



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 14 DECEMBER 2021

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7:30pm**

Present

The Mayor, Councillor Jim Magee
Councillor Anne-Marie Cade
Councillor Margaret Esakoff
Councillor Sam Parasol
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

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The Mayor acknowledged the presence of Jamie Hyams and Noel Erlich in the gallery. Mr Hyams and Mr Erlich were both past Councillors and Mayors of Glen Eira City Council.

1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

Glen Eira City Council Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

2. APOLOGIES

A leave of absence was granted for Cr Pilling at the 23 November 2021 Ordinary Council meeting.

Moved: Cr Parasol

Seconded: Cr Zyngier

That the apology from Cr Athanasopoulos be received and noted.

CARRIED UNANIMOUSLY

3. REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA

Councillors were reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or any item that was considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors were then invited to indicate any such conflict of interest.

- Cr Esakoff - Item Number 8.12 – Tender 2022.20 Webb Street Drainage Works & Reconstruction

Procedural Motion**Moved: Cr Zmood****Seconded: Cr Zyngier**

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting; and
2. adjourns the meeting in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Wednesday 15 December 2021 at 7.30pm via livestreaming.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Parasol****Seconded: Cr Zmood**

That the minutes of the Ordinary Council Meeting held on 23 November 2021 be confirmed.

CARRIED UNANIMOUSLY**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Zyngier reported on the recent Metropolitan Local Government Waste Forum meeting.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1 ADVISORY COMMITTEE MINUTES**Moved: Cr Parasol****Seconded: Cr Zmood**

That the minutes of the Advisory Committee meetings as shown below be received and noted and that the recommendations of these Committees be adopted.

1. Open Space, Sport and Recreation Advisory Committee Meeting Minutes – 7 October 2021;
2. Sustainability Advisory Committee Meeting Minutes – 11 November 2021; and
3. Local Laws Advisory Committee Meeting Minutes - 12 November 2021

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Zhang****Seconded: Cr Zyngier**

That the Records of the Assemblies as shown below be received and noted.

1. 9 November 2021 Assembly;
2. 16 November 2021 Assembly; and
3. 23 November 2021 Pre-meeting

CARRIED UNANIMOUSLY

The Mayor advised that at this stage of the meeting, 15 minutes was allowed for public participation in accordance with Rule 30 of the Glen Eira City Council Governance Rules and guidelines.

There were 3 speakers for the public participation section of the meeting.

8. OFFICER REPORTS (AS LISTED)

8.1 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Zhang**

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY

8.2 MULTIDECK CARPARKS COMMUNITY ENGAGEMENT AND CONSULTATION

Moved: Cr Cade**Seconded: Cr Parasol**

That Council:

1. notes the feedback received from community engagement and consultation; and
2. supports proceeding to the feasibility phase of the project, which would include site investigation, due diligence, development of an early concept design and scoping development.

Procedural Motion**Moved: Cr Zyngier****Seconded: Cr Magee**

That Council grants Cr Zyngier a 3 minute extension of speaking time.

For the Motion: Crs Magee, Zhang and Zyngier (3)**Against the Motion:** Crs Esakoff, Cade, Parasol, Zmood (4)**LOST****Procedural Motion****Moved: Cr Zmood****Seconded: Cr Cade**

That Council grants Cr Esakoff a 1 minute extension of speaking time.

For the Motion: Crs Esakoff, Magee, Cade, Parasol and Zmood (5)**Against the Motion:** Crs Zhang and Zyngier (2)**CARRIED**

Procedural Motion

Moved: Cr Cade

Seconded: Cr Esakoff

That Council grants Cr Parasol a 1 minute extension of speaking time.

