



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 5 SEPTEMBER 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.

- Cr Parasol - Item Number 8.4 - 271 Kooyong Road Elsternwick
- Cr Parasol - Item Number 8.9 - Community Grant Recommendations 2023-2024
- Cr Zmood – Item Number 8.9 – Community Grant Recommendations 2023-2024
- Cr Zyngier – Item Number 8.9 – Community Grant Recommendations 2023-2024

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

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 6 September 2023 at 7.30pm.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Pennicuik entered the meeting online at 7:38pm.*

**Public Participation**

This evening we had 3 public participation submissions

**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**

**Written Public Questions to Council**

This evening we had 16 Written Public Questions to Council.

**Question 1: Anna Kilpatrick - Glen Eira Heritage Society, Caulfield South**

The Draft Elsternwick Structure Plan is important and has many sound elements. However, we do not support heights envisaged for the heritage retail strip. Our view, and that of many residents: it is incumbent on Council to ensure that the currently unimpeded skyline over heritage shops be retained. For the initial Woolworths proposal in Selwyn Street, in 2020 VCAT Senior Member Martin considered that:

“The fact that currently a person standing on the opposite/south side of Glen Huntly Road and looking north towards the subject land has an unimpeded skyline as the backdrop to these two-storey period commercial facades.”

as one of the key reasons for a finding of severe heritage impact on the NW corner of the heritage retail strip.

The then Minister for Planning approved the DDO10 which included a test for protecting those views. Why hasn't that same protection been carried over into the Draft?

**Answer:**

The Elsternwick Structure Plan 2022 seeks to guide change in this Major Activity Centre to accommodate the state's growing population in a considered way. This will be done by balancing the need for appropriate development, with protecting the significance of the Glen Huntly Road heritage streetscape.

The structure plan establishes a combination of height and setback controls that are informed by expert heritage advice. In the Glen Huntly Road section of the Elsternwick Commercial and Public Heritage Precinct, these are mandatory height and setback controls.

When VCAT issued a planning permit for the referenced Woolworths development in 2022, they noted that *“there is nothing in the Heritage local planning policy at clause 22.01 that requires a new building to be invisible. Rather, the policy for Commercial Heritage Areas encourages higher building additions to be well set back from the front wall of a building.”*

The VCAT decision also commented on the role of the interim Design and Development Overlay, noting that *“whilst the content of DDO10 refers broadly to the heritage significance of the activity centre, its considerations are separate to and distinct from the consideration of heritage significance specifically. DDO10 focuses on providing guidance about future built form amongst the heritage character of the Glen Huntly Road shopping strip”*.

The built form controls within the Elsternwick Structure Plan 2022 are derived from comprehensive technical assessment and expert heritage opinion. This is a higher benchmark than for the existing interim planning control and provides the strategic justification to secure ongoing permanent planning controls. The next steps are to prepare draft planning controls and commence the statutory planning scheme amendment process. This process includes public exhibition of the planning controls with the community.

**Question 2:** *Hayden Lavigne, Carnegie*

Could Council please provide the current distance (km) of safe, protected bike lanes in Glen Eira and the kilometres added in the last fiscal year? Additionally, is Council on track to achieve it's goal of a 50:50 private: active & public transport mode split by 2030?

**Answer:**

Council did not construct any new protected bikes lanes in the last financial year, however, undertook improvements to the Rosstown Rail Trail, including new traffic calming measures and improved signage along the route.

Council is progressing actions within the Integrated Transport Strategy 2018, which is the mechanism to strive for a 50:50 mode share of car and non-car trips by 2031. The key actions that are identified as having the most impact to achieve this are “to support and promote increased dwelling density at key transport hubs” and “to focus employment and office development within major activity centres and strategic sites”. This is underpinned by Council’s strategic planning within our major activity centres.

Council is undertaking a refresh of the Integrated Transport Strategy this year where additional actions to increase the mode split will be explored.

