



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

**TUESDAY 23 MAY 2023**

**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.

Nil

### Procedural Motion

**Moved: Cr Magee**

**Seconded: Cr Zmood**

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 Wednesday 24 May 2023 at 7.30pm.

**CARRIED UNANIMOUSLY**

**Public Participation**

This evening there were no valid submissions received

**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 heard at this stage of the meeting.

**CARRIED UNANIMOUSLY**

**10.5 Written public questions to Council**

<p><b>Gerald Sherry</b> Caulfield East</p>	<p><b>Question 1:</b></p> <p>MRC to relocate the existing Glasshouse venue to a site on crown land near the corner of Queens Avenue and Normanby Road, what powers do the Council have to: (a) Refuse any vehicle access or exit to the venue from the current gate located on Queens Avenue? (b) Impose a condition that a curfew be placed on the entry or exit times for vehicles using the Queens Avenue gate?</p> <p><b>Answer:</b></p> <p>Council officers have not yet undertaken an assessment of the merits of the planning permit application for the relocation of the Glasshouse venue. It is expected that a recommendation will be considered by Council at the Ordinary Council Meeting on 4 July 2023. The assessment will consider the suitability of the vehicle access and egress arrangements and whether it is functional, safe and does not unreasonably impact upon the amenity of the surrounding area.</p>
<p><b>Tamara de Silva</b> Caulfield East</p>	<p><b>Question 2:</b></p> <p>The Guineas Car Park and space at Eastern end of the course were counted in Condition 7-Traffic Statement to satisfy the racecourse re-development by Glen Eira Council. Are you aware that the Urbis report states INCORRECTLY that it was not counted?</p> <p><b>Answer:</b></p> <p>Council officers have not yet undertaken an assessment of the merits of the planning permit application for the relocation of the Glasshouse venue. It is expected that a recommendation will be considered by Council at the Ordinary Council Meeting on 4 July 2023. The assessment will consider the suitability of the car parking for the Glasshouse venue and the interplay of car parking that is required to be provided more broadly at the racecourse.</p>

<p><b>Tamara de Silva</b> Caulfield East</p>	<p><b>Question 3:</b></p> <p>The current planning application intends to use this same parcel of land for the new Glasshouse. Was Council aware of this double counting of land? What is the impact on this planning application?</p> <p><b>Answer:</b></p> <p>The assessment of the planning permit application will consider the suitability of the car parking for the Glasshouse venue and the interplay of car parking that is required to be provided more broadly at the racecourse.</p>
<p><b>Marta Nagy</b> Elsternwick</p>	<p><b>Question 4:</b></p> <p>Section 31 of your Governance rules point C related to the public participation process is stating that “A record of the public participation under these Guidelines will not be included in the Minutes of the council Meeting”. How can Glen-Eira city council lawfully justify under your Guidelines to systematically remove any Public Participation from your Minutes, knowing that the Public Participation is video-recorded and publicly released on your website and knowing that the Regulatory Legislation Amendment (Reform) Act 2022 provided for changes to the local Government Act 2020 don’t allow you to remove Public participation form your Minutes unless you review your Governance rules and add a new provision duly justified.</p> <p><b>Answer:</b></p> <p>Glen Eira City Council’s Governance Rules were established and endorsed in compliance with section 60 of the <i>Local Government Act 2020</i>. A further review took place in late 2022 and following community consultation, the revised Governance Rules were adopted at the 30 August 2022 Ordinary Council Meeting.</p> <p>Glen Eira has, and will continue to, encourage the community to take part in Council meetings to be involved and have their say. There are a couple of ways in which the community can have their say and be heard at a Council meeting.</p> <p>These include Written Public Questions to Council and through Public Participation time.</p> <p>Public Participation is where members of the community attend in-person and register to speak to the Council and respectfully raise their concerns, ask a question or make a statement. The Minutes of the Council meeting note the order of business and specify where Public Participation has taken place with the number of participants. Further details on the specifics of what was said during this time are recorded as part of the livestream and are made available to be listened to on our website.</p>