For the Motion: Crs Esakoff, Magee, Cade, Parasol, Zhang and Zmood (6)

Against the Motion: Cr Zyngier (1)

CARRIED

For the Motion: Crs Esakoff, Magee, Cade, Parasol, Zhang and Zmood (6)

Against the Motion: Cr Zyngier (1)

The Motion Moved by Cr Cade and Seconded by Cr Parasol was **CARRIED**

8.3 INCLUSION OF 8 TREES IN THE CLASSIFIED TREE REGISTER

Moved: Cr Zmood**Seconded: Cr Zhang**

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Group of 5 River Red Gums (*Eucalyptus camaldulensis*) located along Railway Pde, Murrumbeena Train Station Precinct, Murrumbeena – 420/CTR/2020;
 - b) English Oak (*Quercus robur*) located at EE Gunn Reserve, Ormond – 102/CTR/2021;
 - c) Manna Gum (*Eucalyptus viminalis*) located within the Horsley Street Carpark, Bentleigh – 112/CTR/2021;
 - d) River Red Gum (*Eucalyptus camaldulensis*) located along the Elster Creek Trail, Whitmuir Rd, Bentleigh – 220/CTR/2021;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in his report in the Classified Tree Register.

CARRIED UNANIMOUSLY

8.4 DOG OFF-LEASH TRIAL AREAS: COMMUNITY ENGAGEMENT AND OUTCOMES

Moved: Cr Esakoff**Seconded: Cr Zmood**

That Council:

1. notes this report and the community engagement received during the trial period;
2. endorses that the three trial dog off-leash locations be made permanent, as follows:
 - a) Implement an all-day dog off-leash area at Wattle Grove Reserve 20m south of the hit-up wall. Signage to be installed to differentiate between the dog on and off-leash areas;
 - b) Implement a timed dog off-leash area (6am – 9am) at Rosanna Street Reserve between the playground and the sensory garden. Install clear signage to indicate the time restrictions and differentiate between the dog on and off-leash areas;
 - c) Implement a timed dog off-leash area (6am – 9am) at Springthorpe Gardens. Install clear signage to indicate the time restrictions; and
3. authorises officers to undertake the necessary processes to formalise changes to dog off-leash areas, including an amendment to the Order previously made by Council on 19 May 2020 under section 26(2) of the Domestic Animals Act 1994.

CARRIED UNANIMOUSLY

8.5 SMOKE-FREE ZONES LOCAL LAW

Moved: Cr Esakoff**Seconded: Cr Cade**

That Council:

1. notes the certificate tabled under section 74(1) of the *Local Government Act 2020* that the proposed Smoke-Free Zones Local Law is consistent with the local law requirements set out in section 72 of the *Local Government Act 2020* (Attachment 1 to the report);
2. resolves, having complied with the requirements of section 73 of the *Local Government Act 2020* and having received and considered the 13 written submissions from members of the public and not for profit organisations, to make the Smoke-Free Zones Local Law (Attachment 2 to the report);
3. notes that notice of the making of the Smoke-Free Zones Local Law will be made in accordance with sections 74(4) and (5) of the *Local Government Act 2020*; and
4. notes that Council officers will write to each person who made a written submission regarding the proposed Smoke-Free Zones Local Law, informing them of Council's decision and the reasons for that decision.

CARRIED UNANIMOUSLY

8.6 PRESCRIBING SMOKE-FREE ZONES

Moved: Cr Esakoff**Seconded: Cr Cade**

That Council:

1. notes the report in Attachment 4 to this report addressing the factors in clause 9(4) of the Smoke-Free Zones Local Law that Council must have regard to when determining whether to prescribe the proposed smoke-free zones;
2. prescribes the area marked in brown for the 14 zones shown in Attachment 1 to the report. Each item in the Schedule below identifies the 14 Smoke-Free Zones, under clause 9(2) of the Smoke-Free Zones Local Law;

Schedule

| Item | Location of Smoke-Free Zone shown in Attachment 1 |
|------|---|
| 1. | Alma Village |
| 2. | Caulfield Park |
| 3. | Elsternwick |
| 4. | Caulfield South |
| 5. | Glen Huntly |
| 6. | Carnegie |
| 7. | Murrumbeena |
| 8. | Hughesdale |
| 9. | Ormond |
| 10. | McKinnon |
| 11. | Bentleigh |
| 12. | Patterson |
| 13. | Bentleigh East |
| 14. | Caulfield Station Precinct |

3. instructs officers to erect and maintain signs for the areas prescribed as smoke-free zones; and
4. informs the community of the new smoke-free zones.