**Question 3:** *Rosetta Manaszewicz, McKinnon*

What do councillors believe is an appropriate and sufficient time for any individual councillor to determine whether or not they have a conflict of interest – especially when amendments are first proposed shortly before the ordinary council meeting? I respectfully request that each individual councillor responds to this question.

**Answer:**

This will differ for each matter to be considered by the Council and the complexity of a Councillor’s personal and business interests. It is impossible to provide a definitive answer to this question.

**Question 4:** *Rosetta Manaszewicz, McKinnon*

This question is for all councillors. At a recent OCM Mayor Magee ruled unacceptable an attempted amendment citing council’s ‘no surprises policy’. CEO McKenzie has also written that “Councillors have an agreement with each other to operate on a no-surprises basis..... “Council’s governance rules prescribe conflict of interest declarations ‘Immediately prior to the consideration of the item’ which in this case was the Elsternwick structure plan officer recommendation. Cr Athanasopoulos states that conflict of interest may occur ‘in the middle of debate’ thus breaching council’s governance rules. If a proposed amendment is presented to councillors only a few hours prior to an OCM, and assuming all have had a chance to read their emails, seeking legal advice becomes highly problematic. Do councillors believe that what occurred in relation to Item 8.2 was a

complete breakdown of council governance?

**Answer:**

No. Council has sought independent advice which has confirmed that the conduct of item 8.2 at the 15 August Ordinary Council Meeting was consistent with Council's Governance Rules.

**Question 5:** *Sue Denmead, Elsternwick*

We are aware that at the OCM of August 15 an alternate motion for 8,2 which stated that..... "The Final Elsternwick structure Plan be so modified to reduce the 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" Why was this not put to the meeting?

**Answer:**

See below – both of Sue's questions will be answered together.

**Question 6:** *Sue Denmead, Elsternwick*

Given the Council's governance Rule 38 which states: "If a proposed amendment is determined by the Chairperson to be the negative of, or substantially contrary to, the Motion, it should be treated as an alternative Motion to be considered only in the event that the Motion before the Chairperson is lost". The original Motion, as prepared by Council Officers was never put, but was replaced with another alternative which was successful. Why was this alternative motion also not put to the vote? Thankyou

**Answer:**

The response to both questions is the same.

In the lead up to a Council meeting Councillors often discuss ideas about potential amendments to the Officer recommendations once they have had an opportunity to consider the Officer report.

There were numerous amendments considered by Councillors for the August 15 Ordinary Council Meeting.

In accordance with Section 15 (1) of Council's Governance Rules, the Chair determines the conduct of the meeting and is responsible for determining the order in which members are invited to speak.

In this case the Chair invited Cr Cade to move her amended motion first. The motion was seconded, put to a vote and carried. Had that amended motion failed to be seconded or failed at the vote, the Chair would have invited any further amended motions, which if seconded, would have been subsequently debated and put to a vote.



**Question 7:** *Stuart Baker, Elsternwick*

Given that Governance Rule 12 states that the 1. The Chairperson and Members will facilitate good Council decision-making by taking reasonable steps to ensure that:

- a) decision-making is transparent to Members AND observers;
- b) Members have sufficient information available to them to make good and informed decisions;
- c) every Member is supported to contribute to decision-making processes;
- d) any person whose rights are directly affected by a decision has the opportunity to communicate their views and have their interests considered in line with the requirements of the 2020 Act;
- e) debate and discussion are focused on the issues at hand;
- f) Meetings are conducted in an orderly manner; and
- g) decisions are made fairly and on the merits of the matter.

1. Can the Mayor explain how this was achieved when he permitted discussion of an alternative motion that was only received by members less than 30 minutes prior to the Ordinary Council Meeting, especially as it appeared that the alternative caused a potential Conflict of Interest to a particular Councillor, and that Councillor would not have had time to seek advice?

**Answer:**

There is no requirement under Council's Governance Rules or the Local Government Act 2020 for a proposed Amendment to a Motion to be provided to other Councillors in advance of an Ordinary Council meeting, although it is encouraged as good practice.

