



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**

**THURSDAY 13 APRIL 2023**

**MINUTES**

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

Present

The Deputy Mayor, Councillor Anne-Marie Cade  
Councillor Tony Athanasopoulos  
Councillor Margaret Esakoff  
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

**Moved: Cr Zyngier**

**Seconded: Cr Pennicuik**

That the apology from Mayor, Cr Magee and Cr Parasol be received and noted.

**CARRIED UNANIMOUSLY**

Cr Esakoff was absent at the time of the vote.

## 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 Pennicuik - Item Number 8.5 – Inclusion of 4 Trees in the Classified Tree Register
- Cr Pennicuik - Item Number 11.1 – Confidential Items – Citizen of the Year awards 2023 (Sustainability Awards)
- Cr Zyngier - Item Number 11.1 – Confidential Items – Citizen of the Year awards 2023 (Sustainability Awards)

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

That Council:

1. where meetings are held in-person, can continue the meeting if the livestream of the meeting fails as stated in the governance rules;
2. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem where a Councillor is participating virtually; and
3. where a Councillor is participating virtually and the meeting cannot be resumed within 30 minutes from the commencement of the technical problem, the meeting is to be reconvened on Monday 17 April 2023 at 5.30pm.

**CARRIED UNANIMOUSLY**

Cr Esakoff was absent at the time of the vote.

**Public Participation**

Tonight we have 4 public participants

*7.45pm - Cr Esakoff has arrived at the Council Chambers***Procedural Motion****Moved: Cr Cade****Seconded: Cr Zyngier**

That Council bring forward Item 10.5 – Written Public Questions to Council, to be heard at this stage of the meeting.

**CARRIED UNANIMOUSLY****10.5 Written Public Questions to Council****Question 1 – *Francoise Tran, Murrumbena***

Under the Governance Rules of Glen Eira city council and under the related Guidelines, Rate Payers can submit to Council written questions sent until midday of the working day prior to any Ordinary council meeting. In addition to this method, Council provides the community with a forum to directly ask orally brief questions or make statements relating to Council's role, functions or business. To be able to directly address questions to the Council in this forum a Request form is available at 7pm prior to the start of each ordinary council session.

Can the Council inform the community and communicate in your next Glen-Eira news magazine about this option available and unknown from most of the rate payers and correct the mistake on the Public Participation Request Form referring wrongly to section 30 of your Guidelines instead of section 31?

**Answer:**

Glen Eira City Council's meeting procedures in relation to public participation are documented in the Governance Rules and Meeting Procedure Local Law. Both documents are available on Council's website. The Governance Rules were adopted at the 30 August 2022 Ordinary Council Meeting following a four-week community consultation period which ran from 20 July 2022 until 17 August 2022.

Public Participation Request Forms are readily available on Council Meeting nights in the Council Chamber. Council is happy to provide a reminder to the community via the Glen Eira News about the opportunity for the community to participate in public participation at Ordinary Council Meetings.

Thank you for bringing the incorrect referencing of the Section of the Guidelines on the Public Participation Form to our attention. The form has been updated to reflect the adopted Governance Rules which changed the number sequence from Section 30 to Section 31.

**Question 2 – *Francoise Tran, Murrumbeena***

Is the Council of Glen Eira operating under confidentiality or legal privilege regarding some matters related to commercial operators and/ or Telecommunications operators?

**Answer:**

When Council engages the services of a commercial operator or telecommunication provider, then under Council's Procurement Policy, Council is required to execute a legally binding contract with the commercial operator or telecommunications provider. Commercial and legal discussions, claims or disputes, during the formation of this procurement contract, up to the point of execution, are usually covered by confidentiality requirements (either under the contract itself or under the requirements of the Local Government Act (Vic) 2020). Once the contract is executed, members of the public may make enquiries on Council, including through Freedom of Information (FOI) legislation, to request access to documents relating to the contract. During the management of the contract and through to termination, any commercial or legal dealings will be covered by the confidentiality requirements of the contract in place with that telecommunication provider. Any legal advice obtained by Council in relation to legal matters pertaining to the contract may also be subject to Legal Professional Privilege. Again, requests for documents can be made to Council directly or through FOI legislation.

As to any general communications and dealings between Council and a commercial operator or telecommunication providers, the extent of any confidentiality will be determined by the context of those dealings and communications, any other relevant statutory requirements and the agreement between Council and the commercial operator or telecommunication provider as to the

nature of those dealings or information sharing arrangements. Again, documents relating to any such arrangements can be requested directly or through the FOI legislation.

