



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 15 AUGUST 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 16 August 2023 at 5.30pm.

**CARRIED UNANIMOUSLY**

**Public Participation.**

This evening we have 6 submissions for Public Participation.

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Magee****Seconded: Cr Zhang**

That the minutes of the Ordinary Council Meeting held on 25 July 2023 and the Special Council Meeting held on 8 August 2023 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: DRAFT BENTLEIGH STRUCTURE PLAN COMMUNITY FEEDBACK****Moved: Cr Zhang****Seconded: Cr Zmood**

That Council:

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

**CARRIED UNANIMOUSLY**

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

Metropolitan Transport Forum – Cr Athanasopoulos

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

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. Community Grants Advisory Committee Minutes 20 July 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 Pennicuik****Seconded: Cr Parasol**

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

1. 11 July 2023 Assembly;
2. 18 July 2023 Assembly; and
3. 25 July 2023 Pre-meeting.

**CARRIED UNANIMOUSLY**

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

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**8.1 ABORIGINAL AND TORRES STRAIT ISLANDER VOICE TO PARLIAMENT**

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**Moved: Cr Magee****Seconded: Cr Zyngier**

1. That Council supports the Aboriginal and Torres Strait Islander Voice to Parliament, and in doing so:
  - a) Reaffirms the Glen Eira City Council's support for the 2017 Uluru Statement from the Heart and truth-telling as an important step towards reconciliation.
  - b) Affirms support for the 'yes' campaign for the Constitutional Recognition of an Aboriginal and Torres Strait Islander Voice to Parliament.
  - c) Acknowledges that there is a diversity of opinions inside and outside Aboriginal communities, in Glen Eira and across Australia, on the significance and timing of the Aboriginal and Torres Strait Islander Voice to Parliament.
  - d) Endorses the Mayoral statement outlining Council's support for the Voice to Parliament (Attachment one).
  - e) Signs the Reconciliation Australia joint statement (Attachment two).
  - f) Provides information released by the Federal Government to the Glen Eira community to promote understanding of the referendum and provides culturally safe spaces for members of our community to come together to discuss the referendum.

For the Motion: Crs Athanasopoulos, Magee, Zhang, Zyngier and Pennicuik (5)

Against the Motion: Crs Esakoff, Cade and Parasol (3)

Abstained: Cr Zmood (1)

**CARRIED**

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**8.2 FINAL ELSTERNWICK STRUCTURE PLAN**

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

That Council:

1. Adopts the final Elsternwick Structure Plan as presented in Attachment 1, but reduces the proposed building heights and setbacks as follows;
  - 355 to 419 Glenhuntly Road from 6 storeys to 5 storeys (north side of the road only) and maintain the 6 metre setback for level 3 and above
  - 8 Beavis Street from 8 storeys to 6 storeys;
  - 495-501 Glenhuntly Road from 8 storeys to 6 storeys;
  - 509 Glenhuntly Road from 8 storeys to 6 storeys; and
  - 525 to 537 Glenhuntly Road from 6 storeys to 5 storeys.
2. excludes the residential land to be downzoned generally covered by the heritage overlay or neighbourhood character overlay, north and south of Glenhuntly Road, from the major activity centre boundary; and
3. advocates to State government, both directly and through peak bodies, to explore methods and policies that will better protect solar access to footpaths in activity centres where the main shopping street runs east-west.
4. Note that officers will prepare draft planning scheme controls to implement the Elsternwick Structure Plan 2022 and present a further report to Council.

*It is recorded that following the moving of the above alternate motion, Cr Pennicuik declared a Conflict of Interest and vacated the Chamber for item 8.2 at 8:50pm*

For the Motion: Crs Magee, Cade, Esakoff and Zhang (4)

Against the Motion: Crs Athanasopoulos, Parasol, Zmood, and Zyngier (4)

Chairperson casting vote: For the Motion

**CARRIED**

Cr Pennicuik was absent at the time of the vote.

**Extension of Speaking Time on Item 8.2****Moved: Cr Magee****Seconded: Cr Zmood**

That Cr Esakoff be granted a two minute extension of speaking time.