In the lead up to a Council meeting Councillors often discuss ideas about proposed amendments to Officer recommendations once they have had an opportunity to consider the Officer reports. This is sometimes still happening right up until the commencement of the Council meeting.

In the case of the Amended Motion on item 8.2 passed at the Ordinary Council Meeting of 15 August, Councillors received written notification of all of its component parts at 5.10pm that afternoon.

Under Sections 126-131 of the Local Government Act each Councillor is required to disclose any conflicts of interest when they become aware of one and it is incumbent on each Councillor to make a decision with regard to any general or material conflict of interest in relation to any matter. This includes items that arise before and during a Council meeting, depending on the nature of any Amended Motions that may be moved and debated.

**Question 8:** *Stuart Baker, Elsternwick*

How could Councillors have sufficient information to make good and informed decisions given this short time frame?

**Answer:**

In the lead up to a Council meeting Councillors often discuss ideas about proposed amendments to Officer recommendations once they have had an opportunity to consider the Officer reports. This is sometimes still happening right up until the commencement of the Council meeting.

In the case of the Amended Motion on item 8.2 passed at the Ordinary Council Meeting of 15 August, Councillors received written notification of all of its component parts at 5.10pm that afternoon.

While information on Cr Cade's alternate was provided at 5.10pm, Councillors had received five briefings on the Elsternwick Structure Plan in the months leading up to the 15 August Ordinary Council Meeting in order to ensure an informed decision.

**Question 9:** *Lyn Campbell, Elsternwick*

Councillor Zyngier moved an amendment to the "alternative" being discussed in item 8.2, but the Chair did not ask for a seconder to the amendment or put the amendment to the vote.

Can the Mayor explain why the Governance Rule 38 was not followed as required?

**Answer:**

The amendment proposed by Cr Zyngier in relation to item 8.2 was put as a Friendly Revision to a Motion, so Rule 38 (1) of the Governance Rules applies. Cr Zyngier's proposed Friendly Revision did not require a seconder under Rule 38 and was put by the Chair to the mover and the seconder of the Amended Recommendation. Both the mover and the seconder declined to accept it. Under Section 38 (5) of the Governance rules, 'if a Friendly Revision is proposed but rejected by either the mover or seconder of the Motion, the debate continues unaffected'.

The conduct of the meeting with regard to the Friendly Revision put by Cr Zyngier was consistent with the Governance Rules.

**Meeting adjournment****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That Council adjourns this meeting at 8.08pm for a maximum of 10 minutes due to technical difficulties.

**CARRIED UNANIMOUSLY****Resume meeting proceedings****Moved: Cr Magee****Seconded: Cr Parasol**

That Council resumes the order of meeting proceedings following a brief adjournment at 8.12pm.

**CARRIED UNANIMOUSLY**

**Question 10:** *Ian McKellar, Elsternwick*

Governance Rule 12 states.... 1. The Chairperson and Members will facilitate good Council decision-making by taking reasonable steps to ensure that: a) decision-making is transparent to Members AND observers; b) Members have sufficient information available to make good and informed decisions; c) every Member is supported to contribute to decision-making processes; d) any person whose rights are directly affected by a decision has the opportunity to communicate their views e) debate and discussion are focused on the issues at hand; f) decisions are made fairly, on the merits of the matter. 1. Mayor please explain how this was achieved when you permitted discussion of an alternative motion that was only received by members less than 30 minutes prior to the Meeting. As it appeared that the alternative, caused a potential Conflict of Interest to a particular Councillor, and that that Councillor would not have had time to seek advice?

**Answer:**

There is no requirement under Council's Governance Rules or the Local Government Act 2020 for a proposed Amendment to a Motion to be provided to other Councillors in advance of an Ordinary Council meeting, although it is encouraged as good practice.

In the lead up to a Council meeting Councillors often discuss ideas about proposed amendments to Officer recommendations once they have had an opportunity to consider the Officer reports. This is sometimes still happening right up until the commencement of the Council meeting.