**Question 3 – Lisa Reynolds, Carnegie**

What is the annual cost for Glen Eira Council to be a member of the Municipal Association of Victoria?

**Answer:**

The Municipal Association of Victoria (MAV) is the peak advocacy body for local government in Victoria. It represents, advocates for, and promotes local government and community issues relevant to the role of local government.

As a member of the MAV, Glen Eira helps to shape and influence the MAV's priorities. Council's annual MAV membership rate for 2022—23 is \$63,175 (net of GST).

**Question 4 – Lisa Reynolds, Carnegie**

Apart from membership, does the Council make payments to or receive any funds from the Municipal Association of Victoria and if so, what is the nature or extent of the payments made or funds received?

**Answer:**

Council does not receive payments from the Municipal Association of Victoria. The membership rate includes a certain amount of credit towards professional development programs. Where that credit is exhausted, Council will pay attendance rates. These rates will vary from year to year.

The MAV is also a coordinating body for other specialist advocacy or partnership based working groups that are optional extras to the annual MAV membership. Through participation in these initiatives Council can leverage off the strength of the sector, avoiding the need to duplicate effort or resources locally. Examples of this include:

- Council Alliance for a Sustainable Built Environment;
- Elevating ESD Targets Setting Project;
- Local Government Spatial Reference Group;
- Contract Management Training; and
- MAV Technology and annual conference.

Expenditure for the financial year 2022—23, not including the membership rate, is \$45,780 (net of GST) to date.

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Esakoff****Seconded: Cr Pennicuik**

That the minutes of the Ordinary Council Meeting held on 21 March 2023 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 JOINT LETTER: OVER 50S DANCE GROUP INC. – AUDITORIUM USE****Moved: Cr Cade****Seconded: Cr Esakoff**

That Council:

1. receives this joint letter; and
2. refers this to the relevant member of Council staff for appropriate action and response.

**CARRIED UNANIMOUSLY**

**Glen Eira City Council Statement read by Deputy Mayor, Cr Cade relating to Item 5.1**

I'd like to thank the Over 50s Dance Club for their joint letter and wanted to reassure you that Council is committed to supporting our senior's community groups.

At the moment, we do so by offering a diverse range of services, active ageing programs, seniors' events and access to high quality facilities. As part of this support, seniors' groups can use our six Senior Citizens Centres across the municipality at low cost and can join our Seniors Program.

Council policies and guidelines ensure that all Glen Eira community groups, including seniors' groups, are treated fairly, consistently, and in a transparent manner, when using our buildings and facilities. This includes the usage fees that apply to groups wishing to use the Town Hall Auditorium.

With Glen Eira's growing ageing population, officers are currently updating Council policies that relate to seniors' groups, with an intention of expanding their access to a wider range of facilities along similar lines to its senior citizens centres. This will build on Council's commitment to supporting our diverse range of senior's community groups.

This policy update will also benefit the Over 50s Dance Club and support its continued, low cost use of the Town Hall Auditorium into the future. Whilst being fifty years of age is typically not considered to be of 'seniors' classification, it is understood that the majority of members are over 65 years of age.

I'm pleased to let you know that the Over 50s Dance Club can continue dancing in the Town Hall Auditorium on Mondays whilst the policy update is underway and resolved by Council.



**6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**

Nil

**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY**

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**7.1 Advisory Committees**

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**7.1.1 ADVISORY COMMITTEE MINUTES**

**Moved: Cr Pennicuik**

**Seconded: Cr Zhang**

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. Community Grants Advisory Committee Minutes 7 March 2023.

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

**Moved: Cr Esakoff**

**Seconded: Cr Pennicuik**

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

1. 7 March 2023 Assembly;
2. 14 March 2023 Assembly;
3. 21 March 2023 Pre-meeting; and
4. 23 March 2023 Assembly.

**CARRIED UNANIMOUSLY**

**8. OFFICER REPORTS (AS LISTED)**

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**8.1 DRAFT ELSTERNWICK STRUCTURE PLAN 2022 - COMMUNITY ENGAGEMENT**

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**Moved: Cr Zyngier****Seconded: Cr Athanasopoulos**

That Council notes the community feedback in the Community Engagement Report for the draft *Elsternwick Structure Plan 2022* (Attachment 1).