	<p>Should participants wish to have their question and answer recorded in the minutes, there is an opportunity to submit a written Public Question which is read aloud at the Council meeting with the answer published in the minutes.</p> <p>Both the Public Participation guidelines and the Written Public Questions to Council guidelines are in compliance with all relevant legislation including the <i>Local Government Act 2020</i>.</p>
<p><b>Francoise Tran</b> Murrumbreena</p>	<p><b>Question 5:</b></p> <p>During the Ordinary meeting of the 13<sup>th</sup> of April 2023, you were asked « is the council of Glen Eira operating under confidentiality or legal privilege regarding some matters related to commercial operators and/or Telecommunications operators”. Your answer was “once the contract is executed, members of the public may make enquiries on Council, including through Freedom of Information legislation to request access to documents relating to the contract”. Your constituents asked you several times a copy of the Insurance policy covering Telstra 5G equipment and also asked you a copy of the Health and Environmental impact studies made prior to the massive roll-out of 5G small cells in our neighbourhoods. So, besides the fact that you are acknowledging that you are contracting with Telecom operators, why you and Telstra are denying to your constituents the right to access to such documents through the Freedom of Information Act 1982?</p> <p><b>Answer:</b></p> <p>Council is not responsible for the roll-out of 5G technology and equipment in Glen Eira. Mobile communication entities (such as Telstra) have certain legislative powers to install and maintain telecommunication equipment on public land independent of Council’s powers and functions.</p> <p>Council’s Freedom of Information Officer has no record of any recent Freedom of Information requests in relation to Telstra 5G.</p> <p>Information about how to make a Freedom of Information request is available on Council’s and Telstra’s respective websites.</p> <p>Any responses provided by Council to a Freedom of Information request will be in accordance with the relevant FOI legislation and subject to external review by the Office of Victorian Information Commissioner.</p> <p>For more information about the safety of 5G Technology, please see: <a href="#">Telstra 5G, Small Cells and Electromagnetic Energy (EME) Fact Sheet</a> “</p>
<p><b>Sally Clarke</b> Caulfield North</p>	<p><b>Question 6:</b></p> <p>The MRC legal advice in the Glasshouse proposal is that there was never a planning permit granted for use as a gaming venue or for gaming machines. Glen Eira is a member of Alliance for Gambling Reform concerned about harmful effects of gambling. How can they claim to be concerned and then approve a proposal where no gaming permit was ever granted?</p>

	<p><b>Answer:</b></p> <p>The regulatory framework in relation to gaming machines has changed over time. When the Glasshouse venue started operating as a gaming venue, it did not require planning approval from Council, but required approval from the independent regulator of Victoria’s gambling industry, which is now known as the Victorian Gambling and Casino Control Commission.</p> <p>Planning permission is now required in certain circumstances to install or use gaming machines.</p> <p>The permit applicant has provided legal advice as part of the planning permit application for the relocation of the Glasshouse venue outlining that a planning permit is not required to install or use gaming machines in the relocated Glasshouse venue.</p> <p>It states that because the existing Glasshouse venue lawfully operates with gaming machines, that the gaming machines can be relocated on the land to a new building and not require further planning approval. This is known as an existing use right.</p> <p>The legal advice is accepted.</p> <p>It is therefore not open to Council to consider the acceptability of the gaming machines as part of the planning permit application for the relocated Glasshouse venue.</p>
<p><b>Sally Clarke</b> Caulfield North</p>	<p><b>Question 7:</b></p> <p>Developments of Private clubs and facilities on PUBLIC LAND impinge on public use and the capacity for their governing bodies to freely plan future use of the land to meet community needs. Given the legal precedents, and the doubt that would be cast over this application’s public benefit, will Glen Eira Council be seeking their own legal advice?</p> <p><b>Answer:</b></p> <p>Council’s role is limited to considering the merits of any application in the context of the provisions of the Glen Eira Planning Scheme. This does not include consideration of whether the Caulfield Racecourse Reserve Trust should provide landlord consent for the proposed land use by its tenant the Melbourne Racing Club.</p>
<p><b>Catherine McNaughton</b> Glen Huntly</p>	<p><b>Question 8:</b></p> <p>Thanks for advocating for more of the Caulfield Racecourse Reserve to be open public parkland. Please ask for more of the reserve as green biodiverse open space like Mallanbool Reserve and wetlands around both lakes like Yalikut Willam in Elsternwick Park. Please refuse the MRC adding a new restaurant and gambling building on the park. This should instead use private land outside the</p>