In the case of the Amended Motion on item 8.2 passed at the Ordinary Council Meeting of 15 August, Councillors received written notification of all of its component parts at 5.10pm that afternoon.

Under Sections 126-131 of the Local Government Act each Councillor is required to disclose any conflicts of interest when they become aware of one and it is incumbent on each Councillor to make a decision with regard to any general or material conflict of interest in relation to any matter. This includes items that arise before and during a Council meeting, depending on the nature of any Amended Motions that may be debated.

**Question 11:** *Ross Campbell, Elsternwick*

Referring to the last Ordinary Council meeting on 15 August, given that the alternate motion to 8.2 was only finalised at approximately 7.00pm before the meeting at 7.30 that night, can the Mayor explain how he has complied with Governance Rule (15.1). "In addition to the specific duties and discretions, provided in the 2020 Act and these Governance Rules, the Chairperson's duties include but are not limited to:

(a) presiding over and controlling the Meeting to ensure, to the best of their ability, that it is conducted in accordance with these Governance Rules and the 2020 Act; and

(g) ensuring debates are conducted in the correct manner". And

Rule 19 (2) that "Council is committed to transparency in decision-making and, in accordance with the 2020 Act, and

2 (d) making available the Agenda and Minutes of the Meetings."

**Answer:**

Council has sought independent advice which has confirmed that the conduct of the Mayor in relation to item 8.2 at the 15 August Ordinary Council Meeting was consistent with the Governance Rules.

In relation to Section 15 (1) of Council's Governance Rules, the Chair determines the conduct of the meeting and is responsible for determining the order in which members are invited to speak.

There is no requirement under Council's Governance Rules or the Local Government Act 2020 for a proposed Amendment to a Motion to be provided to other Councillors in advance of an Ordinary Council meeting, although it is encouraged as good practice.

In the lead up to a Council meeting Councillors often discuss ideas about proposed amendments to Officer recommendations once they have had an opportunity to consider the Officer reports. This is sometimes still happening right up until the commencement of the Council meeting.

In the case of the Amended Motion on item 8.2 passed at the Ordinary Council Meeting of 15 August, Councillors received written notification of all of its component parts at 5.10pm that afternoon.

**Question 12:** *Helena Michaels, Murrumbeena*

In relation to Item - 8.9

Can council please advise which first nations corporation (please provide name) they have sought costings from to provide the Ripponlea and Ormond community Kindergarten Welcome to Country commencement program including smoking ceremony and subsequent performances which are costed at over \$11,000?

**Answer:**

The Rippon Lea kindergarten has been recommended for a community grant of \$1,760. This is based on a quotation from the Bunurong Land Council Aboriginal Corporation to conduct a Welcome to Country and Smoking Ceremony and didgeridoo performance.

The Ormond kindergarten has been recommended for a community grant of \$10,000 which includes a Welcome to Country and Smoking ceremony by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation at a cost of \$1,200. The remainder of the grant contributes to the other elements of a cultural diversity community celebration including indigenous art and face painting activities, song, dance and storytelling and the installation of an indigenous mural.

Both grant applications met the Community Grant Guidelines requirements and all approved community grants are subject to a formal acquittal process.

**Question 13:** *Helena Michaels, Murrumbeena*

In relation to Item - 8.10

"Yiray Tech will provide software support...and monitoring system performance will be remotely controlled through a wireless connection by Yiray.

Can council confirm which laws and acts Yiray will comply with and confirm that the information and footage captured will not go back to China?

**Answer:**

Inclusion of CCTV cameras in the smart light system requires the compliance with Council's Closed Circuit Television Policy (CCTV). The CCTV element is captured through a secure platform and will only be activated after meeting Council's data management, security, and privacy requirements.

Council's Information Technology Department will be involved throughout the implementation of the smart lighting project to ensure the software platform continues to meet the requirements of Council.

