



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**  
**TUESDAY 21 MARCH 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

### Apology

**Moved: Cr Esakoff**

**Seconded: Cr Parasol**

That the apology from Cr Anne-Marie Cade be received and noted.

**CARRIED UNANIMOUSLY**

## 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.

**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 22 March 2023 at 7.30pm.

**CARRIED UNANIMOUSLY****Suspend Standing Orders****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That Council suspend standing orders at 7.33pm.

**CARRIED UNANIMOUSLY**

Mayor, Cr Jim Magee congratulates Cr Margaret Esakoff on her 20 years of service to the Glen Eira community.

**Resume Standing Orders****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That Council resumes standing orders at 7.43pm.

**CARRIED UNANIMOUSLY**

**Procedural Motion**

**Moved: Cr Magee**

**Seconded: Cr Parasol**

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>Francoise Tran</b> Murrumbeena</p>	<p><b>Question 1:</b></p> <p>On which legal ground Glen-Eira city council was entitled to reject at the city council's session of the 8th of February 2023 any questions related to Smart Cities and the 5G massive roll-out in our neighbourhood, knowing that the same questions have also been submitted by other constituents to other City councils such as Whitehorse and Monash councils who have allowed these questions to be addressed to them and to be shared at their councils sessions?</p> <p><b>Answer:</b></p> <p>The Local Government Act 2020 provides that a Council must develop, adopt and keep in force Governance Rules for or with respect to the conduct of Council meetings. On 11 August 2020, Council adopted its Governance Rules. A copy of Council's Governance Rules is available on Council's website. Rule 31(6) of the Governance Rules provides that members of the public wishing to submit written questions to Council must submit those questions in accordance with the guidelines titled 'Written Public Questions to Council'. Council guidelines, which are also available on Council's website, provide that a question that is deemed appropriate upon the grounds set out in section 16 of the guidelines, may be referred to a member of staff to answer.</p>
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	<p><b>Question 2:</b></p> <p>Many people have noticed at the latest council of Glen Eira held the 8th of February 2023 that the access to the council room was not properly facilitated. People wishing to attend the council were confused between 2 possible entrances before being blocked outside since the doors could only be opened if someone was already inside to activate the opening but not a single employee from the council was there to welcome and direct people. Could the Council of Glen Eira make sure that the access to the council remains possible for anyone wishing to attend?</p> <p><b>ANSWER:</b></p> <p>Access to the Customer Service entrance at the Town Hall is available from 8.00am-5.30pm on business days. The entrance for Council Meetings and other events held at the Town Hall after hours is located on the Corner of Glen Eira Rd and Hawthorn Rd of the Town Hall. Details of the entrance to be used by members of the public wishing to attend Council meetings is listed on the Cover Page of every Council Agenda, which is made public in the week prior to the meeting and is also published on Council's website.</p>
<p><b>Sally Newell</b> Glenhuntly</p>	<p><b>Question 1:</b></p> <p>Could Council please advise the total direct and indirect costs incurred by the City of Glen Eira in relation to the development of plans for railway station car parks on behalf of the Commonwealth, and those otherwise incurred by Council concerning the abandoned Urban Congestion Fund commuter carparks initiative; and whether all or which of those expenses have been reimbursed to the Council by the Commonwealth.</p> <p><b>ANSWER:</b></p> <p>Council received Commonwealth Government funding totalling \$500k per site (\$1M in total) to progress feasibility and</p>

	<p>development phase for the multi-Deck carpark at locations in both Elsternwick and Bentleigh.</p> <p>The total direct and indirect costs for the project was \$835,187, which was fully funded by the Commonwealth Government. The remaining balance amount of \$164,813 was returned to the Government.</p>
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## PUBLIC PARTICIPATION

This evening we had two public participants.

### Procedural Motion

**Moved: Cr Magee**

**Seconded: Cr Athanasopoulos**

That Item 9 – Urgent Business be brought forward to be heard at this at this stage of the meeting.

**CARRIED UNANIMOUSLY**

### Urgent Business

#### Council Condemns Racism and Hatred

**Moved: Cr Magee**

**Seconded: Cr Athanasopoulos**

### RECOMMENDATION

That :

1. Strongly condemns any behaviour which aims to degrade the LGBTIQ+ community or displays hatred and prejudice towards the Jewish community.
2. Re-affirms its commitment to the 'Together We Stand' joint statement rejecting racism and prejudice in all its forms.
3. Calls upon the Victorian Government to strengthen its anti-discrimination laws and ban the Nazi salute and condemn all that it represents.
4. Issues the Statement in Attachment 1 to this paper to the media and publishes it on Council's website.

