

Minutes

Ordinary Council Meeting

Monday, 28th September 2026

**City of Kingston
Ordinary Council Meeting**

Minutes

28 September 2026

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The meeting commenced at 7:00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Georgina Oxley (Mayor)
Cr Sarah O'Donnell (Deputy Mayor)
Cr Jane Agirtan
Cr Tony Athanasopoulos
Cr Georgia Erevnidis
Cr Chris Hill
Cr Chris Howe
Cr Nikki Kaur
Cr Hadi Saab

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttman, General Manager Planning and Place
Samantha Krull, General Manager Infrastructure and Open Space
Kate Waters, General Manager Community Strengthening
Matt Wilson, General Manager Customer and Corporate Support
Shane Marr, Manager Finance
Kelly Shacklock, Manager Governance, Risk and Integrity
Ellie Lockard, Council Governance Officer
Gemma Jacob, Council Governance Officer
Justin Welsford, Media and Communications Advisor

1. Apologies

An apology from Cr Kirralee Ashworth-Collett was submitted to the meeting.

COUNCIL RESOLUTION

Moved: Cr Saab

Seconded: Cr Agirtan

That Council receive the apology from Cr Kirralee Ashworth-Collett.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur,
O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

2. Confirmation of Minutes of Previous Meetings

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Hill

That Council confirm the Minutes of the Ordinary Council Meeting held on 24 August 2026 and the Special Council Meeting held on 26 August 2026, subject to the second of the apologies motion in the Special Council Meeting minutes being recorded as Cr O'Donnell.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur,
O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

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

Cr Chris Howe foreshadowed a direct material conflict of interest in item 12.1.

Cr Chris Hill foreshadowed a general conflict of interest in item 11.2.

Peter Bean foreshadowed a direct material conflict of interest in item 14.2.

4. Petitions

4.1 Petition - Save Greenlink Sandbelt Indigenous Plant Nursery

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Saab

That Council:

1. Receive the petition containing 979 signatures and refer it to the CEO for consideration; and
2. Notify the head petitioner of the outcome following consideration of the petition.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

5. Councillor Statements

Cr O'Donnell made a statement regarding tree planting at Groves Reserve, Aspendale.

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Athanasopoulos

That Council receive the Councillor statement.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

6. Question Time

Question Time was held at 7.07pm.

A total of 22 questions were received, six disallowed under the Governance Rules. Preambles submitted with questions were not read out.

Cr Hill left the meeting at 7:15pm

Question from Paige:

I recently got asked to pay my cats annual registration. What does the money for this registration go towards, and exactly what percentage goes directly back to the health and support of both domestic and stray cats?

General Manager Planning and Place, Jonathan Guttman, responded:

I would like to thank Paige for her question. Approximately 10% of each cat registration fee is paid back to State Government as required under the Domestic Animals Act. The balance of the cat registration fees supports Kingston's Animal Management work conducted by Councils Local Laws Officers. This can include a range of activities from returning animals at large, conducting Councils responsible pet ownership events or Councils recent support of a cat adoption program.

Questions from Judith

1. *Given that at least four community indigenous plant nurseries in Melbourne operate on land zoned Public Park and Recreation Zone (PPRZ), can Council confirm whether there is any planning or zoning impediment to relocating Greenlink Sandbelt Indigenous Nursery to the former tennis courts at The Grange Reserve?*
2. *If so, what is that impediment?*

General Manager Planning and Place, Jonathan Guttman, responded:

I would like to thank Judith for her question and to acknowledge the work the Greenlink Sandbelt Indigenous Nursery does.

In this case, the site is located within the Public Park and Recreation Zone. A plant nursery (nested under the broader land use term of Retail premises) is a Section 1 (permit not required) use in the Public Park and Recreation Zone on condition that the use is conducted by or on behalf of the public land manager, amongst others.

As the above condition does not appear to be met, the plant nursery use defaults into a Section 2 (permit required) use, on condition the use is associated with the public land use.

It is not clear how the proposed use of the land for a plant nursery would be "associated" with the public land use. As there does not appear to be any association between the public land use and the proposed use, the plant nursery is therefore deemed prohibited, under the zoning of the land.

Council officers will continue to assist in working with the Greenlink Sandbelt Indigenous Nursery on an alternative suitable site.

Questions from Sally:

There have been several councillors suspended or on leave during this Council and the Mayor has represented this ward.

1. *How many times has the happened?*
2. *And, does the Mayor get paid for doing the job of the other Councillors?*

General Manager Customer and Corporate Support, Matt Wilson, responded:

While no formal leave by Council resolution has applied to Councillors this term, from time to time, Councillors may notify the Mayor and CEO of a period of leave in accordance with the Councillor Leave Policy.

During absences, the Mayor is contactable for the relevant ward constituents.

The Mayor does not receive any further allowance to what the role is entitled to.

Questions from Peta:

1. *Have the monitors paid back their money improperly invoiced for days that didn't exist?*
2. *Have counsellors who have previously not been attending in person now begun attending in person for sures now?*

General Manager Customer and Corporate Support, Matt Wilson, responded:

The Monitor invoices have not yet been processed to rectify the error.

Councillor attendance records are available to the public via Council minutes and informal records of attendance that are tabled to Council meetings. It is important to note that the Local Government Act 2020 does allow for remote attendance to Council meetings.