**Question 14:** *T. Antoniou, Murrumbena*

As an ABN lookup has failed to provide me any results, can Glen Eira Council please advise what type of legal entity or organisation the Murals4Climate group are? Will the mural options be democratically decided upon by the ratepayers via public information sessions seeing they are funding the requested \$6000, and will the murals and materials used to be completely carbon neutral, environmentally friendly, non-fossil fuel derived and vegan friendly? Lastly has the \$6000 costing been itemised in the proposal to the council officers who have made the supporting recommendations, and can this be obtained by the public via email or Freedom of Information request?

**Answer:**

Glen Eira Emergency Climate Action Network (GECAN) is an incorporated organisation which has applied for a community grant for a project titled 'Mural for Community Climate Action in Glen Eira'. This application is recommended for a grant of \$6,000.

For this project, GECAN is partnering with Murals4Climate, a newly formed not-for-profit advocacy group committed to initiating the creation of public artworks that build awareness about the climate emergency and inspire positive action. There is no requirement for this group to be incorporated as GECAN has submitted the grant application.

The location and options for a mural will be discussed and negotiated with relevant stakeholders including landowners. No information about the materials to create the mural has been provided.

An itemised budget has been received by Council in accordance with Council's Community Grants Guidelines.

Personal information about applicant organisations is protected by Council's Privacy Policy. Should Council receive a request for information about any grant application, this will be assessed on a case by case basis in consultation with applicants and relevant stakeholders about the release of information.

If a Freedom of Information request is lodged, this will be processed in accordance with the *Freedom of Information Act 1982*.

**Question 15:** *T. Antoniou, Murrumbeena*

Yiray Technologies who is donating the surveillance monitoring analysis reporting technology (otherwise abbreviated to SMART) solar CCTV lights, imports its products from China. As the energy minister has put on record publicly that more than 90% of Australia's imported solar panels come from China, can Glen Eira Council confirm that the products listed are ethically sourced and confirm that they are not being made in China's Xinjiang region, where it has been widely reported in the media that Chinese authorities established labor camps for ethnic Uyghur and other Muslim groups?

**Answer:**

Council is not aware of the proposed smart lighting products being sourced in such a way as you have outlined in your question. It is Council's understanding that the products are sourced in an ethical manner.

**Question 16:** *Lisa Reynolds, Carnegie*

8.10 - Can council define "minimal ongoing costs to the council are expected"?

Council states that the site for the installation is Crown Land. Can council confirm if it is Commonwealth Crown Land or Australian Crown Land and what consent is being sought and from which Crown body/representative?

**Answers:**

It is estimated that \$20 per month may be required to maintain a sim card connection to remotely control the lights. There are no on-going system maintenance costs.

Glen Eira City Council has been appointed Committee of Management for this site. The site is Crown Land and therefore overall management responsibility sits with the Victorian State Government. Landlord consent will be required from the State Government for the installation of these lights and an application has been submitted.

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

That the minutes of the Ordinary Council Meeting held on 15 August 2023 be confirmed.

**CARRIED UNANIMOUSLY**

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

Nil

**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 Athanasopoulos****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. Community Grants Advisory Committee Minutes 8 August 2023
2. Glen Eira Sustainability Advisory Committee Minutes 29 June 2023
3. Community Engagement Advisory Committee Minutes 7 August 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 Parasol****Seconded: Cr Zyngier**

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

1. 1 August 2023 Assembly;
2. 8 August 2023 Assembly; and
3. 15 August 2023 Pre-meeting.

**CARRIED UNANIMOUSLY**

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

That Council changes the order of business to bring forward **Item 10.3 – Notice of Motion** to be heard at this stage of the meeting.

**CARRIED UNANIMOUSLY**



*It is recorded that Cr Pennicuik declared a Conflict of Interest for Item 10.3 and vacated the meeting at 8:32pm.*

**Item 10.3 – Notice of Motion**

**Moved: Cr Zyngier**

**Seconded: Cr Zmood**

That Council:

1. Adopts the final Elsternwick Structure Plan as presented in Attachment 1 of Item 8.2 at the 15 August 2023 Ordinary Council Meeting but reduces the proposed building heights and setbacks on the north side of Glenhuntly Road to ensure that the southern footpath does not have any further reduction to the current sunlight available and/or no further overshadowing at the winter solstice.
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.