**CARRIED UNANIMOUSLY**

**Extension of speaking time****Moved: Cr Cade****Seconded: Cr Esakoff**

That Cr Zyngier be granted a one minute extension of speaking time.

**CARRIED UNANIMOUSLY**

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**8.2 PHILANTHROPIC PARTNERSHIP DONATION OFFER - BENDIGO BANK CAULFIELD PARK**

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

That Council:

1. accepts the donation offer of \$5,000 from the Community Bank Caulfield Park
2. writes to the Community Bank Caulfield Park advising of Council's decision
3. authorises the Director Community Wellbeing to finalise the Partnership Agreement with the Community Bank Caulfield Park
4. publishes the conditions of the Partnership Agreement on Council's website within 30 days of execution of the written agreement.

**CARRIED UNANIMOUSLY**

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**8.3 VCAT WATCH**

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**Moved: Cr Esakoff****Seconded: Cr Zyngier**

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

**CARRIED UNANIMOUSLY**

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**8.4 FINANCIAL MANAGEMENT REPORT (28 FEBRUARY 2023)**

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**Moved: Cr Pennicuik****Seconded: Cr Zyngier**

That Council notes the Financial Management Report for the period ending 28 February 2023.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Pennicuik vacated the Chamber at 8:29pm.*

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**8.5 INCLUSION OF 4 TREES IN THE CLASSIFIED TREE REGISTER**

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**Moved: Cr Zyngier****Seconded: Cr Athanasopoulos**

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) Southern Mahogany (*Eucalyptus botryoides*) located at 6 Tennyson Ave, Caulfield North – 123/CTR/2021;
  - b) Lemon Scented Gum (*Corymbia citriodora*) located at 25 Beech St, Caulfield South – 137/CTR/2021;
  - c) Spotted Gum (*Corymbia maculata*) located at 509 Glen Huntly Rd, Elsternwick – 296/CTR/2021;
  - d) Sydney Blue Gum (*Eucalyptus saligna*) located 509 Glen Huntly Rd, Elsternwick – 296/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 this report in the Classified Tree Register.

5. That Council commits to reassessing the tree at 6 Tennyson Ave (Southern Mahogany - *Eucalyptus botryoides* 123/CTR/2021) in two years' time as per the Homewood Consulting tree risk assessment report.

For the Motion: Crs Athanasopoulos, Zhang and Zyngier (3)

Against the Motion: Crs Esakoff and Cade (2)

Abstained: Cr Zmood (1)

Casting vote by Chair - Against

**FAILED**

Cr Pennicuik was absent at the time of the vote.

8.5

**Alternate Recommendation**

**Moved: Cr Cade**

**Seconded: Cr Esakoff**

That :

1. includes the following trees in the Classified Tree Register:
  - a) Lemon Scented Gum (*Corymbia citriodora*) located at 25 Beech St, Caulfield South – 137/CTR/2021;
  - b) Spotted Gum (*Corymbia maculata*) located at 509 Glen Huntly Rd, Elsternwick – 296/CTR/2021;
  - c) Sydney Blue Gum (*Eucalyptus saligna*) located 509 Glen Huntly Rd, Elsternwick – 296/CTR/2021;
2. does not include following tree in the Classified Tree Register:
  - a) the Southern Mahogany (*Eucalyptus botryoides*) located at 6 Tennyson Ave, Caulfield North – 123/CTR/2021;
3. notifies each person who nominated a tree detailed in this report;
4. notifies all relevant landholders of the trees detailed in this report; and
5. 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**

Cr Pennicuik was absent at the time of the vote.

*It is recorded that Cr Athanasopoulos vacated the Chamber at 8:55pm.*

*It is recorded that Cr Pennicuik entered the Chamber at 8:55pm.*

**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**

Nil

**11. CONFIDENTIAL ITEMS**

**Moved: Cr Cade**

**Seconded: Cr Zyngier**

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

**11.1 Citizen of the Year Awards 2023**

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
- as the report contains personal information of the nominees for the community awards

**CARRIED UNANIMOUSLY**

**Enter Closed Session**

**Moved: Cr Cade**

**Seconded: Cr Zyngier**

That Council:

1. disables the livestream; and
2. resolves to move this Ordinary Council Meeting in-camera with the meeting closed to members of the public.

**CARRIED UNANIMOUSLY**

**12. CLOSURE OF MEETING**

The meeting closed at 9.01pm.

Confirmed this 2 May 2023 Ordinary Council Meeting

**Chairperson.....**