	<p>reserve.</p> <p>How has Council considered 2 recent VCAT rulings against restaurants and places of assembly on government land in the Public Park and Recreation Zone?</p> <ul style="list-style-type: none"> <li>- Lorne Pier - VCAT refused a restaurant and place of assembly because they do not support recreational use of parkland. <i>'It is a commercial use that could be located anywhere'</i>.</li> <li>- Dendy St Beach Life Saving Club, VCAT supported a small kiosk open during the day for enjoying the park location but with no restaurant or private function room.</li> </ul> <p><a href="#">Baker v Surf Coast [2022] VCAT 257 (10 March 2022) (austlii.edu.au)</a></p> <p><a href="#">Wertheimer v Bayside CC (No 2) [2019] VCAT 1689 (19 November 2019) (austlii.edu.au)</a></p> <p><b>Answer:</b></p> <p>Council officers have not yet undertaken an assessment of the merits of the planning permit application for the relocation of the Glasshouse venue. It is expected that a recommendation will be considered by Council at the Ordinary Council Meeting on 4 July 2023. As with the proposals considered in Baker v Surf Coast and Wertheimer v Bayside, the assessment will consider the merits of this proposal against the relevant planning controls that apply to the land and with reference to the specific site context.</p>
<p><b>Nola Sherry</b> Caulfield East</p>	<p><b>Question 9:</b></p> <p>Question on Exact Location of Proposed new Glasshouse. The plans do not show the exact location of the proposed Glasshouse from Queens Avenue – various reports have different distances. None of the plans have any measurements shown.</p> <p>How can a proper assessment of noise pollution, transport impacts on Normanby Road and Queens Avenue and surrounding streets be assessed without this basic information?</p> <p><b>Answer:</b></p> <p>The architectural plans and documents included with the application show the location of the proposal, including with reference to Queens Avenue. The application material provides sufficient detail to enable a full and proper assessment of the proposal.</p>
<p><b>Nola Sherry</b> Caulfield East</p>	<p><b>Question 10:</b></p> <p>Question on Why Crown land - why not MRC owned land · Why is Crown land even under consideration for this development? The MRC own plenty of land in the area. The triangle currently used for the Glasshouse carpark would be a more suitable location. The use of public land for private gain - where is the community benefit?</p>

