



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 7 JUNE 2022

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7.30pm**

Present

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

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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 – NIL**

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 Cade declared a General conflict of interest in Item Number 8.7 - Philanthropic Partnership Donation – Community Bank Caulfield Park a Branch of Bendigo Bank
- Cr Parasol declared a General Conflict of Interest in Item Number 8.7 - Philanthropic Partnership Donation – Community Bank Caulfield Park a Branch of Bendigo Bank

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

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 8 June 2022 at 7.30pm.

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

That the minutes of the Ordinary Council Meeting held on 17 May 2022 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: PLANNING SCHEME AMENDMENT AND PLANNING APPLICATION AT 113 BALACLAVA ROAD CAULFIELD NORTH**

A petition containing 33 signatures was submitted to the Council Meeting.

The petition read as follows:

'We the undersigned residents request that Council request that the Council reject any application to amend the planning scheme and allow the planning application (and amendment to the restrictive covenant) at 113 Balaclava Road Caulfield North on the following grounds:

1. A variation in the covenant to allow a property with a single dwelling covenant (being a property right that runs with the land and provides protection to beneficiaries) to carry out a development will negatively impact on the properties in the area and will significantly change the amenity of a unique part of Caulfield in a very detrimental manner.
2. Many landowners in the surrounding area purchased their home in reliance on the single dwelling covenants registered on titles which gave them protection against developments.
3. The Planning Victoria website provides that Planning Scheme amendments usually affect a large area and require a range of strategic matters to be considered. This method isn't usually used to remove covenants on individual lots at the request of the owner, unless other changes to the planning scheme (such as a rezoning of the land) are also proposed.
4. The Glen Eira Council should not proceed with any application to amend the Planning Scheme to facilitate a development on this property because if it were to do so, it would be unilaterally extinguishing property rights which have been relied upon. This would be an unfair, inappropriate and unjust process.'

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council:

1. receives and notes the petition in relation to the Planning Scheme Amendment and Planning Application at 113 Balaclava Road, Caulfield North; and
2. considers the petition in conjunction with a report being presented to a future Council meeting.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Athanasopoulos reported on a recent Metropolitan Transport Forum meeting.

Cr Zmood reported on the final Metro Waste and Resource Recovery Group meeting.

Cr Zyngier reported on a recent Eastern Alliance for Greenhouse Action (EAGA) meeting.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

That the minutes of the Advisory Committee meeting as shown below be received and noted and that the recommendations of this Committee be adopted.

1. Arts and Culture Advisory Committee Meeting Minutes – 12 May 2022

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Magee****Seconded: Cr Parasol**

That the Records of the Assemblies as shown below be received and noted with the 3 May 2022 amended to note Cr Tony Athanasopoulos entering the Assembly at 7.05pm.

1. 3 May 2022 Assembly;
2. 10 May 2022 Assembly; and
3. 17 May 2022 Pre-meeting

CARRIED UNANIMOUSLY

Public Participation

We are now at the stage of the meeting where we invite members of the community to ask a question or make a statement to Council.

There were 4 people who addressed Council.

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

That Council changes the order of business to bring forward Item 10.5 Written public questions to Council to be considered before Item 8.1 at this stage of the meeting.

CARRIED UNANIMOUSLY**10.5 Written public questions to Council**

Belinda Haydon, Max Deacon, Rosetta Manaszewicz, Paul Caine and Catherine McNaughton submitted questions to the Council Meeting. As they were not present in the Chamber at this stage of the meeting, their questions and the responses were not read out in accordance with the Local Law. A letter will be sent to each of the submitters including their questions and the responses.

1. Sally Clarke present on behalf of Krystyna Duszniak – Caulfield North

As part of the Land Management Plan (LMP) of Caulfield Racecourse Reserve, the Crown Land at the southeast Neerim Road corner is to be transformed into the "Neerim Community Hub". As part of the Plan, the Melbourne Racing Club (MRC) can at any time demolish the old stables there – no-one knows when. But there are about 60 mature, healthy trees on that site, most of them large natives, including two indigenous trees. The LMP does not make allowances for them in building of an indoor stadium and "Neerim Tunnel".