CARRIED UNANIMOUSLY

8.7 SUBMISSION IN RELATION TO THE STATE GOVERNMENT DISCUSSION PAPER 'IMPROVING THE OPERATION OF RESCODE'

Moved: Cr Zhang**Seconded: Cr Zyngier**

That Council endorses the submission to the State Government Discussion Paper '*Improving the operation of ResCode*'; Attachment 1 to this report.

CARRIED UNANIMOUSLY

8.8 QUARTERLY SERVICES PERFORMANCE REPORT

Moved: Cr Zmood**Seconded: Cr Zyngier**

That Council notes the Quarterly Service Performance Report for the period ending 30 September 2021 (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.9 FEES AND CHARGES - LEASING AND LICENSING

Moved: Cr Cade**Seconded: Cr Parasol**

That Council:

1. resolves to set a minimum rental for Group 1 and Group 2 community tenants, as defined in Council's Leasing and Licensing Policy 2019 as follows:
 - a) when a new or further lease or licence commences following 1 July 2022, an annual rental commencing at \$104.00 per annum plus GST, which will thereafter increase annually by CPI.
2. resolves to set a minimum rental and include fees and charges for Group 1 and Group 2 community tenants, as defined in Council's Leasing and Licensing Policy 2019, occupying Council owned and operated premises at Moorleigh Community Village, as follows:
 - a) when a new or further lease or licence commences following 1 July 2022, an annual rental commencing at \$104.00 per annum plus GST, which will thereafter increase annually by CPI;
 - b) when a new or further lease or licence commences following 1 July 2022, pass on a proportion of utility charges to lease and licence holders based upon the area of occupation; and
 - c) when a new or further lease or licence commences following 1 July 2022, pass on 20% of maintenance and insurance costs to lease and licence holders at Moorleigh based upon the area of occupation;
3. notes that:
 - a) if the implementation of a fixed rental together with the fees and charges outlined above financially benefits a tenant, the new rental and fees and charges will apply immediately; and
 - b) subject to 3 a) above, the changes noted in Recommendation 2 above, will not occur during the period of a current lease or licence (or as outlined in Table 4), including the Option to renew, and will only be implemented when new or existing tenants enter into a lease or licence for new or continued occupation of Council owned premises.

CARRIED UNANIMOUSLY

8.10 DRAFT GLEN EIRA CITY COUNCIL SMART CITY ROADMAP

Moved: Cr Zhang**Seconded: Cr Zyngier**

That Council endorses the draft Glen Eira Smart City Roadmap (Attachment 1 to this report) for the purposes of publishing it for community feedback from 17 January until 21 February 2022.

CARRIED UNANIMOUSLY

8.11 FOUNDATION FOR YOUTH EXCELLENCE - COUNCIL RECOMMENDATIONS QUARTER 4

Moved: Cr Cade**Seconded: Cr Zhang**

That Council approves the following Foundation for Youth Excellence grants for the 4th Quarter 2021:

1. \$600 to Alisa Gimgina to compete in the Australian Gymnastics Championships in Queensland, Australia;
2. \$600 to Chelsea Whittle to compete in the Little Athletics Australia National Camp in Queensland, Australia; and
3. \$1,200 to Maia Weisinger Braun to compete in the Prix de Lausanne, Ballet competition in Montreux, Switzerland.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff declared a Material Conflict of Interest under section 128(3)(b) of the Local Government Act 2020, given a family member lives in close proximity of the contract site.

It is recorded that Cr Esakoff vacated the Chamber at 9.09pm prior to any discussion on this matter.

8.12 TENDER 2022.20 WEBB STREET DRAINAGE WORKS & RECONSTRUCTION

Moved: Cr Cade**Seconded: Cr Zmood**

That Council, having reviewed and considered the attached confidential Tender Evaluation report:

1. appoints Presta Construction Group Pty Ltd, A.C.N. 096 137 745 as the contractor under Tender number 2022.20 for an amount of \$1,160,128.30 exclusive of GST in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Chamber prior to item 8.2 and was not present when this item was considered. It is further recorded that Cr Esakoff re-entered the Chamber at 9.10pm.