**CARRIED UNANIMOUSLY**

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

That the minutes of the Ordinary Council Meeting held on 28 February 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**

Cr Tony Athanasopoulos – Metropolitan Transport Forum

**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 Zhang****Seconded: Cr Magee**

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. Multicultural Advisory Committee Minutes 20 February 2023.

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS****Moved: Cr Esakoff****Seconded: Cr Pennicuik**

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

1. 14 February 2023 Assembly;
2. 21 February 2023 Assembly; and
3. 28 February 2023 Pre-meeting.

**CARRIED UNANIMOUSLY**

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

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**8.1 AUDIT & RISK COMMITTEE BIENNIAL REPORT**

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**Moved: Cr Pennicuik****Seconded: Cr Magee**

That Council notes the Audit and Risk Committee's Biennial Report for the period September 2022 to February 2023 (Attachment 1 to this report) in accordance with the provisions of the *Local Government Act 2020*.

**CARRIED UNANIMOUSLY**

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**8.2 AUDIT & RISK COMMITTEE MINUTES**

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**Moved: Cr Pennicuik****Seconded: Cr Magee**

That the minutes of the Audit and Risk Committee meeting held on 17 February 2023 as shown in Attachment 1 to the report be approved.

**CARRIED UNANIMOUSLY**

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**8.3 STREET DESIGN GUIDELINES**

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**Moved: Cr Athanasopoulos****Seconded: Cr Magee**

That Council:

1. adopts the *Glen Eira Street Design Guidelines 2023*.
2. notes the *Glen Eira Street Design Guidelines 2023 Summary* will be placed on Council's website.

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

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

**CARRIED****Extension of Speaking Time****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

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

**CARRIED UNANIMOUSLY****Extension of Speaking Time****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

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

**CARRIED UNANIMOUSLY**

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**8.4 PARKLET PROGRAM - FUTURE OPTIONS**

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**Moved: Cr Athanasopoulos****Seconded: Cr Magee**

That Council:

Continues the existing Parklet Program, only for existing parklet holders that reapply, at an annual fee of \$2,500 per parklet with the selection of option 2 as stated in the officers report.

**CARRIED UNANIMOUSLY**

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**8.5 ROSSTOWN/AMES AVENUE - CONCEPT PLAN ENGAGEMENT REVIEW**

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

That Council:

1. endorses Option 2 as the preferred concept for the Ames Avenue Open Space, as shown in Attachment 1 of the Report.
2. Refers the consideration for funding of the Demolition and Detail Design phase to the 23-24 budget process.
3. Notes the community feedback provided, as detailed within the Community Engagement Report in Attachment 2 of the Report.

**CARRIED UNANIMOUSLY**

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**8.6 SALE OF COUNCIL LAND ABUTTING 1 CROZIER COURT MCKINNON**

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**Moved: Cr Zhang****Seconded: Cr Zyngier**

That Council

1. Delegates authority to the Manager Buildings and Properties to sign the owner's consent form (Form 1) to allow for the lodgement of a subdivision application to create a separate lot for the land occupied in conjunction with 1 Crozier Court, McKinnon; and
2. resolves to commence the statutory procedures under section 114 of the *Local Government Act 2020* to sell Council's land contained in Certificate of Title Volume 11063 Folio 288 and more particularly known as part of Lot 1 on Title Plan 926025H, in Attachment 1; and
3. gives notice on Council's website and in The Age newspaper of its intention to sell the land to the owner of the adjoining property at 1 Crozier Court, McKinnon, by private treaty; and
4. as part of its community engagement process invites both written and verbal submissions on the proposed sale; and
5. resolves that in the event that no submissions are received a further report be presented to the Council to determine whether to sell the land, part of the land or not to sell the land; and
6. resolves that in the event that submissions are received, Council will consider the submissions at a future Ordinary Council Meeting and determine whether to sell the land, part of the land or not to sell the land.