- a) What's to stop the destruction of the trees when the bulldozers come in to demolish the stables? I have nominated all these trees for the classified tree register, but this does not ensure their safety.
- b) Can Council work now to save those trees?

Response:

- a) In January 2022, the Heritage Council of Victoria imposed an Interim Protection Order (IPO) over the Caulfield Racecourse which effectively places the Racecourse on the Victorian Heritage Register on an interim basis. The IPO has recently been extended until 28 February 2023 in order to provide protection while the Heritage Council of Victoria reviews the assessment of the place for permanent inclusion on the Victorian Heritage Register. Either a permit or exemption is required from Heritage Victoria for demolition, buildings and works at the Racecourse.

This includes the removal of trees. Council will await the decision from the Heritage Council of Victoria.

As noted in an earlier Public Question this evening, the Melbourne Racing Club has submitted an application (P36648) to Heritage Victoria for buildings and works. This application is for Works Package 5 which refers to the second track and associated facilities which includes a maintenance compound. The approval for lighting for night racing will be considered separately. Other work packages focus on the northern sections and not the Neerim Rd corner to the south.

- b) Council's Classified Tree Register process currently provides an opportunity to identify and protect significant trees. Our Parks Services team has recently commenced their assessment of many of the trees in and around the former stables,

with a view to potentially including several for nomination. It is anticipated that these inspections and assessments will happen over the next 4-6 weeks.

In addition, at the May 17 Council Meeting, Council requested an officer report in relation to reviewing measures for the protection of trees and vegetation on private land. This report is currently being drafted and may provide additional options for Council to encourage tree retention at this location.

2. Felicia Birman – Caulfield North

On behalf of owners at 41 Allison Rd. I am requesting that Council address the loss of amenity we are experiencing since the upgrade of Harleston Park. We require urgent and effective amelioration of the negative impact on owners and residents including excessive noise and lack of privacy. In particular the small strip of park immediately abutting our property is being used as an off leash dog run, a run off from play areas and a thoroughfare for park users and kids on bikes instead of the pathway provided

Response:

Thank you for your question.

The upgrade to Harleston Park was undertaken to address the outdated and aging play equipment and to respond to the changing needs of the community.

The upgrade followed two rounds of extensive community consultation which influenced the final plan. Harleston Park is one of only two neighbourhood parks within Elsternwick.

We do acknowledge that an increase in the park's usage may have resulted in an increase in noise coming from the play space and other areas of the park. However we do not believe that this is at an unreasonable level.

In relation to the dog off-leash areas, this space is designated off-leash between 6am and 9am only. Signage is provided within the park to reflect this time restriction. If dog owners are exercising their dogs off-leash outside of these times, then I would encourage you to call Council to report the matter. Nevertheless, Council will ensure our Civil Compliance Officers are monitoring the location.

3. Felicity Childs – Carnegie

Has the Council has made any submissions to the Victorian Heritage Council in relation to develop the Caulfield Race track and is the Council intending to make a submission to Victorian Heritage Commission in response to MRC's recent application on 1 June for permits to commence significant works that nominate the removal of 39 significant mature trees such as Ilawarra Flames, Native Tulip, Pines that have been described in an extensive MRC commissioned report from Heritage Architects Lovell Chen as ' a Heritage aspect of the Caulfield Racetrack in part because of the 'significant amenity they provide for the public'

Response:

Council has received the application documentation from Heritage Victoria and is currently assessing the proposal. Council will make a submission in relation to this proposal, however at present, details of the submission have not been finalised.

4. Sue Nolle – Caulfield

The mature trees along Caulfield Racecourse's western border provide shade across the entire width of Queens Avenue in mid-summer and substantially cool the road's bitumen surface.

Removing the trees would result in the 'no-brainer' fact that the bitumen road surface would heat and soften on days of extreme heat. Furthermore, the stored heat radiating from the road would increase the already high air temperature - to the detriment of motorists, cyclists, other passers-by AND the nearby residents whose homes benefit from the existing trees' shade.

My question has two parts:

- a) What is the average difference in bitumen temperatures between shaded and unshaded bitumen roads when summer temperatures increase to above 35 degrees Celsius? and
- b) By how much would this increase the ambient temperature?