8.13 TENDER 2022.55 PROVISION OF OFFICE FURNITURE

Moved: Cr Cade**Seconded: Cr Zmood**

That Council having reviewed and considered the attached confidential Tender Evaluation report:

1. appoints Eastern Commercial Furniture Pty Ltd, ACN 052 238 409 as the contractor under Tender Number 2022.55 in accordance with the schedule of rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with Section 3(1)(g) and Section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.14 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Moved: Cr Parasol**Seconded: Cr Zmood**

That Council appoints Mr Peter Swabey, Director Corporate Services to the role of Acting Chief Executive Officer for the period 5pm on Friday 17 December 2021 to 8am on Monday 3 January 2022 inclusive during the absence of the Chief Executive Officer.

CARRIED UNANIMOUSLY

8.15 REVOCATION OF POLICIES REPORT - PROJECTS AND INFRASTRUCTURE

Moved: Cr Zhang**Seconded: Cr Zyngier**

That Council endorses the revocation of the identified policies outlined in this report and shown as Attachment 1 to this report.

CARRIED UNANIMOUSLY

8.16 REVOCATION OF POLICIES - URBAN PLANNING

Moved: Cr Zhang**Seconded: Cr Zmood**

That Council:

1. revokes the policies shown in Attachment 1 to this report; and
2. adopts the amended policy shown in Attachment 2 and 3 to this report in respect of 'Administration of Planning Conferences' and 'Public Notice (Advertising) of statutory planning applications over the summer holiday period'.

CARRIED UNANIMOUSLY

8.17 COMPLAINTS HANDLING POLICY

Moved: Cr Cade**Seconded: Cr Zmood**

That Council:

1. adopts the Complaints Handling Policy as shown in Attachment 1 of this report; and
2. on the Complaints Handling Policy, as shown in Attachment 1 of this report, coming into force, the Managing Unreasonable Complainant Conduct Policy adopted by Council on 7 June 2016 is revoked.

CARRIED UNANIMOUSLY

8.18 AUDIT & RISK COMMITTEE MINUTES (26 NOVEMBER 2021)

Moved: Cr Esakoff**Seconded: Cr Parasol**

That the minutes of the Audit & Risk Committee meeting held on 26 November 2021 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

Procedural motion**Moved: Cr Zmood Seconded: Cr Cade**

The Council extends the meeting to conclude at 11pm.

CARRIED UNANIMOUSLY**9. URGENT BUSINESS - NIL****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff - Nil****10.2 Right of reply - Nil****10.3 Notice of Motion - Nil****10.4 Councillor questions****Question from Cr Esakoff to the Chief Executive Officer**

Council did make a successful application to the Federal Government in early 2020 for an increase in the total funding allocation from \$10.5m to \$18.1m. Council also made a successful application to the Federal Government for \$1m in scoping and feasibility funding for the proposed car parks in early 2021. This funding is reflected in Council's 2021/22 Budget.

This information did not appear in The Age article.

Did you provide it to The Age?

Response from the Chief Executive Officer

Thank you Cr Esakoff and yes I did on 8 December at 1:28pm. I did send an email to the reporter at the Age that pointed her to Item 10.4 in the minutes of the 31 August Ordinary Council meeting and that included those references that you just quoted from.

10.5 Written public questions to Council

1. Peter Vadiveloo – Carnegie

I am very concerned about the Federal govt plans to put a commuter carpark in Glen Eira for these reasons:

- (1) Glen Eira already has too much traffic, and such a carpark will only create more.
- (2) We are living in a climate emergency. The creation of concrete is the second largest industrial emitter of CO₂ in the world. Thus, we mustn't pour more concrete that is absolutely necessary. Indeed, whatever space was identified for the carpark should instead be used as a carbon sink, i.e., plant trees, shrubs and grasses, as these plants remove CO₂ from our atmosphere.
- (3) Studies have shown such commuter carparks are very inefficient ways to reduce traffic and emissions - they remove very few cars from the road considering the huge expense and effort required to create and maintain them.

What is the council's position of the suggested carpark?