**CARRIED UNANIMOUSLY**



*It is recorded that Cr Athanasopoulos vacated the Chamber at 8:56pm.*

**Extension of Speaking Time on Item 8.2**

**Moved: Cr Magee**

**Seconded: Cr Zmood**

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

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Athanasopoulos re-entered the Chamber at 8:58pm.*

**Extension of Speaking Time on Item 8.2**

**Moved: Cr Magee**

**Seconded: Cr Zyngier**

That Cr Zmood be granted a three minute extension of speaking time.

**CARRIED UNANIMOUSLY**

**Extension of Speaking Time on Item 8.2**

**Moved: Cr Magee**

**Seconded: Cr Parasol**

That Cr Athanasopoulos be granted a three minute extension of speaking time.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff vacated the Chamber at 9:26pm.*

*It is recorded that Cr Pennicuik entered the Chamber at 9:26pm.*

**Procedural Motion**

**Moved: Cr Magee**

**Seconded: Cr Zhang**

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**

*It is recorded that Cr Parasol vacated the Chamber at 9:29pm.*

*It is recorded that Cr Parasol entered the Chamber at 9:32pm.*

### **Written Public Questions to Council – 16 Questions**

<p><b>Jason MacQuarrie</b> <b>Elsternwick</b></p>	<p><b><u>Question 1</u></b></p> <p>Can you consider the following Alternative motion in regard to Glenhuntly Rd building heights. That the Structure Plan be so modified to reduce heights of buildings on the north side of Glenhuntly Road, with appropriate adjustments made to setbacks to accommodate such reductions so as to ensure that the southern footpath does not have any further reduction to the current sunlight available and no further overshadowing at the winter solstice.</p> <p><b>Answer:</b></p> <p>Thank you for your suggestion. Council's deliberation over Item 8.2 may result in the consideration of alternate motions.</p>
<p><b>Rosetta Manaszewicz</b> <b>McKinnon</b></p>	<p><b><u>Question 2</u></b></p> <p>Council's Integrated Transport Strategy underpins all ensuing traffic/transport consultant reports which adopt the aspirational target of a 50:50 mode share. By adopting this ratio, the reports ignore the new population's potential car ownership and its impact on parking and road capacity/congestion. Page 6 of the ITS states: Given Glen Eira residents own approximately 80,000 cars in 2016..... FYI, the 2016 census reveals that there were 50,868 cars owned by residents with 1,428 properties undeclared. In 2021, this reached 57, 373 existing cars with 102 undeclared. Hence, if the ITS raises fundamental questions as to its accuracy, then little credence can be assigned to the resulting traffic reports given they are based on a flawed strategy. My question therefore is: How was this 50:50 figure derived given that the strategy is bereft of clear, verifiable 'evidence' that can stand up to scrutiny?</p> <p><b>Answer:</b></p> <p>The 2016 car ownership statistic in your question does not appear in the Integrated Transport Strategy 2018 but appears in the Background Data Report. The Integrated Transport Strategy is not based on your quoted statistic.</p> <p>The 50/50 mode share is a goal of the Integrated Transport Strategy. It seeks to highlight the need to shift from 34% of non-car trips to 50% non-car trips by 2031. This is an aspirational goal. It considers that the shift will need to come from a broad range of initiatives such as: behaviour change, infrastructure projects, policy changes, education and demographic change.</p> <p>With the ITS being in its 5<sup>th</sup> year, Council is undertaking a review of the Strategy which will involve engagement with the community to understand travel needs and preferences to help shape new actions and encourage more active travel.</p>
<p><b>Jonathan Hinwood</b> <b>Elsternwick</b></p>	<p><b><u>Question 3</u></b></p> <p>Given that the loss of sunshine and increase in windy conditions from Coles and other high rise developments resulted in the closure of popular coffee shops on Glen Huntley Road east of Orrong Road, how does Council intend to maintain the Elsternwick vibe with more high rises spoiling the amenity of</p>