Response:

- a) The latest research into this topic has suggested that connected tree canopies provide shading which reduce the temperatures that impact what is termed the urban heat island. Therefore, shading, vegetation or water features in an urban area has been shown to reduce localised ambient temperatures by 5-10 degrees on average.
- b) Responding to this question from a generalised perspective. Studies relating to vulnerability associated with urban heat island effect take into account a range of social factors as well as local environmental factors, therefore the impact on home owners would be difficult to answer specifically.

Nevertheless, through Council's Climate Emergency Response Strategy 2021-2025, Council has committed to supporting residents and businesses to insulate themselves against climate change impacts as well as increasing green spaces across the municipality to reduce the risks associated with increasing temperatures.

5. Sue Nolle – Caulfield

Queens Avenue Vegetation - The differing tree species and several self-sown shrubs that grow on public land, alongside Caulfield Racecourse's eastern boundary, provide shade for a grassy verge to grow untended. A single-width walking path has been created by occasional foot traffic. This, albeit narrow, corridor of trees and grass, nestled between a corrugated metal fence and an increasingly busy arterial road, is, likely, home to birds, marsupials and the insects that are essential for these creatures' survival. I note that there are no exotic, Canary Island palms amongst this vegetation, to be home to vermin such as rats.

What is Council's Policy on maintaining not only remnant indigenous vegetation but also its commitment to caring for and enhancing wildlife corridors in our municipality?

Response:

Council's Urban Forest Strategy (UFS) identifies that trees are valuable to everyone in the city.

The UFS also identifies that Glen Eira's biodiversity includes a diverse range of organisms, from insects and small mammals and birds. It also identifies that there is a lack of natural ecosystems in Glen Eira and much of the municipality is covered with artificial environments such as buildings and gardens.

Actions Council has identified in the UFS associated with caring for and enhancing wildlife corridors are to:

- Continue to expand on the identification of planting sites within Glen Eira to enable increased tree planting across the city (streets, parks, public space).
- Protect existing understory plantings in parks, streetscapes and identified corridors, where possible to improve biodiversity and strengthen native vegetation patches through more plantings.
- Create new biodiversity corridors, using vegetation planted in streets and public space to link larger natural areas.

In 2021/22 Council has introduced several hundred native trees in parks across the city and is currently preparing several understory (biodiversity) planting sites across the city for the planting of several thousand tube stock.

Numerous projects such as these are proposed to continue across the City, as part of Council's long term commitment to caring for and re-establishing important wildlife corridors across Glen Eira.

8. OFFICER REPORTS (AS LISTED)

**8.1 COMMUNITY FEEDBACK & SUBMISSIONS
(PROPOSED BUDGET, FINANCIAL PLAN AND REVENUE & RATING PLAN)**

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

That Council receives and notes the community feedback and submissions on the proposed 2022-23 Budget, the 2022-23 to 2031-32 Long-Term Financial Plan and the 2022-23 to 2025-26 Revenue and Rating Plan.

CARRIED UNANIMOUSLY

8.2 VCAT WATCH

Moved: Cr Zyngier**Seconded: Cr Cade**

That Council notes the update on Victorian Civil and Administrative Tribunal matters.

CARRIED UNANIMOUSLY

**8.3 CAULFIELD RACECOURSE INCORPORATED DOCUMENT WORK PACKAGES
3-5**

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

That Council approves the following plans:

1. Second Track Civil Drawings, dated 17 February 2022, prepared by Dalton Consulting Engineers; and
2. Maintenance Compound Plans dated 2 May 2022, prepared by Bayley Ward.