The following seven similar questions were grouped for response.

Questions from Vera:

1. *If CCTV cameras were not part of the security arrangements required by the VEC for the holding of the Melaleuca By election at Kingston Council offices, did anyone at council raise the red flag and think to question this and to ask for CCTV cameras to be installed?*
2. *Or was a decision made by Council officers or those responsible, not to install CCTV cameras in the counting room?*

Question from Elena:

To hold a safe and secure Melaleuca By election at their premises, was Council required by the VEC to organise the installation of full CCTV camera security surveillance of all election areas plus count room areas and ballot storage areas?

Questions from Irina:

1. *Did the VEC stipulate to Kingston Council a list of minimum security requirements to be done at Council to guarantee the protection of ballots and the integrity of the election process for holding the Melaleuca By election count at the Council offices instead of their own election building down the road on Nepean Hwy?*
2. *Can Council please reveal this list of security instructions publicly?*

Questions from Geoff:

1. *Did any staff or Councillors who have swipe cards, use their swipe cards to gain access to this election floor where the election count for the Melaleuca By Election was going on during the whole election period?*
2. *Did any staff or Councillors escort scrutineers to the election floor using their swipe cards in the elevators?*

General Manager Customer and Corporate Support, Matt Wilson, responded:

Property Services managed the occupancy arrangement with the VEC, and the Building Maintenance Team managed day to day requirements.

The Victorian Electoral Commission (VEC) did not request the installation of CCTV cameras as a security measure for the conduct of the Melaleuca Ward by-election.

Security and access to the election areas were managed through controlled swipe-card access. Only authorised VEC personnel were provided with swipe access to the areas occupied by the VEC, including areas used for ballot handling and storage.

Council officers and Councillors did not have swipe access to, or access rights for, the areas occupied and controlled by the VEC during the election period.

This ensured that access to election-related areas was restricted to authorised VEC personnel only.

Questions from Dominique:

1. *Can the CEO please answer to our community publicly and transparently WHY was he brought in for that special meeting?*
2. *If he does not answer ... why the secrecy?*

General Manager Customer and Corporate Support, Matt Wilson, responded:

It is unclear what special meeting this relates to. We will try to get in touch with Dominique to clarify this and provide her a response in writing.

7. Planning and Place Reports

7.1 Town Planning Application Decisions - August 2026

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Howe

That Council note the report of Town Planning Application Decisions for the month of August, 2026.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Howe, Kaur, O'Donnell, Oxley and Saab (8)

AGAINST: Nil (0)

CARRIED

7.2 KP-2025/438 - 13-19 Healey Street, Moorabbin

COUNCIL RESOLUTION

Moved: Cr Saab

Seconded: Cr Athanasopoulos

That Council determine to support the proposal and issue a Planning Permit for the construction of a six (6) storey building containing sixty-nine (69) dwellings at 13-19 Healey Street, Moorabbin, subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the amended plans prepared by Pitard Group comprising drawing no's. TP01, TP02, TP02B to TP02E, TP03, TP03A, TP04 to TP21 inclusive, TP25, TP25B, TP26C, TP26, TP26B, TP27 to TP39 inclusive, all Rev 4, dated May 2026, submitted to Council on 22 May 2026, but modified to show:
 - a. the front (southeast) setback of apartments G06 and G07 compliant with Standard BFO5 and the corresponding standard specified in Schedule 1 of the BFO of the KPS.
 - b. the rear (southwest) setback of apartment G08 compliant with Standard BFO6 and the corresponding standard specified in Schedule 1 of the BFO of the KPS.
 - c. compliance with the floor to floor heights of Standard BFO7 as specified in Schedule 1 of the BFO of the KPS.
 - d. compliance with the front wall height of Standard BFO16 as specified in Schedule 1 of the BFO of the KPS.
 - e. apartments 110, 111, 410 and 411 provided secure storage to meet the minimum total storage volume of Standard D21 at Clause 58.05-4.
 - f. the dimensions of bedrooms to apartments 302, 305, 306, 402, 405 and 406 in compliance with Standard D26 at Clause 58.07-1.
 - g. the bedrooms of apartments 307 and 407 compliant with Standard D26 at

Clause 58.05-4.