	<p>the rest of the Glen Huntley Road shopping strip?</p> <p><b>Answer:</b></p> <p>As a major activity centre under PLAN Melbourne, Elsternwick has a role to play in accommodating growth.</p> <p>The numerous activity centres in Glen Eira, which were the original site of urban growth due to their proximity to public transport, jobs and services, continue to be the most appropriate locations for increased housing growth. Structure plans help to manage this growth.</p> <p>The Elsternwick Structure Plan aims to balance opportunities for development in the major activity centre with good quality amenity for residents and visitors. It proposes protecting solar access to the southern footpath of the Main Retail precinct between 10am and 2pm on the spring equinox, which is consistent with contemporary planning approaches. Many other factors come together as well to ensure the centre remains vibrant, including the right land use mix, strong built form controls which recognises the heritage qualities of Elsternwick, a good transport network and high-quality public realm. The Structure Plan considers all these aspects as identified in a range of Council adopted strategies, including the Urban Forest Strategy and Placemaking Strategy.</p>
<p><b>Warren Green</b> <b>Bentleigh</b></p>	<p><b><u>Question 4</u></b></p> <p>As per the tabled petition signed by 221 people: "It is noted that Council is now putting yet another plan for Bentleigh out for what it calls community consultation. In the absence of any confidence in Council Officers conducting meaningful consultation with residents, it is requested that Council Officers use the following as inputs into the consultation process. 1) Feedback from the four Councillors that objected to this plan going to community consultation and 2) The extensive community feedback from previous consultations including 5-storey maximum heights". Can the CEO please confirm that the details from points 1 and 2 (above) will be reviewed by Officers with the findings clearly documented as part of the Draft Bentleigh Structure Plan consultation report?</p> <p><b>Answer:</b></p> <p>The 2018 Structure Plan process was informed by extensive community consultation, with a focus on engaging a variety of stakeholders, including residents, local business owners, workers, state agencies and others. Between November 2016 and December 2017, Council undertook a six-step consultation process. Councillors have access to all of this information.</p> <p>The draft Bentleigh Structure Plan 2023 considers previous consultation, provides a summary of the main issues and how we have responded in this revised Plan.</p> <p>The engagement report that will be considered by Council later this year will be based on this round of consultation, ensuring that we are capturing contemporary views.</p>
<p><b>Dallas O'Brien</b> <b>Bentleigh</b></p>	<p><b><u>Question 5</u></b></p> <p>As a resident of Glen Eira, I object to the council supporting one side of a national referendum. Can you explain what right the council has to do this? And if you are spending equal amounts of rate payers money to promote both the No and Yes cases? If not, why not?</p>

	<p><b>Answer:</b></p> <p>Council intends to provide information for our community that has been released by the Federal Government relating to the referendum. This would include information relating to what the voice will do, how the voice will be set up, and information on voting in the referendum. Council will not be generating our own collateral.</p> <p>There is no intention for Council to distribute any campaign materials for either the Yes or No vote campaigns.</p> <p>In providing information about the referendum to the community, Council is hopeful that our community will feel well informed and able to participate in the referendum. It is estimated that Council will spend approximately \$3,500 to conduct the information sessions at Mallanbool Reserve and in the provision of published information.</p>
<p><b>Evelyn Gansky</b> <b>Bentleigh</b></p>	<p><b><u>Question 6</u></b></p> <p>As a resident and a ratepayer in Glen Eira, I would like to know what legal right does the Council poses to intervene AND spend rate payer's funds in a federal matter, being The Voice. If there are surplus funds, then, a/ decrease the rates to assist with living pressures b/ build shelter, assist with homeless in Glen Eira c/ fix the deteriorating roads and parking issues eg Centre Rd, Bentleigh.</p> <p><b>Answer:</b></p> <p>Council often takes positions on matters that arise in public and in the mainstream media and that have an impact on our community. This is an important part of Council's good governance on behalf of its ratepayers and is in accordance with the <i>Local Government Act 2020</i>.</p> <p>Council intends to provide information for our community that has been released by the Federal Government to enable a successful referendum including information relating to what The Voice will do, how the Voice will be set up, and information on voting in the referendum. There is no intention for Council to distribute any campaign materials for either the Yes or No vote campaigns we acknowledge there will be a diversity of opinions within the community across the City of Glen Eira.</p> <p>In providing information about the referendum to the community, Council is hopeful that our community will feel well informed and able to participate in the upcoming referendum.</p>
<p><b>Tania Olsen</b> <b>Bentleigh</b></p>	<p><b><u>Question 7</u></b></p> <p>I note Council's recommendation to support the Voice to Parliament and 'yes' campaign. I am opposed to this.</p> <p>How does support for the Voice and Uluru Statement benefit the wellbeing of our municipal community? There are 411 Glen Eira residents, out of 65,646 who identify as Aboriginal and Torres Strait Islander, or 0.62%. Further, Council acknowledges that there is a diversity of opinions within the Aboriginal communities themselves, as well as the broader community.</p> <p>Why is Council acting beyond the scope of its responsibilities by taking a position on the Voice? I encourage Council to continue engaging with the 411 Aboriginal and Torres Strait Islanders who live in Glen Eira just as I encourage Council to engage with residents from other backgrounds, religions and demographics. That's Council's role. Council's role is NOT to support (or oppose) a singular federal issue that is being put to the Australian people by referendum.</p>