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

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

CARRIED UNANIMOUSLY**For the Motion:** Crs Athanasopoulos, Esakoff, Magee, Cade, Parasol and Zhang (6)**Against the Motion:** Crs Zmood, Zyngier and Pennicuik (3)**CARRIED**

**8.4 ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS
PLANNING SCHEME AMENDMENT C244**

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

That Council:

1. endorses the amendment documentation as outlined in Attachment 1 to the report;
2. authorises the Director Planning, Place and Sustainability to sign the Memorandum of Understanding to enter into Stage 2 of the Elevating ESD Targets Planning Policy Project;
3. seeks authorisation from the Minister for Planning to prepare Amendment C244glen to the Glen Eira Planning Scheme under sections 8A and 8B of the *Planning and Environment Act 1987*;
4. requests that the Minister for Planning establish an advisory committee to advise on the ESD project in accordance with Section 151 of the *Planning and Environment Act 1987*;
5. authorises the Manager City Futures to undertake all changes to the amendment documentation or to provide guidance to any advisory committee established by the Minister for Planning in accordance with Council's resolution and to make any administrative changes required where changes do not affect the purpose or intent of the adopted amendment; and
6. supports the letter to the Minister for Planning and Housing, Minister for Energy, Environment and Climate Change, and Minister for Local Government and Suburban Development, as shown in Attachment 2, which outlines the benefits to the community of introducing zero-carbon-focused and elevated ESD planning policy into the Planning Scheme, and how this Amendment should be adopted as part of the State Government's environmentally sustainable development planning reforms.

CARRIED UNANIMOUSLY

8.5 BOYD PARK PLAYGROUND UPGRADE

Moved: Cr Athanasopoulos**Seconded: Cr Esakoff**

That Council:

1. notes the community feedback received through the engagement period; and
2. endorses the playground design (attachment 1 to the report); and
3. authorises officers to commence detailed design.

CARRIED UNANIMOUSLY

8.6 INCLUSION OF 6 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) Norfolk Island Pine (*Araucaria heterophylla*) located at 35 Royal Ave, Glen Huntly – 148/CTR/2021;
 - b) Southern Mahogany (*Eucalyptus botryoides*) located at 1 Wahgoo Rd, Carnegie – 160/CTR/2021;
 - c) Blue Gum (*Eucalyptus botryoides*) located at 2 Yawla St, Bentleigh – 164/CTR/2021;
 - d) Liquidambar (*Liquidambar styraciflua*) located at 8 Brennan St, McKinnon – 168/CTR/2021;
 - e) Copper Beech (*Fagus sylvatica* 'purpurea') located at 48 Elster Ave, Elsternwick – 207/CTR/2021
 - f) Southern Mahogany (*Eucalyptus botryoides*) located at Lord Reserve, Carnegie – 405/CTR/2022;
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 this report in the Classified Tree Register.

CARRIED UNANIMOUSLY

It is recorded that Cr Cade declared a General Conflict of Interest in Item 8.7 – Philanthropic Partnership Donation – Community Bank Caulfield Park, a Branch of Bendigo Bank given she is a Director of the Caulfield Community Bank – Bendigo Bank.

It is recorded that Cr Cade vacated the Chamber at 9:09pm prior to any discussion on this matter.

It is recorded that Cr Parasol declared a General Conflict of Interest in Item 8.7 – Philanthropic Partnership Donation – Community Bank Caulfield Park, a Branch of Bendigo Bank given she is a Director of the Caulfield Community Bank – Bendigo Bank given he is a Director of the Caulfield Community Bank – Bendigo Bank.

It is recorded that Cr Parasol vacated the Chamber at 9:09pm prior to any discussion on this matter.

8.7 PHILANTHROPIC PARTNERSHIP DONATION - COMMUNITY BANK CAULFIELD PARK A BRANCH OF BENDIGO BANK

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council:

1. accepts the donation offer of \$90,000 plus GST from the Community Bank Caulfield Park (a Branch of Bendigo Bank);
2. writes to the Community Bank Caulfield Park (a Branch of Bendigo Bank) advising of Council's decision;
3. authorises the Director Community Assets and Leisure to finalise the Partnership Agreement with the Community Bank Caulfield Park (a Branch of Bendigo Bank); and
4. publishes the conditions of the Partnership Agreement on Council's website within 30 days of execution of the written agreement.

CARRIED UNANIMOUSLY

It is recorded that Cr Cade and Cr Parasol left the meeting prior to item 8.7 and were not present when this item was considered.

It is further recorded that Cr Cade and Cr Parasol re-entered the virtual meeting at 9.15pm.