**CARRIED UNANIMOUSLY**

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**8.7 INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER**

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

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) Yellow Box (*Eucalyptus melliodora*) located at 3 Manor Grv, Caulfield North – 101/CTR/2021;
  - b) Bracelet Honey Myrtle (*Melaleuca armillaris*) located at Waratah Reserve, 116 Mackie Rd, Bentleigh East – 307/CTR/2021;
  - c) Variegated Field Elm (*Ulmus minor* 'Variegata') located at McKinnon Memorial Gardens, 115-117 McKinnon Rd, McKinnon – 413/CTR/2022;
  - d) Turpentine Tree (*Syncarpia glomulifera*) located Caulfield Park, Caulfield North – 442/CTR/2022;
  - e) Bunya Pine (*Araucaria bidwillii*) located at Caulfield Park, Caulfield North – 443/CTR/2022; and
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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**8.8 TENDER 2023.38 PROVISION OF SERVICES FOR THE DESIGN, SUPPLY, INSTALLATION & COMMISSIONING OF SUSTAINABLE ENERGY GENERATING SYSTEMS**

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**Moved: Cr Pennicuik****Seconded: Cr Athanasopoulos**

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

1. appoints **AWS Services Pty Ltd, ACN 163 375 031 as the panel contractor under Tender number 2023.38** in accordance with the Schedule of Rates submitted;
2. appoints **RACV Solar Pty Ltd, trading as RACV Solar, ACN 634 408 398 as the panel contractor under Tender number 2023.38** in accordance with the Schedule of Rates submitted;
3. appoints **Suntrix Pty Ltd, ACN 138 476 105**, as the trustee for Sun Trust (ABN 94 971 811 561) **as the panel contractor under Tender number 2023.38** in accordance with the Schedule of Rates submitted;
4. prepares the contracts in accordance with the Conditions of Contract included in the tender;
5. authorises the CEO to execute the contracts on Council's behalf;
6. 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
7. 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 COUNCIL DELEGATIONS AND AUTHORISATIONS**

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

That Council resolves that:

1. the amendments to the instrument of delegation to the Chief Executive Officer (CEO) (CEO delegations) in Attachment 1 to this report are approved and adopted;
2. in exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020 (Vic), there be delegated to the person holding the position or acting in or performing the duties of CEO, the powers duties and functions set out in the CEO delegations, subject to the conditions and limitations specified in that instrument;
3. the amendments to the instrument of delegation to staff under various legislation (various delegations) in Attachment 2 to this report are approved and adopted;
4. the amendments to the instrument of delegation to staff under the *Planning and Environment Act 1987* (Vic) (planning delegations) in Attachment 3 to this report are approved and adopted;
5. in exercise of the powers conferred by the legislation referred to in the various delegations and planning delegations, there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the various delegations and planning delegations, the powers, duties and functions set out in those Instruments of Delegation, subject to the conditions and limitations specified in those Instruments;
6. in the exercise of the power conferred by section 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the *Environment Protection Act 2017*, dated 4 June 2021, there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation to members of Council staff (EPA delegations) in Attachment 4 to this report, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
7. the CEO delegations, the various delegations, the planning delegations, and the EPA delegations come into effect immediately after the passing of this Council resolution;
8. clean versions of the instruments of delegation be published on Council's website;
9. on the coming into force of the delegations in Attachments 1, 2 and 3 to this report, the Instrument of Delegation to the CEO and the Instrument of Delegation to Council Officers under the *Planning and Environment Act 1987* approved by Council on 22 November 2022, and the Instrument of Delegation to Council Officers under various legislation approved by Council on 9 August 2022 are revoked; and

10. in the exercise of the power conferred by section 242(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Environment Protection Act 2017 dated 4 June 2021:

- a. the Council staff holding positions referred to in the instruments of appointment and authorisation at Attachments 5 and 6 to this report be appointed and authorised as set out in the instruments;
- b. the instruments be signed and sealed by the Chief Executive Officer using the common seal of Council; and.
- c. the instruments come into force immediately after the instruments are signed and sealed by the Chief Executive Officer and remain in force until Council determines to vary or revoke them.

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS**

Heard at an earlier stage of this meeting

**10. ORDINARY BUSINESS**

**10.1 Requests for reports from a member of Council staff**

**10.2 Right of reply**

**10.3 Notice of Motion**

**10.4 Councillor questions**

**10.5 Written public questions to Council**

Heard at an earlier stage of this meeting

**11. CONFIDENTIAL ITEMS**

**Moved: Cr Zyngier**

**Seconded: Cr Athanasopoulos**

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

**11.1 Extension of Contract 2014.021 - Kerbside Collection Services**

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
- Commercial-in-confidence contractual and tender matters

**CARRIED UNANIMOUSLY**

**12. CLOSURE OF MEETING**

The meeting closed at 9.12pm.

Confirmed this 13 April 2023

**Chairperson.....**