For the Motion: Crs Parasol, Zhang, Zmood and Zyngier (4)

Against the Motion: Crs Athanasopoulos, Esakoff, Magee and Cade (4)

Chairperson casting vote: Against the Motion

**FAILED**

Cr Pennicuik was absent at the time of the vote.

**Extension of Speaking Time**

**Moved: Cr Magee**

**Seconded: Cr Zhang**

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

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Pennicuik re-entered the meeting at 8:53pm.*

## 8. OFFICER REPORTS (AS LISTED)

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### 8.1 ADOPTION OF 2022-23 FINANCIAL REPORT

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**Moved: Cr Cade**

**Seconded: Cr Zhang**

That Council:

1. adopts the 2022-23 Financial Statements and Performance Statement 'in principle', subject to no significant changes by the Auditor-General; and
2. notes that at the 2 May Ordinary Council Meeting, the following signatories were appointed to sign the Financial Statements and Performance Statement once they have been returned by the Victorian Auditor-General:
  - a) The Mayor (Cr Jim Magee) and Deputy Mayor (Cr Anne-Marie Cade) were appointed as signatories to the Financial Report; and
  - b) Cr Sue Pennicuik, Cr Simone Zmood and Cr Sam Parasol as alternative signatories.

**CARRIED UNANIMOUSLY**

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### 8.2 FINANCIAL MANAGEMENT REPORT (31 JULY 2023)

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**Moved: Cr Cade**

**Seconded: Cr Zhang**

That Council notes the Financial Management Report for the period ending 31 July 2023.

**CARRIED UNANIMOUSLY**

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**8.3 280C BALACLAVA ROAD CAULFIELD NORTH**

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**Moved: Cr Zyngier****Seconded: Cr Parasol**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-36210/2023 for construction of a deck and verandah associated with the existing tennis club facility at 280C Balaclava Road, Caulfield North, in accordance with the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans identified as pages 2, 5, 6 of 6 and proposed verandah elevations, prepared by Accent Plans and dated October 2021, but further modified to show:
  - (a) The verandah roof to be finished in a muted/neutral colour and for this to be clearly noted on the elevation plans.

Layout not to be altered

2. The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Melbourne Water

3. The proposed deck must be constructed with unenclosed foundations to allow for the conveyance of overland flows through the site.

Permit expiry

4. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within three years of the date of this permit.
  - (b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of Planning and Environment Act 19

**Notes:** This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Parasol declared a Conflict of Interest for Item 8.4 and vacated the meeting at 9:00pm.*

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**8.4 271 KOOYONG ROAD ELSTERNWICK**

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

That Council approves an extension to Planning Permit GE/DP-32718/2019 at 271 Kooyong Road, Elsternwick. The development must commence by 21 October 2025, and the development completed by 21 October 2027.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Parasol re-entered the meeting at 9:03pm.*

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**8.5 VCAT WATCH**

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

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

**CARRIED UNANIMOUSLY**

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**8.6 HERITAGE OVERLAY FOR THE BALACLAVA ROAD VICTORIAN GROUP AND OTHER HERITAGE MATTERS**

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

That Council:

1. notes the submissions received in relation to the Planning Scheme Amendment C251;
2. notes the following changes to the exhibited version of Planning Scheme Amendment C251 in accordance with Attachment 3:
  - a) abandon the inclusion of a revised Statement of Significance for 224-226B Glenhuntly Road, Elsternwick and update the schedules to Clauses 43.01 and 72.04 accordingly;
  - b) remove 326 Balaclava Road, Caulfield North from the mapped extent of the Balaclava Road Victorian Group (HO90) and revise the Heritage Citation and Statement of Significance for the group accordingly;
  - c) abandon the inclusion of Heritage Design Guidelines for 'Heatherbrae', 73 Neerim Road, Caulfield and update the schedule to Clauses 43.01 and 72.04 accordingly;
  - d) revise the background document and Statement of Significance for "Glenmoore", 1 St Georges Road, Elsternwick and amend the wording in the tree control trigger within the schedule to Clause 43.01;
3. adopts Planning Scheme Amendment C251 in accordance with Section 29(1) of the *Planning and Environment Act 1987* as exhibited but amended in accordance with Recommendation 2 and Attachment 3;
4. authorises the Manager City Futures to undertake all changes to the Amendment documentation in accordance with Council's resolution and to make any administrative changes required where changes do not affect the purpose or intent of the adopted Amendment;
5. submits the adopted Planning Scheme Amendment C251 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*; and
6. advise all submitters to the Amendment of Council's determination in relation to Planning Scheme Amendment C251.

**CARRIED UNANIMOUSLY**

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**8.7 AUDIT & RISK COMMITTEE BIENNIAL REPORT**

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

That Council notes the Audit and Risk Committee's Biennial Report for the period March 2023 to August 2023 (Attachment 1 to this report) in accordance with the provisions of the *Local Government Act 2020*.

**CARRIED UNANIMOUSLY**

**8.8 AUDIT & RISK COMMITTEE MINUTES**

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

That the minutes of the Audit and Risk Committee meeting held on 11 August 2023 as shown in Attachment 1 to the report be approved.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Zyngier declared a Conflict of Interest for Item 8.9 – Attachment 5 and vacated the meeting at 9:16pm.*

*It is recorded that Cr Parasol declared a Conflict of Interest for Item 8.9 – Attachment 3 and vacated the meeting at 9:16pm.*

*It is recorded that Cr Zmood declared a Conflict of Interest for Item 8.9 – Attachment 4 and vacated the meeting at 9:16pm.*

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**8.9 COMMUNITY GRANT RECOMMENDATIONS 2023-2024**

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**Moved: Cr Zhang****Seconded: Cr Athanasopoulos**

That Council endorses:

1. Community Strengthening Grants as detailed in Attachment 1 to this report
2. Partnership and Events Grants as detailed in Attachment 2 to this report
3. Community grant for Haven for Mothers and Babies Inc as detailed in Attachment 3 to this report
4. Community grants for B'nai B'rith and Hineni Youth and Welfare as detailed in Attachment 4 to this report
5. Community grants for Kehilat Nitzan and Glen Eira Emergency Climate Action Network 2023-2024 as detailed in Attachment 5 to this report.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Zyngier re-entered the meeting at 9:20pm.*

*It is recorded that Cr Zmood re-entered the meeting at 9:20pm.*

*It is recorded that Cr Parasol re-entered the meeting at 9:20pm.*

*It is recorded that Cr Esakoff left the meeting at 9:22pm.*

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**8.10 DONATION - YIRAY TECHNOLOGIES SMART CITY LIGHTING**

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**Moved: Cr Parasol****Seconded: Cr Zyngier**

That Council:

1. accepts the donation offer for the provision and installation of a smart city light system (Valued at \$175,000) from Yiray Technologies Pty Ltd;
2. writes to Yiray Technologies Pty Ltd advising of Council's decision;
3. authorises the Director Sustainability, Assets and Leisure to finalise the Partnership Agreement with Yiray Technologies Pty Ltd; and
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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**8.11 TENDER 2023.48 LINEAR PARK AND OTHER OPEN SPACE MAINTENANCE**

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

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

1. appoints **Kleenit Pty Ltd , A.C.N. 121 427 003** as panel contractor under **Tender number 2023.48 for Section B : Features**, in accordance with the Lump Sum and Schedule of Rates submitted;
2. prepares the contract for **Kleenit Pty Ltd** in accordance with the Conditions of Contract included in the tender;
3. subject to successful negotiations regarding variations to conditions of contract appoints **Programmed Property Services Pty Ltd, A.C.N. 106 015 632** as panel contractor under **Tender number 2023.48 for Section A : Surfaces and Horticulture Assets**, in accordance with the Lump Sum and Schedule of Rates submitted
4. prepares the contract for **Programmed Property Services Pty Ltd** in accordance with the Conditions of Contract that have been successfully negotiated and agreed to be Council's Corporate Counsel;
5. authorises the CEO to execute the contracts on Council's behalf;