	<p><b>Answer:</b></p> <p>This question is best directed to the Caulfield Racecourse Reserve Trust as the responsible authority for the Caulfield Racecourse Reserve. The Trust has provided Landlord consent for the proposed redevelopment. Council is required to consider every planning application it receives.</p>
<p><b>Paul Caine</b> Glen Huntly</p>	<p><b>Question 11:</b></p> <p>Reconciliation week is celebrated starting May 27 with informative and entertaining Glen Eira events to recognise the unfinished business of reconciliation. The 2023 theme is ‘Be a Voice for Generations.’</p> <p>When will an indigenous cultural heritage plan be prepared for the Caulfield Racecourse Park Reserve? Will such a plan be prepared before any new buildings?</p> <p><b>Answer:</b></p> <p>This question is best directed to the Caulfield Racecourse Reserve Trust as the responsible authority for the Caulfield Racecourse Reserve.</p>
<p><b>Jane Karlake</b> Caulfield East</p>	<p><b>Question 12:</b></p> <p>GE/DP- 35745/2022 Approval for a new gaming venue on the Guineas car park has limited value for future public use, despite the clear potential for sports courts in this area. Putting aside questions of the public benefit of crown land being given to a pokies venue, the absence of a funded land management plan has triggered a requirement for new plans. Approval for this venue in advance of those plans must limit a complete reconsideration of plans for the reserve in the best interests of the public. In light of years of promises for increased public access and utility, and the funding crisis of the CRRT coupled with the MRC’s lack of willingness to pay the rent, or remove unsafe infrastructure they have left behind, do Councillors recognise that approval of this venue will yet again demonstrate that the MRC’s bottom line and not the public interest lead plans for racecourse development?</p> <p><b>Answer:</b></p> <p>The consideration of the planning application will have regard to the provisions within the Glen Eira Planning Scheme and any submissions that have been made about the appropriateness of the proposal.</p>
<p><b>Jane Karlake</b> Caulfield East</p>	<p><b>Question 13:</b></p> <p>My question relates to planning application GE/DP- 35745/2022 As the monopoly leaseholder of the racecourse, the public’s impression is that the MRC appears to have rights to utilise our public space for private use and profit, despite ownership of their own land in the vicinity. This development which is beyond the current footprint of built infrastructure raises serious concerns</p>

	<p>about the legality and morality of the MRC's scope to alienate public land from future public use. In light of the absence of investment in the Racecourse Reserve for public use and likely a long time frame before the public of Glen Eira sees an affordable plan, is there scope for the Council to lease and develop facilities in the space that are of benefit to the public?</p> <p><b>Answer:</b></p> <p>The responsible authority for the Caulfield Racecourse Recreation Reserve is the Caulfield Racecourse Reserve Trust. The Trust has a responsibility to ensure that the Reserve is used for its three core purposes - racing, recreation and public park.</p> <p>Council currently owns and manages over \$2.7b of community assets across the City of Glen Eira. We do not have financial capacity to also assume responsibility for developing the State owned, Crown Land asset that is the Caulfield Racecourse Reserve.</p>
<p><b>Murray Cooke</b> Caulfield East</p>	<p><b>Question 14:</b></p> <p>My question relates to planning application GE/DP- 35745/2022 It has been identified that the acoustics report contains serious errors with references to streets not in the vicinity of the 31 Station Street development suggesting that the report has been cut and pasted from an earlier report and not proofread. It is of concern to the community in the Racecourse neighbourhood that acoustic assessments could have been undertaken at a time of considerable noise in the midst of two major infrastructure developments. Will the council ensure that the application's acoustics report receives appropriate scrutiny and is reviewed to ensure that there is appropriate assessment and noise abatement strategies?</p> <p><b>Answer:</b></p> <p>The acoustic report will be given appropriate scrutiny as part of the assessment of the proposal. If the proposal is supported, it is typical to require the attenuation measures to be confirmed as part of a condition of the planning permit to demonstrate that it will meet a relevant noise standard.</p>
<p><b>Murray Cooke</b> Caulfield East</p>	<p><b>Question 15:</b></p> <p>We learnt at the most recent CRRT public meeting that the proposed shared pedestrian and bike pathway required additional plans to overcome some of the impediments that the original plan did not adequately consider. Many of these were raised by the public who use these streets regularly such as the congestion hazards on existing footpaths for the public at the corners of Queens Avenue and Normanby Road. It is our understanding that the shared pathway would need to avoid this corner and pass through some of the crown lands. Is Council aware of how this development could impact future plans for this shared pathway or will this development mean that the safety of the shared pathway will be compromised in perpetuity to accommodate the MRC's pokies venue?</p>