- h. the wardrobes in the accessible bedroom to apartment 507 and the secondary bedroom to apartment 508, removed from the width dimensions to comply with Standard D26 at Clause 58.05-4.
- i. the doors to hydrant booster and substation installed as flush as possible with the walls of the cabinet, exterior wall of the building, as applicable.
- j. the building entry door and side lights, clear glazed and the materials and finishes schedule updated to include this.
- k. clear line marking and appropriate signage for all allocated car parking spaces on-site, including directional line marking within the basement car park, in accordance with Design Standard 6 of Clause 52.06 of the KPS.
- l. basement ramp gradients and transition levels designed and constructed in accordance with AS2890.1: Off-Street Car Parking.
- m. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and the flood proof apex.
- n. the provision of the required flood proof apex of minimum 150mm above the existing kerb and channel invert level along the entire street frontage of the subject site.
- o. all levels on plan must be shown in Australian Height Datum (AHD).
- p. vehicle crossings must be constructed at a 90 degree alignment with the kerb on Healey Street and all internal driveways must align with the existing / proposed vehicle crossing.
- q. the internal driveway must be at least 500mm from the side boundary at the front boundary.
- r. an ESD notes section summarising all ESD objectives that are not otherwise shown and detailed on the plans, as committed to within the BESS report and SMP. This includes, but is not limited to:
 - i) WELS ratings for water fixtures and fittings.
 - ii) Water efficient landscaping requirements.
 - iii) Fire sprinkler water use reduction measures.
 - iv) 7.5 Star average NatHERS rating commitment.
 - v) Improved glazing specification - Minimum U-value of 4.35 and SHGC of 0.5.
- s. a note stating that water efficient landscaping including no irrigation system will be installed.
- t. removal of specification for irrigation system from the landscaping plan or alternatively remove this credit from the BESS assessment.
- u. the approach to collecting and re-using fire test water as per BESS credit 'Water 4.1 Building Systems Water Use Reduction.'
- v. location of indoor reverse cycle heating and cooling units in each apartment noted.
- w. an amended landscape plan in accordance with the submitted Landscape Plan prepared by John Patrick Landscape Architecture Pty Ltd, Revision A, dated

09/02/2026, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the responsible authority and incorporating:

- i) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- ii) A survey, including, botanical names of all existing trees to be removed on the site.
- iii) Deep soil areas for canopy trees to be unencumbered by decking, paved surfaces or structures.
- iv) Canopy trees to meet the minimum deep soil requirements set out in Table D3 in the SPOS of G02-G06.
- v) Climbing plant species to be planted at the base of north, east and west facing walls and in balcony planters.
- vi) Balcony planters included on further apartment balconies where appropriate.
- vii) Small canopy trees to be planted in suitably sized planters on Level 3 balconies of apartments 301, 307, 308 & 313.
- viii) All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm.
- ix) Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Protection Specifications.
- x. the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Protection Specifications.
- y. any changes as required by Condition 4.
- z. uniformity with the commitments and any changes identified within the waste management plan, required under Condition 15 of this planning permit, shown on the plans.
- aa. all relevant commitments identified within the sustainable management plan, required under Condition 17 of this planning permit, shown on plans.
- bb. all relevant commitments identified within the green travel plan, required under Condition 19 of this planning permit, shown on plans
- cc. uniformity with the commitments and any changes identified within the wind effects statement, required under condition 21 of this planning permit, shown on the plans.

Endorsed Plans

- 2. The development 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.

Tree Protection Specifications

- 4. Concurrent with the endorsement of plans, Tree Protection Specifications prepared by a suitably qualified arborist in accordance with AS4970-2025, must be submitted

to and be endorsed by the responsible authority and incorporating:

- a) Tree Protection Specifications (written report) must provide details of:
 - i) Tree protection measures that will be utilized to ensure all street trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Notional Root Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Notional Root Zone falls within the subject site.
 - ii) The location of tree protection measures to be utilized.
 - iii) A notation to refer to the Tree Protection Specifications.
5. All protection measures identified in the Tree Protection Specifications must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Protection Specifications, to the satisfaction of the responsible authority.

Street Trees

6. Council's Senior arborist must be present during the excavation of the new crossover and the City of Kingston's Vegetation Department must be contacted a minimum of 1 week prior to the excavation of the crossover for the development, notifying the Senior Arborist of the excavation date and time.
7. If the construction of the new crossover results in the necessary removal of the T1 *Callistemon viminalis* (Weeping Bottlebrush) (Asset ID. TR521129) Street Tree, the nominated removal and replacement fee must be paid by the owner/developer prior to the tree removal.
8. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
 - (a) The fencing is to be a minimum 1.8 metre high, mesh panel temporary fence on concrete bases or similar,
 - (b) The fencing is to encompass the entire nature strip with each end located outside the NRZ of each street tree.
 - (c) The fenced Tree Protection Zone is only to be accessed for maintenance purposes.
 - (d) The fencing is to encompass the entire nature strip with the north-east end 6.5 metres from the base of the T1 *Callistemon viminalis* (Weeping Bottlebrush) (Asset ID. TR521129) street tree on Healey Street and to the edge of the existing crossover at the northern end and can only be adjusted to allow for the excavation of the new crossover;
 - (e) The following notation must be included on the Landscape Plan and Ground Floor Plan:

"Notification of Council Arborist required:
A Senior Council Arborist must be present to supervise the excavation for the crossover and root pruning of the T1 *Callistemon viminalis* (Weeping Bottlebrush) (Asset ID. TR521129) street tree on Healey Street. The Vegetation Department must be contacted on 9581 4712 or 9581 4992, a minimum of 1 week prior to excavation to notify the arborist of the date and time for commencement of excavation works."

Drainage and Water Sensitive Urban Design

9. 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 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 9(a) & 9(b) 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.
10. 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 of 19.7L/sec.
 - (c) All stormwater (drainage) works must be maintained to the satisfaction of the responsible authority.
11. A flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's 'Basement Policy Guidelines'. This apex is to be minimum 150mm above the existing kerb and channel invert level along the entire road frontage of the subject site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
12. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of responsible authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.