8.8 COMMUNITY SAFETY PLAN 2022-2025

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

That Council endorses the *Glen Eira Community Safety Plan 2022-2025* (Attachment 1 to the report).

CARRIED UNANIMOUSLY

8.9 ROOMING HOUSES SUBMISSION TO THE COMMISSIONER FOR RESIDENTIAL TENANCIES

Moved: Cr Zhang**Seconded: Cr Esakoff**

That Council:

1. notes the *Glen Eira City Council Submission to the Commissioner for Residential Tenancies Rooming Houses Lived-Experience Project* (Attachment 1 to the report); and
2. provides a copy of the *Glen Eira City Council Submission to the Commissioner for Residential Tenancies Rooming Houses Lived-Experience Project* to local State Members of Parliament and relevant State Government Ministers reiterating Council's call for legislative and policy reform from the State Government to improve arrangements for the monitoring and control of standards for rooming houses through the establishment of a single agency.

CARRIED UNANIMOUSLY

8.10 CHILDREN'S SERVICES LEASES

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

That Council:

1. authorises officers to finalise the terms of, and enter into, standard community leases with:
 - a) Glen Eira Kindergarten Association Incorporated A0056608F,
 - b) The Bentleigh West Kindergarten Incorporated A0010519M,
 - c) Ormond Community Kindergarten Incorporated A0016208L and
 - d) East Bentleigh Child Care Centre Association Incorporated A0006269Wfor an initial term of three (3) years plus two further options of three (3) years each, at a starting rental of \$104.00 per annum plus GST, increasing annually by the Melbourne Consumer Price Index (CPI);
2. authorises officers to finalise the terms of a Service Level Agreement to be included within each lease as appropriate; and
3. executes all leases in an appropriate manner by affixing the common Seal of Council.

CARRIED UNANIMOUSLY

8.11 TENDER 2022.169 SUPPLY AND DELIVERY OF READY MADE MEALS (MEALS ON WHEELS)

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

That Council having reviewed and considered the confidential Tender Evaluation Report (attachment 1 to this report):

1. appoints **Ranahans Pty Ltd, A.C.N. 051 653 948** as the contractor under Tender number 2022.169 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

8.12 ARTS AND CULTURE ADVISORY COMMITTEE - ENDORSE COMMUNITY REPRESENTATIVES

Moved: Cr Esakoff**Seconded: Cr Zhang**

That Council:

1. appoints the following as community representatives to Council's Arts and Culture Advisory Committee for a two-year period:
 - Louis Balis
 - Jytte Holmqvist
 - Kathleen Plastow
2. writes to the successful applicants congratulating them on their appointment; and
3. writes to the unsuccessful applicants thanking them for their applications.

CARRIED UNANIMOUSLY

8.13 AUDIT & RISK COMMITTEE MINUTES (27 MAY 2022)

Moved: Cr Parasol**Seconded: Cr Magee**

That the minutes of the Audit & Risk Committee meeting held on 27 May 2022 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

8.14 REMUNERATION OF AUDIT & RISK COMMITTEE MEMBERS

Moved: Cr Parasol**Seconded: Cr Magee**

That effective from 1 July 2022, Council adopts the following rates for the Audit and Risk Committee Members:

- Chairperson - \$10,973 p.a. (exc. GST); and
- Independent Member - \$9,387 p.a. (exc. GST).

CARRIED UNANIMOUSLY

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

That Council extends the meeting to conclude at 11pm.

CARRIED UNANIMOUSLY

8.15 COUNCILLOR CIVIC SUPPORT AND EXPENSES POLICY

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

That Council endorses the reviewed Councillor Civic Support and Expenses Policy ('Policy') dated 7 June 2022 (Attachment 1 to the report).