	<p><b>Answer:</b></p> <p>The key cycling route through the Caulfield Major Activity Centre is still subject to detailed resolution. Council is required to consider the planning application for the relocated Glasshouse venue that has been submitted.</p>
<p><b>Robert Horwood</b> Caulfield East</p>	<p><b>Question 16:</b></p> <p>I am concerned about the long-term consequences that the inadequate number of car spaces for the multi-storey apartment towers and the proposed inadequate number of car spaces for the Glasshouse development, combined with the car parking needs of commuters may lead to the building of multi-storey car parks on crown land, opposite our homes on Queens Ave. Will the land on which the proposed Glasshouse is to be built remain crown land and will the car park bordering Normanby Road and Queens Avenue remain crown land and, if so, what safeguards are being employed to ensure that this is the case?</p> <p><b>Answer:</b></p> <p>There is no proposal that Council is aware of to change the status of the Crown Land.</p>
<p><b>Robert Horwood</b> Caulfield East</p>	<p><b>Question 17:</b></p> <p>I am concerned about the location of the car parking gates on Queens Avenue close to the traffic lights, and the increased traffic congestion associated with the future residential towers and proposed relocation of the Glasshouse. Increased traffic flow from Neerim Road when the level crossing removal is completed will increase the number of cars using Sir John Monash Drive, creating a bottleneck. I suspect that the proposed walking and bike track around the racecourse may require a potential diversion into the car park at these gates due to the extremely tight corner at Queens Ave and Normanby Road.</p> <p>To manage the potential large increase in car, bicycle and pedestrian traffic at the corner of Queens Ave and Normanby Road, could the current car parking gates from Queens Avenue into the crown land car park be blocked off to cars and to be used for pedestrian and bicycle traffic exclusively?</p> <p><b>Answer:</b></p> <p>The associated land is currently used as a car park and the gates provide access to the car park. This question is best directed to the Caulfield Racecourse Reserve Trust as the responsible authority for the Caulfield Racecourse Reserve.</p>

<p><b>Glen Eira Historical Society</b> Caulfield</p>	<p><b>Question 18:</b></p> <p>For the Planning Application for the new Glasshouse at Caulfield Racecourse, why has the impact on this Victorian Heritage Registered site (H2415) not been addressed in the planning documentation? There seems to be no acknowledgement of this State-level heritage protection which applies to the whole of the Crown land including the site of this new proposal.</p> <p><b>Answer:</b></p> <p>The Caulfield Racecourse is included on the Victorian Heritage Register. Heritage Victoria is responsible administering heritage permits on this land.</p>
<p><b>L Reynolds</b> Carnegie</p>	<p><b>Question 19:</b></p> <p>What is Glen Eira Council's definition of a woman?</p> <p><b>Answer:</b></p> <p>Council does not have an adopted definition of a woman. In practice, Council recognises a woman as an adult who lives and identifies as a woman.</p>
<p><b>L Reynolds</b> Carnegie</p>	<p><b>Question 20:</b></p> <p>Does the Glen Eira council have any current or planned association with the Intelligent Community forum?</p> <p><a href="https://www.intelligentcommunity.org/icf">https://www.intelligentcommunity.org/icf</a> names the smart21 communities of 2023</p> <p><b>Answer:</b></p> <p>No</p>
<p><b>T Antoniou</b> Murrumbeena</p>	<p><b>Question 21:</b></p> <p>What were the key impacts of the Municipal Association of Victoria (MAV) State Council meeting, held on the 19th May 2023, for Glen Eira residents?</p> <p><b>Answer:</b></p> <p>At the MAV State Council meeting on 19 May, Glen Eira successfully advocated for two of our policy priorities to become MAV policy.</p> <p>The first called for the MAV to take a leading role in facilitating a comprehensive assessment of the impact of cost-shifting on Victoria's 79 councils. Cost shifting from other levels of government has a real impact on Council's ability to deliver the services and infrastructure that our community values. Cost shifting costs Council around \$19 million every year – or 10 per cent of our annual budget.</p>