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13. The basement structure must be designed to respond to the findings of the GAR and GMP required under condition 12 and constructed to the satisfaction of the responsible authority in accordance with the following:
 - (a) the basement must be a fully-tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basements and Deep Building Construction Policy 2014" and "Basements and Deep Building Construction Guidelines 2014", or
 - (b) in the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including AG drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.
14. In any case where the basement design and construction, as required by Conditions 12 & 13 above of this permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction and with the written consent of the responsible authority.

Waste Management Plan

15. Concurrent with the endorsement of plans, an updated Waste Management Plan (WMP) generally in accordance with the WMP prepared by Quantum Traffic, dated 16 September 2025, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority and thereafter endorsed to form part of the permit.
16. The waste management plan must be implemented to the satisfaction of the responsible authority. The waste management plan must not be modified unless with the prior written consent of the responsible authority.

Sustainable Management Plan and Green Travel Plan

17. Concurrent with the endorsement of plans required by condition 1 of this permit, Sustainable Management Plan (SMP) generally in accordance with the SMP prepared by Energy Water Environment, dated 20 January 2026, must be submitted to the satisfaction of the responsible authority and approved by the responsible authority. The SMP must be consistent with the plans endorsed under Condition 1.
18. All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the responsible authority. No alterations to the sustainable management plan may occur without the written consent of the responsible authority.
19. Prior to the endorsement of plans required under Condition 1 of this permit, a Green Travel Plan, generally in accordance with the GTP prepared by Energy Water and Environment Consulting dated 2 October 2025, must be submitted to the satisfaction of the responsible authority and approved by the responsible authority.
20. Prior to the occupation of any building approved under this permit, written confirmation from the author of the endorsed sustainable management plan and green travel plan or similarly qualified person is to be submitted to and approved by the responsible authority detailing that all of the required measures specified in the sustainable management plan and green travel plan have been implemented, to the satisfaction of the responsible authority.

Wind Effects Statement

21. Prior to the commencement of the development, a wind effects statement including wind tunnel testing, as appropriate, must be submitted to and be to the satisfaction of the responsible authority. Any recommendations made in the wind impact assessment must be implemented to reduce any adverse wind conditions in areas publicly accessible on private land, private open space and communal open space, to the satisfaction of the responsible authority. The recommendations of the statement must be implemented at no cost to the responsible authority and must not include reliance on street trees.
22. The wind effects statement must be implemented to the satisfaction of the responsible authority. The wind effects statement must not be modified unless without the written consent of the responsible authority.

Construction Management Plan

23. Prior to 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. The construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The construction management plan must specify and deal with, but is not limited to, the following elements:
 - (a) Public safety, amenity and site security.
 - (b) Traffic management.
 - (c) Stakeholder management.
 - (d) Operating hours, noise and vibration controls.
 - (e) Air quality and dust management.
 - (f) Stormwater and sediment control.
 - (g) Waste and materials re-use.

When approved, the construction management plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Infrastructure and Road Works

24. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the responsible authority, at the cost of the owner/developer.
25. Property boundary and footpath levels must not be altered without the prior written consent from the responsible authority.
26. All reinstatements and vehicle crossovers must be constructed to the satisfaction of the responsible authority.
27. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the responsible authority.
28. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the responsible authority.
29. All front and side fences must be contained wholly within the title property

boundaries of the subject land.

Residential Reticulated Gas Service Connection

30. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

General Amenity

31. 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.
32. All externally located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the responsible authority.
33. All piping, 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 of Works

34. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the responsible authority, unless with the further prior written consent of the responsible authority.
35. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority. Thereafter, the landscaping shall be maintained to the satisfaction of the responsible authority.

Permit Expiry

36. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- (a) The development is not started within three (3) years of the issue date of this permit.
 - (b) The development is not completed within five (5) years of the issue date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Cr Hill returned to the meeting at 7:18pm

FOR: Crs Athanasopoulos, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (7)

AGAINST: Crs Agirtan and Erevnidis (2)

CARRIED

Lewis Moore spoke on behalf of the applicant for item 7.3.

7.3 KP-2025/534 - 27 & 29-33 Ryans Road, Clayton South

COUNCIL RESOLUTION

Moved: Cr Athanasopoulos

Seconded: Cr O'Donnell

That Council determine to support the proposal and issue a planning permit to construct a building and carry out works (warehouse, workshop/office building, shed) at No. 27 & 29-33 Ryans Road CLAYTON SOUTH VIC 3169, 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 Evadys; TP01 Rev 1 06/11/2025, TP02 Rev 4 06/02/2026, TP03 Rev 3 20/01/2026, TP04 Rev 3 20/01/2026, TP05 Rev 2 06/11/2025, TP06 06/02/2026 & TP07 Rev 1 06/11/2025 but modified to show:
 - a) Temporary canopy structure straddling crown allotment boundary on the as built shed to be removed.
 - b) Location, size, and depth of the 40sqm raingarden.
 - c) Location, capacity and connection of the 20kL rainwater tank.
 - d) Location, size, number of panels, and inclination of the 10kW Solar PV system.
 - e) Location of 8 bicycle parking spaces and 10 lockers as committed to within the SMP.
 - f) Location of EV charging spaces.
 - g) The construction of a boundary fence along the northern boundary of the site.
 - h) A landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species be planted on the site, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained or removed on the site with a circumference at base of 110cm or greater, including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. Retention of the existing native trees, shrubs and grasses growing in the landscaped areas along the east and south boundaries of the site between the power station and Ryans and Deals Road,
 - iv. A range of plant types from ground covers to large shrubs and trees,

provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart); with the species chosen to comprise 100% indigenous plantings;

- v. Thirty-five (35) trees in total with fifteen (15) canopy trees planted along the Deals Road frontage, five (5) canopy trees planted between the Ryans Rd carpark and the Ryans Road boundary and an additional fifteen (15) canopy trees included in the perimeter landscape beds or within the site, with the species planted to be a mixture of *Eucalyptus cephalocarpa*, *Eucalyptus radiata* and *Eucalyptus viminalis* subsp. *Pryoriana*;
- vi. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm; and
- vii. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

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.