**CARRIED UNANIMOUSLY**

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

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

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) English Oak (*Quercus robur*) located at 17 Omama Rd, Murrumbeena – 193/CTR/2021;
  - b) Lemon Scented Gum (*Corymbia citriodora*) located at 15 Lorne St, Caulfield East – 375/CTR/2022;
  - c) Norfolk Island Pine (*Araucaria heterophylla*) located at 15 Wanda Rd, Caulfield North – 444/CTR/2022;
  - d) Algerian Oak (*Quercus canariensis*) located 14 Gwendoline Ave, Bentleigh – 453/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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**8.13 LEASE TO UNITED ENERGY, CARNEGIE MEMORIAL SWIMMING POOL SUBSTATION**

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

That Council:

1. authorises officers to enter into and finalise a lease with United Energy Distribution Pty Ltd (ABN 70 064 651 029) for a term of 30 years for the installation of a new substation kiosk on Council freehold land at the Carnegie Memorial Swimming Pool redevelopment site.
2. executes the lease with United Energy Distribution Pty Ltd in an appropriate manner and by affixing the common seal of Council.
3. finalises easement rights required for the substation with United Energy Distribution Pty Ltd and executes any documentation in an appropriate manner, including affixing the common seal of Council if required.

**CARRIED UNANIMOUSLY**



**8.14 REVIEW OF COUNCIL ADVISORY COMMITTEES**

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**Moved: Cr Athanasopoulos****Seconded: Cr Zhang**

That Council endorses:

1. Placing the Open Space, Sport and Recreation Advisory Committee and the Elsternwick Cultural Precinct Advisory Committee into abeyance until the end of the current Council term; and
2. Merging the Citizen of the Year and Community Grants Committees into a new Community Grants and Awards Committee; and
3. Updated Terms of Reference for the following nine Advisory Committees as attached to this report:
  - a) Arts and Culture Advisory Committee
  - b) Glen Eira Business and Economy Advisory Committee
  - c) Community Grants and Awards Advisory Committee
  - d) Community Engagement Advisory Committee
  - e) CEO Employment Matters Advisory Committee
  - f) Glen Eira Multicultural Advisory Committee
  - g) Local Laws Advisory Committee
  - h) Strategic Transport Advisory Committee
  - i) Sustainability Advisory Committee

**CARRIED UNANIMOUSLY****9. URGENT BUSINESS**

Nil

**10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****Call for Report****Moved: Cr Zyngier****Seconded: Cr Zmood**

That Council:

Report on Compliance with VCAT Condition 38 for 10-16 Selwyn Street,  
Elsternwick.

- Details the reasons why Council decided not to contest May Street West's status as a road at law, within the meaning of the Road Management Act.
- Obtain legal advice if required, regarding the compliance of Council with VCAT Condition 38 of the planning permit for the property located at 10-16 Selwyn Street, Elsternwick.
- The report is to be presented at an Ordinary Council Meeting as soon as possible, but no later than 8 November 2023.

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

Cr Athanasopoulos – Spoke to comments made at previous Council meeting.

**10.3 Notice of Motion**

Heard at an earlier stage of the meeting

**10.4 Councillor questions**

Nil

**10.5 Written public questions to Council**

Heard at an earlier stage of the meeting

**Meeting Extension****Moved: Cr Magee****Seconded: Cr Zyngier**

That the meeting be extended to conclude at 11pm.

**CARRIED UNANIMOUSLY**

**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, Close the meeting to members of the public for the consideration of the following confidential item:

**11.1 Property Report**

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 regarding 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 10.01pm.

Confirmed this 26 September 2023

**Chairperson.....**