. Note that consideration of future provision of outdoor table tennis tables will be part of the Play Your Way Implementation Plan.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

9.2 Response to Resolution - Notice of Motion 30/2025 Glen Street Reserve Pavilion, Aspendale

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr White

That Council:

1. Receive the report; and
2. Receive a further report at the May 2026 Ordinary Meeting of Council providing scope, cost estimates, and timeline for any proposed works for referral to future budget cycles.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

9.3 2024/25 Capital Budget Outcome

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Hill

That Council:

1. Note that, excluding the Mordi Aquatic Centre, in 2024/25 Council delivered \$46.9 million of capital works, representing 93% of the adjusted budget;
2. Note that in 2024/25, expenditure on the Mordi Aquatic Centre project was \$23.8 million, an increase of \$6.3 million (36%) on the Q3 forecast of \$17.5 million;
3. Note that in 2024/25, a total of \$70.8 million of capital works (including Mordi Aquatic Centre) was delivered against a total budget of \$85.1 million;
4. Approve budget movements and adjustments to the 2024/25 and 2025/26 budgets outlined in this report, noting that there was a net overspend of \$70,687 in the Council cash allocation in the 2024/25 budget; and
5. Approve the recommendation for the partial deferral of 8 projects in the 2025/26 budget as outlined in section 3.1.2 of this report.

FOR: Crs O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Cr White (1)

CARRIED

10. Customer and Corporate Support Reports

10.1 Kingston's Community Engagement Approach

COUNCIL RESOLUTION

Moved: Cr Hill

Seconded: Cr Howe

That Council:

1. Note Kingston's three-tiered approach to community engagement
2. Note that a community consultation Working Group will be established as per Advisory Committee resolution of Council (August 2025 meeting)
3. Endorse changes to the Community Engagement Policy to align with Council & Wellbeing Plan themes.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

10.2 Performance Statement for the Year Ended 30 June 2025 and Governance and Management Checklist 2024-25

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Saab

That Council

1. Note the Performance Statement for the year ended 30 June 2025 and the Governance and Management Checklist 2024-25;
2. Note the recommendation from Council's Audit & Risk Committee following its meeting on 11 September 2025;
3. Approve the Performance Statement for the year ended 30 June 2025 and the Governance and Management Checklist 2024-25 in principle as part of the Annual Report 2024-25, subject to any changes recommended or agreed to by the auditor;
4. Authorise Cr Georgina Oxley (Mayor), Cr Jane Agirtan (Councillor), and Peter Bean (Chief Executive Officer) to certify the Performance Statement for the year ended 30 June 2025 and the Governance and Management Checklist 2024-25, 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*.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

10.3 Kingston Performance Report 2024-25 - Quarter Four (April to June 2025)

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Hill

That Council note the status and commentary for the Year Four Annual Action Plan 2024–25 actions and Council Plan 2021–25 Strategic Indicators for Quarter Four (April to June 2025).

FOR: Crs O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Cr White (1)

CARRIED

10.4 Governance and Compliance Report

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Erevnidis

That Council:

1. In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolve that:
 - a) There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
 - b) The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
 - c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolve that:
 - a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - b) The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
 - c) On the coming into force of the instrument, the previous delegation to members of Council staff (other than the Chief Executive Officer) are

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

revoked.

- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt;

3. Receive and note:

- a) Informal Meetings of Councillors Records;
- b) A written report from Cr Law regarding attendance at the 2025 Australian Local Government Association National General Assembly held in Canberra on 24-27 June 2025;
- c) Councillor expenses and reimbursements for Quarter 4 of 2024/2025; and
- d) Chief Executive Officer and General Manager expenses for Quarters 3 and 4 of 2024/2025.

FOR: Crs O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Cr White (1)

CARRIED

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

11. Chief Finance Office Reports

11.1 Full-year Finance Report June 2025 and Financial Statements for the year ended 30 June 2025

COUNCIL RESOLUTION

Moved: Cr Saab

Seconded: Cr Agirtan

That Council

1. Note the full year 2024/25 financial report;
2. Note the recommendation from Council's Audit and Risk Committee following its meeting on 11 September 2025;
3. Approve the Financial Statements for the year ended 30 June 2025 in principle as part of the Annual Report, subject to any changes recommended or agreed to by the auditor;
4. Authorise Cr Georgina Oxley (Mayor), Cr Jane Agirtan (Councillor), and Peter Bean (Chief Executive Officer) to certify the Annual Financial Statements for the year ended 30 June 2025, 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*.

FOR: Crs O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Cr White (1)

CARRIED

12. Notices of Motion

**12.1 Notice of Motion No. 40/2025 - Cr Oxley - Establishing a Botanical
Gardens in Kingston**

COUNCIL RESOLUTION

Moved: Cr Oxley

Seconded: Cr Saab

That Council receive a report no later than December 2025 outlining opportunities for establishing a botanical gardens in Kingston, to include potential options for available sites for establishment including existing council-owned land, or land that council may consider acquiring.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

13. Urgent Business

There were no items of urgent business.

**City of Kingston
Ordinary Council Meeting**

Minutes

22 September 2025

14. Confidential Items

Moved: Cr Hill

Seconded: Cr Agirtan

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 Rates Exemption Requests

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)(ii)); and
- the explanation as to why the specified ground/s applies is that there are legal, financial and confidential assessments of a business/es.

14.2 Council's Family Day Care Service

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)).
- the explanation as to why the specified ground/s applies is the report contains information related to reportable conduct.

FOR: Crs White, O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (9)

AGAINST: Nil (0)

CARRIED

NOTE: The resolution of item 14.2 became public on 24 September 2024. See below.

14.2 Council's Family Day Care Service

COUNCIL RESOLUTION

Moved: Cr Oxley

Seconded: Cr Agirtan

That Council:

1. Continue to provide Family Day Care service coordination for the City of Kingston.
2. Continue to promote Family Day Care to potential educators and families, including providing promotional material in languages other than English.
3. Receive a report in November 2025, on the potential service improvements and financial impact.
4. Receive a report at Councillor Briefing in 12 months, outlining relevant data and trends for the service.
5. Determine, pursuant to Section 125 of the *Local Government Act 2020*, that this resolution of Council and required communication to continue the service, be made publicly available on 24 September 2025 after impacted stakeholders have been advised.

FOR: Crs O'Donnell, Hill, Erevnidis, Howe and Saab (5)

AGAINST: Crs White, Oxley and Agirtan (3)

ABSTAINED: Crs Ashworth-Collett (1)

CARRIED

Moved: Cr Saab

Seconded: Cr Hill

That the meeting be opened to members of the public

FOR: Crs O'Donnell, Hill, Ashworth-Collett, Erevnidis, Howe, Saab, Oxley and Agirtan (8)

AGAINST: Cr White (1)

CARRIED

The meeting was opened to members of the public at 9.04pm.

The meeting closed at 9.04pm.