Former Landfill and Environmental Risk Assessment

- 4. Before the commencement of any buildings or works, other than works reasonably required to undertake investigations under this condition, the permit holder must engage a suitably qualified environmental professional, experienced in former landfill and contaminated land assessment, to prepare an Environmental Risk Assessment (ERA) for the site.

The ERA must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works and must assess the current environmental condition of the land and the risks to human health and the environment associated with the proposed development, including:

- a) the historical use of the land, including any former landfill operations and filling activities;
- b) the nature, extent and condition of existing fill and waste materials;
- c) any material imported, deposited or placed on the land following closure of the landfill, including filling undertaken to alter or level the land;
- d) soil and groundwater contamination;
- e) landfill gas;
- f) risks associated with excavation, piling, penetration or disturbance of fill, waste materials or any landfill cap;
- g) risks associated with construction activities, including the migration or mobilisation of contaminants or landfill gas; and

- h) risks to human health and the environment arising from the construction, occupation and ongoing use of the development.

The ERA must demonstrate, to the satisfaction of the Responsible Authority, that:

- i. all relevant environmental and human health risks associated with the development have been identified;
 - ii. those risks can be eliminated or reduced so far as reasonably practicable in accordance with the Environment Protection Act 2017 and relevant EPA guidance; and
 - iii. the site is suitable, or can be made suitable, for the proposed use and development.
5. Where the ERA identifies contamination, landfill gas, any other potentially unacceptable environmental risk, or where the nature or extent of fill or waste cannot be adequately characterised, the permit holder must obtain advice, verification or any recommendations from an environmental auditor appointed under the Environment Protection Act 2017 and provide such advice, verification or recommendations to the Responsible Authority before the commencement of the relevant buildings or works.
6. Where the ERA or environmental auditor recommends remediation, mitigation, monitoring, management, maintenance or any other environmental control measures, the permit holder must, at its cost:
- a) prepare an Environmental Management Plan (EMP), or other management document acceptable to the Responsible Authority, addressing all recommendations of the ERA and/or environmental auditor;
 - b) submit the EMP to the Responsible Authority for approval;
 - c) implement all approved measures before occupation of the development commences; and
 - d) maintain all approved measures for the duration specified in the ERA, EMP or by the environmental auditor.
7. The approved EMP and all environmental control measures required by the ERA or environmental auditor must be implemented and complied with to the satisfaction of the Responsible Authority.
8. No occupation of the development may occur until all remediation, mitigation and environmental control measures required by the approved ERA, EMP and any environmental auditor's recommendations have been completed or otherwise implemented to the satisfaction of the Responsible Authority.
9. Any monitoring, management or maintenance required by the ERA, EMP or environmental auditor must be undertaken by the permit holder for the period specified by the suitably qualified environmental professional or environmental auditor and any monitoring reports must be provided to the Responsible Authority on request.

Vegetation

10. The existing vegetation to be retained is to be isolated from construction activities by tree protection fencing consisting of 1.8 metre high, mesh panel temporary fence on concrete bases or similar, installed prior to works commencing and retained until site works are complete.

11. The fenced tree protection area is only to be accessed for maintenance purposes.

Drainage

12. 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) Prepare and submit Flood assessment report to Council satisfaction incorporating details as per below:
 - i. Flood modelling of the pre and post development scenarios incorporating the entire development site and contributing catchments is required to demonstrate that the proposal has no adverse impacts on adjoining or downstream properties;
 - ii. This assessment should be undertaken for a range of flood events, i.e. the 1% AEP, 10% AEP as well as climate change scenarios must be included. in accordance with the Melbourne Water Flood Mapping and Technical Specifications for flood mapping;
 - iii. ARR2019 inputs for rainfall, losses, and temporal patterns must be adopted;
 - iv. Both pre- and post-development scenarios must be included;
 - v. Must be based on a 2D hydraulic model (e.g. TUFLOW), with hydrology from an accepted model such as RORB;
 - vi. No adverse impact on downstream properties must be demonstrated;
 - vii. Afflux plans showing the difference in flood levels between pre- and post-development conditions must be provided;
 - viii. On-site detention or other flow control measures, where required must be provided;
 - b) Prior to submitting detailed engineering 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" and any issues identified by the flood modelling assessment as per condition a above.
 - c) The applicant is required to design and construct an outfall drain of appropriate size from the subject site to Heatherton Road Council drainage system within Deals Road reserve at their costs to Council current standards, specifications and to Council satisfaction. Payment of an engineering fee of 3.25% of the cost of the required outfall drainage within the council road reserve works must be made to Council prior to final approval of the outfall drainage works engineering design plans.
 - d) The maximum permissible site discharge for this development site via the outfall drain to Council drainage system in Heatherton Road will be 60 Litre/sec.
 - e) 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.