	<p><b>Answer:</b></p> <p>Council acknowledges its role in providing good governance for all people of the municipality including our Aboriginal and Torres Strait Islander people. The referendum for the Voice to Parliament is a matter that affects everyone in our community.</p> <p>Council acknowledges there will be a diversity of opinions within the community across the City of Glen Eira.</p> <p>To assist with an understanding of the key issues, Council intends to provide information to our community that has been released by the Federal Government to enable a successful referendum. This would include information relating to what the voice will do, how the voice will be set up, and information on voting in the referendum.</p> <p>The Mayoral Statement will be issued by the elected Councillors of Glen Eira.</p>
<p><b>Catherine McNaughton Glen Huntly</b></p>	<p><b><u>Question 8</u></b></p> <p>When will the Level Crossing Authority and Council fully connect the Frankston and Djerring shared trails?</p> <p>When will Neerim Road have gapfree bicycle lanes safe enough for 13 year old students to ride from the Frankston rail trail to Glen Eira College?</p> <p>Mayor Jim Magee told Radio ABC 774 'Meet the Mayor' with Virginia Trioli, a few months ago, that I 'will do my utmost to ensure these safe bicycle connections are achieved'.</p> <p>With level crossing works progressing, please update us on this important Glen Eira bicycle infrastructure.</p> <p><b>Answer:</b></p> <p>The LXR will be constructing new Shared-User-Paths along the Frankston Rail Trail as part of the level crossing removals, which will start near the Wattle Ave Pedestrian Rail Crossing and run to Neerim Road.</p> <p>LXR are also exploring a cycling connection to extend the trail from Neerim Road to the Normanby Road and Queens Ave intersection in Caulfield. A further connection under the rail line is proposed however there is no funding commitment for construction at this stage.</p> <p>As part of the new intersection at Neerim Road, there is proposed to be a dedicated cyclist crossing which will connect to the existing on-road bike lanes.</p> <p>Council's current priorities are focussed on completing the Rosstown Rail Trail. Following these works further cycling projects will be considered as part of Council's annual budget process.</p>
<p><b>Angus Morrison Caulfield South</b></p>	<p><b><u>Question 9</u></b></p> <p>The council has pledged support for both the Voice and the Uluru Statement from the Heart (despite it being out of scope of Council's role per the opening statement on the Agenda). The Uluru Statement explicitly states that substantive, structural reform is required (refer page 9, section 2) and that the Voice is the first step towards a treaty with associated 'financial settlements' and 'reparations', 'a proper say in decision making, the resolution of land, water and resources issues, recognition of authority' (refer page 19 of the Statement). Given the council is supporting this, what</p>

	<p>provisions is the council making towards financial settlements and reparations, what existing core services provided by the council will be affected by this financial impact and what role in council decision making and authority over council resources including public facilities is council both prepared and preparing to give up?</p> <p><b>Answer:</b></p> <p>The Voice to Parliament proposes to give independent advice to the Parliament and Government through a change to the Constitution to recognise the First Peoples of Australia. There is no commitment to treaty in the referendum or the proposal for a Voice to Parliament.</p> <p>Council recognises its important role in issues that affect all people in Glen Eira including our Aboriginal and Torres Strait islander people. Council will provide opportunities for informed, safe and healthy conversation and acknowledges that some people in the Glen Eira community will not yet have formed a position about the Voice to Parliament.</p>
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### Meeting Extension

**Moved: Cr Magee      Seconded: Cr Zmood**

That the meeting be extended to conclude at 11pm.