	The second called for the MAV to advocate to the State Government to significantly increase its investment in recycling, to boost processing capacity and markets for recycled materials. Better market capacity would allow Council to use more recycled materials in our local projects. Importantly, it would demonstrate a response to the climate emergency, which is a priority for our community.
<b>T Antoniou</b> Murrumbidgee	<p><b>Question 22:</b></p> <p>Does Glen Eira Council intend to support and/or advertise a particular viewpoint with regard to the upcoming Voice Referendum? And if so, how much of the rates payers funds will they be spending?</p> <p><b>Answer:</b></p> <p>Council is yet to determine what role it might play in the upcoming Voice Referendum.</p>

#### 4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

**Moved: Cr Zhang**

**Seconded: Cr Zmood**

That the minutes of the Ordinary Council Meeting held on 2 May 2023 be confirmed.

**CARRIED UNANIMOUSLY**

#### 5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

##### 5.1 PETITION: OBJECTION TO APPLICATION GE/DP 36041/2023

**Moved: Cr Zyngier**

**Seconded: Cr Zmood**

That Council:

1. receives and notes the petition; and
2. refers this petition to the relevant Council officers for investigation including a detailed response to the submitter.

**CARRIED UNANIMOUSLY**

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

Cr Tony Athanasopoulos – Metropolitan Transport Forum

Cr Simone Zmood – Municipal Association of Victoria: State Council Meeting

**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 Zmood**

**Seconded: Cr Zyngier**

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 Minutes – 30 March 2023
2. Multicultural Advisory Committee Minutes – 3 April 2023
3. Sustainability Advisory Committee Minutes – 27 April 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 Zmood**

**Seconded: Cr Esakoff**

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

1. 18 April 2023 Assembly;
2. 24 April 2023 Assembly; and
3. 2 May 2023 Pre-meeting.

**CARRIED UNANIMOUSLY**

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

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**8.1 COMMUNITY FACILITIES FOR SENIORS' COMMUNITY GROUPS POLICY**

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

That Council adopts the reviewed and amended Policy titled 'Community Facilities for Seniors Community Groups' (Attachment 2).

**CARRIED UNANIMOUSLY**

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**8.2 COUNCIL'S SUBMISSION TO VICTORIA'S 30-YEAR INFRASTRUCTURE STRATEGY 2025-2055**

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**Moved: Cr Pennicuik****Seconded: Cr Cade**

That Council endorses the submission to Infrastructure Victoria's 30 Year Infrastructure Strategy that is shown in Attachment one to this report.

**CARRIED UNANIMOUSLY**

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

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

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) Spotted Gum (*Corymbia maculata*) located at 18 Rosstown Rd, Carnegie – 371/CTR/2022;
  - b) English Oak (*Quercus robur*) located at 59 Balaclava Rd, St Kilda East – 381/CTR/2022;
  - c) South African Bushwillow (*Combretum caffrum*) located at Caulfield Park, Caulfield North – 473/CTR/2023;
  - d) Lemon Scented Gum (*Corymbia citriodora*) located 106 Mimosa Rd, Carnegie – 472/CTR/2023;
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**

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**8.4 QUARTERLY SERVICES PERFORMANCE REPORT (JAN-MAR 2023)**

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

That Council notes the Quarterly Service Performance Report for the period ending 31 March 2023 (Attachment 1 to this report).

**CARRIED UNANIMOUSLY**

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**8.5 COMMUNITY SAFETY COMMITTEE TERMS OF REFERENCE**

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

That Council endorses the revised Glen Eira Community Safety Committee Terms of Reference (Attachment 1).