- f) The water sensitive urban design treatments as per conditions b & c above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
 - g) 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 and the flood modelling 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.
 - h) The detention system required on site might need to cater for 1% AEP storm event, which must be in line with flood modelling report and the stormwater strategy acceptable to Council satisfaction.
13. 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 the maximum allowable flowrate of 60L/s.
 - c) All stormwater (drainage) works must be maintained to the satisfaction of the Responsible authority.

Environmentally Sustainable Design

14. Prior to the endorsement of the plans required pursuant to condition 1 of this permit, the sustainable management plan prepared by Northern Environmental Design dated 4 February 2026 must be re-submitted and will be endorsed and form part of the endorsed plans.

General Amenity

15. 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.
16. 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:
- a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.
 - d) Drained to the satisfaction of the Responsible Authority.
 - e) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.

- f) In accordance with any Council adopted guidelines for the construction of car parks.

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

17. 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.
18. 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.
19. 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.
20. The loading and unloading of goods to and from vehicles must only be carried out on the land.
21. 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.
22. 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.
23. Construction on the site must be restricted to the following times:
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.
24. No signs or other advertising or identification may be erected or displayed on the site without written Council consent.

Traffic and Car Parking

25. All car parking space dimensions and clearance must comply with Clause 52.06, with the minimum car parking space dimension of 2.6m wide and 4.9m long.
26. The two DDA spaces provided must comply with AS/NZS 2890.6, with ramps provided where required.
27. Corner splay requirements for accessways must be maintained at all times.
28. Car parking, accessways, pedestrian access must be well lit, secure, and kept available for these purposes at all times.
29. The loading and unloading of goods to and from vehicles must only be carried out on designated areas on the land.
30. The largest vehicle that can access the site is a 26m B-Double.

Completion of Works

31. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
32. No compensation is payable for the demolition or removal of any buildings or works

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constructed under the permit in accordance with Clause 45.01-4.

Permit Expiry

33. 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:

- a) The development is not started before three (3) years from date of this permit.
- b) The development is not completed before five (5) 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 periods referred to in this condition.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

7.4 Proposed Planning Scheme Amendment C233king - Update to the Schedule to Clause 53.01

COUNCIL RESOLUTION

Moved: Cr Hill

Seconded: Cr Howe

That Council:

1. Seek authorisation from the Minister for Planning to prepare Amendment C233king to the Kingston Planning Scheme, subject to changes required by the Department of Transport and Planning; and
2. Undertake notification of Amendment C233king in accordance with conditions provided by the Department of Transport and Planning.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

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8. Community Strengthening Reports

**8.1 Response to Resolution - Notice of Motion 2/2025 - Communication Board
Trial for Community Spaces**

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Howe

That Council:

1. Note the findings of the evaluation of the Communication Boards installed at Peter Scullin Reserve and Bicentennial Park;
2. Support the retention of the existing Communication Boards at Peter Scullin Reserve and Bicentennial Park;
3. Support future Communication Board installations where a demonstrated community need is identified; and
4. Note Communication Boards will be considered as part of the developments at Namatjira Park and/or Le Page Park.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

9. Infrastructure and Open Space Reports

**9.1 Award of Contract CON-26/074 Tootal Road, Dingley Village Road
Reconstruction Dingley Arterial to McClure Road**

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Saab

That Council:

1. Note the outcome of the tender evaluation report for Contract No. 26/074 Tootal Road, Dingley Village Road Reconstruction Dingley Arterial to McClure Road;
2. Award Contract No. 26/074 Tootal Road, Dingley Village Road Reconstruction Dingley Arterial to McClure Road for the lump sum price of \$6,617,516.77(exclusive of GST) to Unyte Southern Pty Ltd; and
3. Approve the allocation of a separate contingency as described in the attached confidential Appendix 3 Tender Assessment Report, and delegate authority to the CEO or delegate to expend this allowance to ensure the successful completion of the project.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

9.2 Draft Public Lighting Policy

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Hill

That Council endorse the draft Public Lighting Policy for public consultation.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

9.3 2025/26 Capital Works Outcomes

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Hill

That Council note the outcomes of the 2025/26 Capital Works program.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

10. Customer and Corporate Support Reports

**10.1 Performance Report – Council and Wellbeing Plan Year One – Quarter Four
(April to June 2026)**

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Saab

That Council note the status and commentary for the Council & Wellbeing Plan 2025–29 Year One Annual Action Plan 2025–26 actions and strategic indicators for quarter four.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

**10.2 Performance Statement for the year ended 30 June 2026 and Governance
and Management Checklist 2025-26**

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Agirtan

That Council:

1. Note the Performance Statement for the year ended 30 June 2026 and the Governance and Management Checklist 2025-26;
2. Note the recommendation from Council's Audit & Risk Committee following its meeting on 10 September 2026;
3. Approve the Performance Statement for the year ended 30 June 2026 and the Governance and Management Checklist 2025-26 in principle as part of the Annual Report 2025-26, subject to any changes recommended or agreed to by the auditor or any changes identified by officers that are immaterial;
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 2026 and the Governance and Management Checklist 2025-26, 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 Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