**CARRIED UNANIMOUSLY**

<p><b>Angus Morrison</b> <b>Caulfield South</b></p>	<p><b><u>Question 10</u></b></p> <p>The Council has stated its intention to provide information on the Voice including community consultation activities at Mallanbool Reserve with the goal to 'assist the...broader community to develop an informed view and enable a successful referendum' (refer council Agenda). Furthermore, the council has stated that it is a 'democratic, representative body' (refer council website following posting a question). To attain this goal, what amount of council funds are being allocated to the referendum, how are these being split between the Yes and No vote, are resources and signage including those at Mallanbool Reserve being equally distributed between the Yes and No case and if there's a difference, how does this align with assisting an informed view and what is the justification for spending ratepayer funds on a federal referendum in a partisan way when the council states that it is a democratic and representative body?</p> <p><b>Answer:</b></p> <p>Council's role is to provide information that is issued by the Federal Government to support a successful referendum. Council is not involved in influencing either the Yes or No vote for the referendum.</p> <p>Council intends to provide information for our community that has been released by the Federal Government. This would include information relating to what the voice will do, how the voice will be set up, and information on voting in the referendum in both hard and soft copy.</p> <p>It is estimated that Council will spend approximately \$3,500 to conduct the information sessions at Mallanbool Reserve and in providing published information about the referendum to our community.</p>
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	<p>Council will not incur any costs directly associated with the Yes or No campaigns.</p>
<p><b>Rose Ciampoli</b> <b>Elsternwick</b></p>	<p><b><u>Question 11</u></b></p> <p>The South side of Glenhuntly Road as a result of the Coles apartments and the new apartments on the corner of Glenhuntly/Orrong in winter casts a shadow. Eliminating sunshine &amp; light. The footpath is cold and is not appealing for shoppers, which in turn will impact business, shopping and the desirability to walk along that section of Glenhuntly Rd. My question is, how will Council incorporate into the structure plan a means to protect sunshine and light which is a human right and important for wellbeing, eliminate a cold and stark footpath and maintain activation and the desirability to utilize the area. How is the current structure plan responding to a 1a@climate emergency.</p> <p><b>Answer:</b></p> <p>As a major activity centre under PLAN Melbourne, Elsternwick has a role to play in accommodating growth.</p> <p>The numerous activity centres in Glen Eira, which were the original site of urban growth due to their proximity to public transport, jobs and services, continue to be the most appropriate locations for increased housing growth. Structure plans help to manage this growth.</p> <p>The Elsternwick Structure Plan aims to balance opportunities for development in the major activity centre with good quality amenity for residents and visitors. It proposes protecting solar access to the southern footpath of the Main Retail precinct between 10am and 2pm on the spring equinox, and solar access to public open spaces between 10am and 2pm on the winter solstice.</p> <p>The Structure Plan responds to the climate emergency through identifying opportunities for environmentally sustainable building design, increased tree planting and sustainable transport, amongst other actions.</p>
<p><b>L Reynolds</b> <b>Carnegie</b></p>	<p><b><u>Question 12</u></b></p> <p>The Australian constitution was written so that a Referendum is meant to be impartial, to invoke discussion and ensure the best decision is made for the people (addendum to section 128 of the constitution). Being a democratic country, people need to be provided with ALL the information to make an informed decision.</p> <p>Changing the constitution is permanent so the people need to decide what is good for them. There is a lot of information being shown by Senator Jacinta Nampijinpa and Nyunggai Warren Mundine in Fair Australia that is not in support of the Voice for our Indigenous leaders in government. Why isn't Glen Eira Council keeping a neutral position and providing ALL the information for both sides, a balanced view and allow democracy to run its course, as the constitution intended?</p> <p><b>Answer:</b></p> <p>Council recognises the importance of providing opportunities for informed, safe and healthy conversation and acknowledges that some people in the Glen Eira community will not yet have formed a position about the Voice to Parliament.</p> <p>Council's role is to provide information that is provided by the Federal Government to support a successful referendum. Council is not involved in</p>