**CARRIED UNANIMOUSLY**

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**8.6 VCAT WATCH**

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**Moved: Cr Cade****Seconded: Cr Pennicuik**

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

**CARRIED UNANIMOUSLY**

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**8.7 SALE OF COUNCIL LAND ADJOINING 61 GLADWYN AVE BENTLEIGH EAST**

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**Moved: Cr Zhang****Seconded: Cr Parasol**

That Council:

1. having given Notice of Intention under section 114 of the *Local Government Act 2020* to sell the land contained in Certificate of Title Volume 8382 Folio 653 and shown as Lot 1 on Title Plan TP340282B in Attachment 2, resolves to sell the land to the owner of 61 Gladwyn Avenue, Bentleigh East by private treaty in accordance with Council's policy.
2. authorises the Chief Executive Officer to sign all documents relating to the sale of the land to the owner of 61 Gladwyn Avenue, Bentleigh East.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Athanasopoulos vacated the Chamber at 8:42pm.*

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**8.8 TENDER 2023.42 SUPPLY AND DELIVERY OF DRAINAGE PIT LIDS AND SURROUNDS**

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**Moved: Cr Pennicuik****Seconded: Cr Cade**

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

1. appoints **SVC Products Pty Ltd ACN 004 279 458** as a contractor under Tender number 2023.42 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 contracts 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**

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**8.9 TENDER 2023.33 PROVISION OF DRAINAGE MAINTENANCE SERVICES AND IMPROVEMENT SERVICES**

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**Moved: Cr Pennicuik****Seconded: Cr Parasol**

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

1. appoints **M & L Antolino Pty Ltd ACN 005 489 038** as a panel contractor under Tender number 2023.33 in accordance with the Schedule of Rates submitted;
2. appoints **Novacon Group Pty Ltd, ACN 621 403 076** as a panel contractor under Tender number 2023.33 in accordance with the Schedule of Rates submitted;
3. appoints **Plumbtrax Pty Ltd, ACN 142 872 491** as a panel contractor under Tender number 2023.33 in accordance with the Schedule of Rates submitted;
4. appoints **Victorian Infrastructure Services Pty Ltd, ACN 618 155 927** as a panel contractor under Tender number 2023.33 in accordance with the Schedule of Rates submitted;
5. prepares the contracts in accordance with the Conditions of Contract included in the tender;
6. authorises the Chief Executive Officer to execute the contracts on Council's behalf;
7. 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
8. 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 Athanasopoulos entered the Chamber at 8:44pm.*

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**8.10 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

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

That Council makes the following appointment to the role of Acting Chief Executive Officer during the absence of the Chief Executive Officer on leave:

- Ron Torres, Director Planning and Place for the period 8am on Friday 2<sup>nd</sup> June 2023 to 8am on Tuesday 13<sup>th</sup> June 2023 inclusive

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS****Urgent Confidential Item – Property Report (Confidential)****Moved: Cr Magee****Seconded: Cr Zmood**

That Council accepts this urgent confidential report titled Property Report (Confidential) as urgent business to be discussed during Item 11 which is the order of business for Confidential Items to be heard.

**CARRIED UNANIMOUSLY****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1 Call for Report – Cr Jim Magee (Mayor)****Moved: Cr Magee****Seconded: Cr Zmood**

Officers to advise the approximate yearly average expenditure of Stamp Duty (i.e., Land Transfer, Motor Vehicle and Insurance) and Land Tax that the Victorian Government receives from the City of Glen Eira.

**CARRIED UNANIMOUSLY****10.2 Right of reply**

Nil

**10.3 Notice of Motion**

Nil

**10.4 Councillor questions**

Nil

**10.5 Written public questions to Council**

Heard at an earlier stage of this meeting

**11. CONFIDENTIAL ITEMS**

**Moved: Cr Magee**

**Seconded: Cr Parasol**

That Council:

- 1) In accordance with sections 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 item:

**11.1 Property Report (Confidential)**

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

- *because it is private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and*
  - *confidential information relating to the property.*
- 2) Disables the livestream; and
  - 3) moves this Ordinary Council Meeting In-Camera

**CARRIED UNANIMOUSLY**

**12. CLOSURE OF MEETING**

The meeting closed at 9.01pm.

Confirmed this 13 June 2023

**Chairperson.....**