10.3 Draft Councillor Social Media Guidelines

COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Kaur

That Council adopt the Councillor Social Media Guidelines.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell,
Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

10.4 Response to Resolution - Strengthening Governance Rules

COUNCIL RESOLUTION

Moved: Cr Howe

Seconded: Cr O'Donnell

That Council:

1. Note the draft Governance Rules for public consultation subject to sub-rule 30.1.1 being amended to read "signed by one Councillor"; and
2. Receive a report to consider the adoption of the final draft following the consultation period, with this report to summarise community feedback received and any subsequent amendments to the draft.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell,
Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

10.5 Audit and Risk Committee Report to Council

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr O'Donnell

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

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell,
Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

10.6 Governance and Compliance Report

COUNCIL RESOLUTION

Moved: Cr Agirtan

Seconded: Cr Howe

That Council:

1. Receive and note:
 - a) Minutes of the Audit and Risk Committee meeting held on 18 June 2026;
 - b) Informal Meetings of Councillors records for September 2026;
 - c) Councillor expenses and reimbursements for April to June 2026;
 - d) Chief Executive Officer and General Manager expenses for April to June 2026;
and
2. Adopt the following meeting dates for 2027 to be held at 7pm at the City of Kingston offices, 1230 Nepean Highway, Cheltenham:

Ordinary Council Meetings

Monday 22 February

Monday 22 March

Monday 26 April

Monday 24 May

Monday 21 June

Monday 26 July

Monday 23 August

Monday 27 September

Monday 25 October

Monday 22 November

Monday 13 December

Annual Statutory Meeting

Wednesday 10 November

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

11. Chief Finance Office Reports

11.1 Full-year Finance Report June 2026 and Financial Statements for the Year Ended 30 June 2026

Moved: Cr O'Donnell

Seconded: Cr Hill

That Council

1. Note the full year 2025/26 financial report;
2. Note the recommendation from Council's Audit and Risk Committee following its meeting on 10 September 2026;
3. Approve the Financial Statements for the year ended 30 June 2026 in principle as part of the Annual Report, subject to any changes recommended or agreed to by the auditor or any changes identified by officers that are immaterial;
4. Approve adjustment to the 2026/27 Adopted Capital Works Budget to increase the program from \$74.7 million to \$77.4 million; and reflecting the final outcome of the 2025/26 Capital Works Program in the 2025/26 Financial Statements, including approved carry overs from 2025/26, and
5. 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 2026, 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.

AMENDMENT

Moved: Cr O'Donnell

That Council:

1. Note the full year 2025/26 financial report;
2. Note the recommendation from Council's Audit and Risk Committee following its meeting on 10 September 2026;
3. Approve the Financial Statements for the year ended 30 June 2026 in principle as part of the Annual Report, subject to any changes recommended or agreed to by the auditor or any changes identified by officers that are immaterial;
4. Receive a further report to consider adjustments to the 2026/27 Adopted Capital Works Budget to increase the program from \$74.7 million to \$77.4 million; and reflecting the final outcome of the 2025/26 Capital Works Program in the 2025/26 Financial Statements, including approved carry overs from 2025/26, and
5. 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 2026, 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*.

The amendment was accepted by the Seconder to become part of the substantive motion.

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COUNCIL RESOLUTION

Moved: Cr O'Donnell

Seconded: Cr Hill

That Council:

1. Note the full year 2025/26 financial report;
2. Note the recommendation from Council's Audit and Risk Committee following its meeting on 10 September 2026;
3. Approve the Financial Statements for the year ended 30 June 2026 in principle as part of the Annual Report, subject to any changes recommended or agreed to by the auditor or any changes identified by officers that are immaterial;
4. Receive a further report to consider adjustments to the 2026/27 Adopted Capital Works Budget to increase the program from \$74.7 million to \$77.4 million; and reflecting the final outcome of the 2025/26 Capital Works Program in the 2025/26 Financial Statements, including approved carry overs from 2025/26, and
5. 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 2026, 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 Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

Cr Chris Hill declared a general conflict of interest in item 11.2 due to working in an associated industry and left the meeting at 7.57pm prior to any discussion on the matter.

11.2 Property Strategy - 14 Friendship Square, Cheltenham

COUNCIL RESOLUTION

Moved: Cr Saab

Seconded: Cr Erevnidis

That Council:

1. Note that part of the land known as 14 Friendship Square, Cheltenham has been assessed as surplus to Council's current operational requirements.
2. Note that the Section 223 process has concluded, with submissions having been considered by a Section 223 Committee comprising the Mayor, Deputy Mayor, former Chief Finance Officer Bernard Rohan and the Manager Property Services.
3. Note the feedback received through the public consultation process and recommendation to retain the land in Council ownership, having regard to:
 - the strategic value of retaining the Friendship Square precinct as a consolidated Council landholding;
 - the operational requirements of the neighbouring Scout Group, which relies on areas outside its leased premises to manoeuvre vehicles and trailers to access the Scout shed;
 - the reduced development potential and diminished strategic value that would result from subdividing and selling only part of the site;
 - the potential future need for additional community infrastructure within the Cheltenham planning area, including early years infrastructure, arts and cultural facilities and community meeting space;
 - forecast growth in demand for kindergarten services identified through the Kindergarten Infrastructure and Services Plan; and
 - the opportunity to retain flexibility for future Council service delivery, community infrastructure and precinct planning outcomes associated with the Cheltenham activity centre and broader strategic planning initiatives.
4. Approval to terminate the current holding-over occupancy arrangement with Theatrical Incorporated, providing six months' notice to vacate to allow a reasonable transition period.
5. Approval to demolish the existing former Guide Hall building, subject to funding being identified through a future budget process, and investigate future use opportunities for the site having regard to Council's strategic objectives, community infrastructure needs and long-term service planning requirements.