	<p>influencing either the Yes or No vote for the referendum.</p> <p>Council intends to provide information for our community that has been released by the Federal Government to enable a successful referendum including information relating to what The Voice will do, how the voice will be set up, and information on voting in the referendum. There is no intention for Council to distribute any campaign materials for either the Yes or No vote campaigns and we acknowledge there will be a diversity of opinions within the community across the City of Glen Eira.</p> <p>We are hopeful that our community will be well informed for the upcoming referendum.</p>
<p><b>Helena Michaels</b> <b>Murrumbeena</b></p>	<p><b><u>Question 13</u></b></p> <p>May we have a copy of the Draft Community Grants Policy which was presented to Council for endorsement following Governance and Risk Committee feedback and is scheduled to be presented for Council endorsement in September 2023?</p> <p><b>Answer:</b></p> <p>The minutes of the Community Grants Advisory Committee indicated that a Community Grants Policy will be presented to Council for endorsement in September. The draft policy will be published as part of the Council agenda documents in advance of the Council meeting on 26 September 2023.</p>
<p><b>Max Deacon</b> <b>Elsternwick</b></p>	<p><b><u>Question 14</u></b></p> <p>The Local Government Inspectorate issued advice to Councils two years ago that they should create policies to guide councillor interactions with developers and maintain a public register of such interactions. Has Glen Eira complied with this advice and if not why not?</p> <p><b>Answer:</b></p> <p>The Local Government Inspectorate has made comments in the past including regarding Councillor interactions with developers. Council considered the need for additional governance controls at the time and was satisfied that Council has robust and transparent processes which strengthen local governance and minimise the risk of inappropriate conduct.</p> <p>With the release of the Operation Sandon Special Report by IBAC on 27 July 2023, Council will now await the response by State Government in relation to the implementation of the 34 recommendations which include strengthening transparency around planning decisions.</p>
<p><b>T Antonio</b> <b>Murrumbeena</b></p>	<p><b><u>Question 15</u></b></p> <p>Council states that. "They cannot always fully address community expectations" and "building heights may seem popular, these cannot be justified or pursued based on community preference". As council is funded by the rate payers of Glen Eira does the voice of the ratepayer not have a higher weighting in the independent democratic decision-making process of the Council? Do they only ultimately follow the directives by the Victorian Government?</p> <p><b>Answer:</b></p> <p>There are many factors that are considered in preparing planning policy and</p>



	<p>no one element overrides all others. Council needs to strike a suitable balance in its planning and must make decisions to ensure a future population can also be accommodated.</p> <p>Community input into strategic planning work is important and is one of many factors we have to consider.</p> <p>Laws like the <i>Planning and Environment Act 1987</i> require us to factor in the state and metropolitan planning policy as well as the rules around what can and cannot be included in planning schemes.</p> <p>We value and try to include the community's feedback, but because of state planning laws, we can't always include every community priority.</p>
<p><b>T Antonio</b> <b>Murrumbeena</b></p>	<p><b><u>Question 16</u></b></p> <p>Does Council believe its decision to review the Structure Plan and its implementation plan internally only every four years and only report on it publicly, demonstrate a legal commitment to transparency and democracy for rate payers and residents who fund the project and salaries of those undertaking the work?</p> <p><b>Answer:</b></p> <p>Once endorsed, a Structure Plan is set for a long period of time, generally around 15 years. In relation to the Elsternwick Structure Plan, the current Plan has been revised from the 2018 adopted Plan to ensure that it has the appropriate strategic basis to enable it to lead to planning controls that will ultimately be approved by the Minister for Planning to guide development in Elsternwick.</p> <p>Any implementation actions led by Council such as significant projects or initiatives would be included in future long term Council Planning. These are all subject to Council's standard consultation and reporting processes in accordance with the Transparency and Community Engagement Policies.</p>

*It is recorded that Cr Zyngier vacated the Chamber at 9:50pm.*

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**8.3 HERITAGE REVIEW OF CAULFIELD NORTH**

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**Moved: Cr Zmood****Seconded: Cr Athanasopoulos**

That Council:

1. adopts the *City of Glen Eira Caulfield North Heritage Review 2023 (Volumes 1 and 2)*, prepared by Extent Heritage Pty Ltd;
2. adopts the heritage citations prepared by RBA Architects and Conservation Consultants Pty Ltd for the Kambrook Road Precinct and Elsner Residence at 117 Kambrook Road, Caulfield North;
3. seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C246 to implement all of the recommendations within the documents noted within Recommendations 1 and 2;
4. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or the Department of Transport and Planning to receive authorisation, where changes do not affect the purpose or intent of the amendment; and
5. subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least six weeks.