CARRIED UNANIMOUSLY

8.16 LIBRARIES, ARTS AND CULTURE POLICIES - POLICY UPDATES

Moved: Cr Athanasopoulos**Seconded: Cr Cade**

That Council adopts the reviewed and amended policies listed below:

- a) Eligibility for Home Library Service Policy (Attachment 2 to the report);
- b) Eligibility for Membership and Use of Libraries Policy (Attachment 4 to the report);
- c) Libraries PC and Internet Access and Use (Attachment 6 to the report);
- d) Libraries Service Collections Policy (Attachment 8 to the report);
- e) Libraries Fees and Payment of Charges (Attachment 10 to the report);
- f) History and Heritage Collection Policy (Attachment 12 to the report);
- g) Art Collection Policy (Attachment 14 to the report); and,
- h) Arts and Culture Events Ticketing Policy (Attachment 16 to the report).

CARRIED UNANIMOUSLY

8.17 COMMUNITY SAFETY AND COMPLIANCE POLICY REVIEW

Moved: Cr Zhang**Seconded: Cr Pennicuik**

That Council:

1. endorses the reviewed 3 policies listed below and attached to the report:
 - a) Car Share Policy (Attachment 1 to the report);
 - b) Prosecution Policy (Attachment 2 to the report); and
 - c) Destruction of Dogs Policy (Attachment 3 to the report).
2. revokes the following 7 policies listed below and attached to the report:
 - a) Inspection and Registration Fees Policy (Attachment 7 to the report);
 - b) Infectious Diseases Policy (Attachment 8 to the report);
 - c) Mobile and Temporary Food Premises Policy (Attachment 9 to the report);
 - d) Penalty Infringement Notice – Food Act 1984 (Attachment 10 to the report);
 - e) Seizure, Written Orders and Prosecutions Policy (Attachment 11 to the report);
 - f) On-Site Waste Water Management Systems Policy (Attachment 12 to the report); and
 - g) Public Health Nuisance Policy (Attachment 13 to the report).

CARRIED UNANIMOUSLY

8.18 LEASE OF 15 PORTER ROAD, BENTLEIGH

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

That Council:

1. authorises officers to finalise the terms of a residential lease and any subsequent renewals thereof, for the Council property at 15 Porter Road, Bentleigh until the future redevelopment of the property is known;
2. executes the above lease, any renewal of lease or any subsequent new lease in an appropriate manner by affixing the Council Seal;
3. executes an Authority to Act with White Ray Oakleigh, trading as Ray White Oakleigh (ABN 65 684 826 422) as the Managing Agent acting on behalf of Council, in an appropriate manner including affixing the Council Seal if so required; and
4. executes any other documents that may be required to facilitate the lease of 15 Porter Road, Bentleigh in an appropriate manner including affixing the Council Seal if so required.

CARRIED UNANIMOUSLY

8.19 DELEGATIONS REVIEW AND UPDATE

Moved: Cr Zhang**Seconded: Cr Esakoff**

That Council resolves that:

1. the instrument of delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report is approved;
2. in the exercise of the power conferred by s11(1)(b) of the *Local Government Act 2020* (Vic), there be delegated to the person holding the position, or acting in or performing the duties of Chief Executive Officer, the powers duties and functions set out in the CEO delegations, subject to the conditions and limitations specified in that instrument;
3. the amendments to the Instrument of Delegation under the *Planning and Environment Act 1987* (Vic) (**planning delegations**) in Attachment 2 to this report are approved and adopted;
4. the amendments to the Instrument of Delegation under other legislation (**other delegations**) in Attachment 3 to this report are approved and adopted;
5. relevant Council staff be delegated the powers, duties and functions, as set out in the planning delegations and other delegations, subject to the specified conditions and limitations specified in those instruments;
6. the CEO delegations, planning delegations and other delegations (as amended) come into effect immediately after the passing of this Council resolution;
7. clean versions of the CEO delegations, planning delegations and other delegations (as amended) be published on Council's website; and
8. on the coming into force of the CEO delegations, planning delegations and other delegations, the Instrument of Delegation to the Chief Executive Officer approved on 3 November 2021, the Instrument of Delegation to Council staff under the *Planning and Environment Act 1987* approved on 3 November 2021, and the Instrument of Delegation to Council staff under various legislation approved on 3 November 2021 are revoked.

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 - Nil

10.5 Written public questions to Council

This item was dealt with at an earlier stage of the meeting.

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 9.56pm.

Confirmed this 28 day of June 2022

Chairperson.....