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Howe, Kaur, O'Donnell, Oxley and Saab (8)

AGAINST: Nil (0)

CARRIED

11.3 Property Strategy - 39 Follett Road, Cheltenham

COUNCIL RESOLUTION

Moved: Cr Erevnidis

Seconded: Cr Saab

That Council:

1. Note that 39-41 Follett Road, Cheltenham has been assessed as a strategically important community asset and should be retained in council ownership to support current and future community needs.
2. Note that submissions received through the Section 223 process demonstrated strong community support for the retention of the land for community purposes and highlighted the importance of maintaining community facilities within the Cheltenham East Precinct. Noting the importance of retaining adequate parking and access for users of the community hall.
3. Notes the substantial community interest in retaining the land, including the 51 submissions considered through the Section 223 process and the petition presented to Council opposing the proposed sale.
4. Note that the Section 223 process has concluded with 51 submissions having been considered by a Section 223 committee comprising of Mayor Georgina Oxley, Deputy Mayor Sarah O'Donnell, wattle ward Councillor Georgia Erevnidis, the Manager Property Services and the Head of Strategic Property.
5. Resolve to retain 39-41 Follett Road, Cheltenham in Council ownership and discontinue the proposed subdivision and sale process.
6. Authorise the Chief Executive Officer, or delegate, to undertake all actions necessary to give effect to Council's decision, including any new lease over 41 Follett Road, and any future license agreements for 39 Follett Road noting the matters raised in point 2.

Cr Hill returned to the meeting at 7.59pm

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

Cr Chris Howe declared a material conflict of interest in item 12.1, and that he provided written notice to the Chief Executive Officer regarding the nature of the conflict of interest in accordance with the Governance Rules, and left the meeting at 8.07pm prior to any discussion on the matter.

12. Notices of Motion

12.1 Notice of Motion No. 19/2026 - Cr Athanasopoulos - Future Delivery of Beach Maintenance within Patterson Lakes

Moved: Cr Athanasopoulos

Seconded: Cr Saab

That Council receives a report no later than 30 November 2026 regarding the future delivery of beach maintenance within the Patterson lakes waterway system, including:

1. Options to establish beach maintenance within the Patterson Lakes waterways as an ongoing municipal service of the City of Kingston, including the operational and contractual arrangements necessary to maintain the current or an improved level of service into the future.
2. Advice on the long-term arrangements required to ensure the City of Kingston retains responsibility for the delivery, oversight and quality of beach maintenance services, recognising the waterways as an important municipal asset.
3. Advice on incorporating the ongoing cost of beach maintenance into Council's recurrent operating budget as a municipal service, together with any opportunities to improve operational efficiency or obtain external funding, excluding the introduction of a special charge or similar levy on affected property owners.
4. An assessment of the current maintenance arrangements, 1 of 2 including service frequency, performance measures, contract management and opportunities to improve service delivery.
5. Options to achieve the best financial and service outcomes through contractual arrangements with Melbourne Water or another suitably qualified and equipped provider, while ensuring that the City of Kingston retains responsibility, oversight and accountability for the service.
6. Advice regarding the continued use of existing maintenance access easements along the Tidal Waterways where practical, safe and lawful to support efficient maintenance operations.
7. Opportunities to improve public access to the Patterson Lakes beaches and waterways, where practical and environmentally appropriate, recognising these areas as community assets for the enjoyment of all residents.
8. A summary of community consultation undertaken to date together with recommendations for ongoing engagement with residents regarding future maintenance and access improvements.

Cr Saab left the meeting at 8:15pm

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DEFERRAL

Moved: Cr O'Donnell

Seconded: Cr Agirtan

That Council defer this item pending a briefing to Councillors on this matter.

Cr Saab returned to the meeting at 8:17pm

FOR: Crs Agirtan, Erevnidis, Hill, Kaur, O'Donnell and Oxley (6)

AGAINST: Crs Athanasopoulos and Saab (2)

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Agirtan

Seconded: Cr Saab

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 Property Matters

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, and because it is confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (section 3(1)(a) and (h)), and
- The specified grounds apply because the property transactions involved have included confidential market testing processes and confidential Council resolutions.

14.2 CEO Employment Matters

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- The specified grounds apply because the report relates to personnel information of the Chief Executive Officer.

Cr Howe returned to the meeting at 8.29pm

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

The meeting was closed to members of the public at 8.29pm.

Moved: Cr O'Donnell

Seconded: Cr Agirtan

That the meeting be opened to members of the public

FOR: Crs Agirtan, Athanasopoulos, Erevnidis, Hill, Howe, Kaur, O'Donnell, Oxley and Saab (9)

AGAINST: Nil (0)

CARRIED

The meeting was opened to members of the public at 8.35pm.

The meeting closed at 8.35pm.