**CARRIED UNANIMOUSLY**

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**8.4 REVISED SUSTAINABLE BUILDING AND INFRASTRUCTURE POLICY**

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**Moved: Cr Pennicuik****Seconded: Cr Zmood**That Council adopts the revised *Sustainable Building and Infrastructure Policy* as shown in Attachment 1 to this report.

**CARRIED UNANIMOUSLY**

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**8.5 ESTABLISHMENT OF A CIRCULAR ECONOMY REPAIR SHOP**

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**Moved: Cr Pennicuik****Seconded: Cr Zmood**

That Council notes the content of the report.

**CARRIED UNANIMOUSLY**

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**8.6 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) English Oak (*Quercus robur*) located at Unit 3 / 44 Omama Rd, Murrumbeena – 223/CTR/2021;
  - b) Common Pear (*Pyrus communis*) located at 15 Leura St, Murrumbeena – 317/CTR/2022;
  - c) Moreton Bay Fig (*Ficus macrophylla*) located at Yeshiva College, 92 Hotham St, St Kilda East – 361/CTR/2022;
  - d) Lemon Scented Gum (*Corymbia citriodora*) located 17 Dunoon St, Murrumbeena – 366/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**

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**8.7 LAND ADJOINING 233 & 235 POATH ROAD MURRUMBEENA - REMOVAL OF RESERVE STATUS AND SALE OF LAND**

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

That Council:

1. having given notice of its intention under section 114 of the *Local Government Act 2020* (the **Act**) to sell the land from the 4.87m wide Drainage and Sewerage Reserve adjoining 233 and 235 Poath Road, Murrumbeena (Attachment 1), and having received no submissions in regard to the proposal, resolves to sell the land to the owner of 235 Poath Road, Murrumbeena, by private treaty in accordance with Council's *Roads and Reserves Discontinuance and Sale Policy*.
2. authorises the Chief Executive Officer to sign all documents relating to the sale of the land to the owner of 235 Poath Road, Murrumbeena.

**CARRIED UNANIMOUSLY**

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**8.8 TENDER 2022.85 PROVISION OF AQUATIC AND LEISURE FACILITIES  
CLEANING SERVICES**

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

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

1. appoints **Quayclean Australia Pty Ltd, A.C.N. 102 238 933** as the contractor under Tender number 2022.85 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 CEO to execute the contract on Council's behalf;
4. prepares the contract in accordance with the Conditions of Contract included in the tender; and
5. authorises the CEO to execute the contracts on Council's behalf;

**CARRIED UNANIMOUSLY**

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**8.9 VCAT WATCH**

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

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

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Pennicuik vacated the Chamber at 10:06pm.*

*It is recorded that Cr Pennicuik entered the Chamber at 10:10pm.*

**9. URGENT BUSINESS****Moved: Cr Zmood****Seconded: Cr Athanasopoulos**

That Council:

1. congratulate the Australian National Football (Soccer) team – the Matilda's, on their amazing journey during the FIFA Womens World Cup hosted here in Australia and New Zealand.
2. acknowledge the vice-captain Steph Catley who started her career within our municipality at East Bentleigh Soccer Club; and
3. send a letter of congratulations to the Matilda's from the Mayor, Councillors and broader Glen Eira community.

**CARRIED UNANIMOUSLY****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**

Heard at an earlier stage of this meeting

**11. CONFIDENTIAL ITEMS**

**Moved: Cr Magee**

**Seconded: Cr Zmood**

That Council:

- 1. in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, Close the meeting to members of the public for the consideration of the following confidential item:

**11.1 - Staffing Matter**

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
  - Matter to be considered In Camera due to personal information included in the report.
- 2. Disables the livestream; and
  - 3. moves this Ordinary Council Meeting In-Camera

**CARRIED UNANIMOUSLY**

**12. CLOSURE OF MEETING**

The meeting closed at 10.27pm.

Confirmed this 5 September 2023

**Chairperson.....**