Responses:

Council's position was resolved when Item 8.2 was discussed this evening. Council resolved to :

1. *notes the feedback received from community engagement and consultation; and*
2. *support proceeding to the feasibility phase of the project, which would include site investigation, due diligence, development of an early concept design and scoping development.*

Impact studies such as residential, traffic etc will be undertaken as part of the feasibility assessment. Concept designs will include consideration of as many sustainability initiatives and environmental benefits as possible. This is likely to include electric vehicle charging stations and the use of recycled concrete, vertical gardens, rooftop gardens and photovoltaic arrays.

2. Warren Green – Bentleigh

- a) A question to the CEO. Following on from a process that included 247 people attending meetings, 68 people participating via Have Your Say online forum and 122 written submissions, Council adopted the Planning Scheme Review Work Plan on 9th August 2016. This Work Plan included actions on structure plans, urban design frameworks, design and development overlays, parking overlays, municipal parking policy, zones, etc. An updated Planning Scheme Review Work Plan incorporating outstanding items from 2016 was adopted by Council on 16th October 2018, some three years ago.

Can you please provide an updated Work Plan for the Planning Scheme Review?

- b) A question to the CEO. Can you please provide an update on the extension of interim controls for Bentleigh for the period beyond 2021?

Responses by CEO:

- a) The Planning Scheme Review work plan was presented to Council in October 2018 and listed 35 actions. Progress is being made in accordance with the broader capacity of Council work and other current planning commitments. An update on progress on the 35 actions will be reported to Council in early 2022.

- b) An extension to the interim planning controls for Bentleigh, Carnegie and Elsternwick activity centres has been confirmed by the Minister for Planning until 30 March 2022. This extension allows for the Department of Environment, Land, Water and Planning's assessment of Council's request for an 18-month extension. I expect we will be able to update the community further on this in the new year.
-

3. Therese Green – Bentleigh

When will the Carnegie Pool be reopen and what is the full cost of the redevelopment?

Response:

At this stage, it is anticipated that the Carnegie Memorial Swimming Pool will reopen at the end of 2023. The project timeline has been impacted by the Heritage Victoria assessment which is currently in progress. The current cost estimate for the project is \$52 million and is reflected in Council's Strategic Resource Plan.

4. Susan Nolle – Caulfield

- a) Since his current election, Cr Pilling has been absent from Public Meetings as well as Council committee meetings.
- i) Please list the committee meetings Cr Pilling has missed, including the number without prior notice, as well as the dates of the Ordinary Council Meetings he has not attended.
- ii) Please also explain his now ongoing absence.
- b) Why does Council neglect its own trees while pursuing a Tree Register policy that is supposed to protect assets considered valuable to the community?
I refer specifically to the damaged and dangerous trees at Glenhuntly Reserve

Responses:

- a) Annually a minimum of 3 Councillors are appointed to each of Council's Advisory Committees. Since the election in 2020, Councillor appointments occurred at the 24 November 2020 and 3 November 2021 Council meetings. Only two Councillors are required to attend these meetings to achieve a quorum. If required, 1 Councillor may be an apology to attend to other commitments that may arise.
- Council has held a total of 23 meetings (Ordinary and Special Council) from 9 November 2020 to 23 November 2021 inclusive. Cr Pilling has been an apology at 7 of these meetings with Council receiving and noting the apology on each occasion.
- Cr Pilling is currently on a Council approved leave of absence until 26 January 2022.
- b) Council provides extensive resources within our turf and horticultural maintenance teams to protect and preserve our street and open space trees. All trees within public open space are inspected and assessed as part of a regular rolling program. Specific works are allocated based on the outcomes of these inspections. Council officers are also diligent in responding to community concerns about particular trees that pose a safety risk. The recent strong winds did create significant damage to trees in Glenhuntly Reserve. Council officers have been actively monitoring a number of trees and undertaking remedial works. It is understood that Officers have assessed the trees referenced in your question.
-

11. CONFIDENTIAL ITEMS

Nil

The Mayor wished everyone a very Merry Christmas and a prosperous and safe New Year.

12. CLOSURE OF MEETING

The meeting closed at 9.32pm.

Confirmed this 1 day of February 2022.

Chairperson.....