



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 4 JULY 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

---

**INDEX**

<b>1.</b>	<b>ACKNOWLEDGEMENT .....</b>	<b>4</b>
<b>2.</b>	<b>APOLOGIES.....</b>	<b>4</b>
<b>3.</b>	<b>REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA .....</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS .....</b>	<b>11</b>
<b>5.</b>	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS .....</b>	<b>11</b>
	0.0 Petition: Reduce or Cut Off Council Rates during Level Crossing Removal...	11
<b>6.</b>	<b>REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS .....</b>	<b>11</b>
	Cr Athanasopoulos – Metropolitan Transport Forum	
	Cr Zyngier – Local Government Working Group on Gambling	
<b>7.</b>	<b>REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY .....</b>	<b>11</b>
	<b>7.1 Advisory Committees .....</b>	<b>11</b>
	7.1.1 Advisory Committee Minutes.....	11
	<b>7.2 Records of Assembly.....</b>	<b>12</b>
	7.2.1 Records of Assemblies of Councillors .....	12
<b>8.</b>	<b>OFFICER REPORTS (AS LISTED).....</b>	<b>13</b>
	8.1 Financial Management Report (31 May 2023).....	13
	8.2 Government Levies and Duties .....	13
	8.3 Draft Bentleigh Structure Plan .....	14
	8.4 City of Glen Eira McKinnon Heritage Review 2023.....	15
	8.5 280A Balaclava Road Caulfield North.....	16
	8.6 VCAT Watch .....	18
	8.7 Inclusion of 5 Trees in the Classified Tree Register.....	19
	8.8 Sale of Council Land Abutting 204 Centre Road Bentleigh.....	19
	8.9 Tender 2023.81 Call Management and Telephony Solution .....	20
	8.10 Audit & Risk Committee Minutes .....	20
	8.11 Australian Local Government Women's Association (ALGWA) 2023 National Conference.....	20

9. URGENT BUSINESS..... 21

10. ORDINARY BUSINESS..... 21

    10.1 Requests for reports from a member of Council staff ..... 21

    10.2 Right of reply ..... 21

    10.3 Notice of Motion ..... 21

    10.4 Councillor questions..... 21

    10.5 Written public questions to Council ..... 21

11. CONFIDENTIAL ITEMS..... 21

    Nil

12. CLOSURE OF MEETING..... 22



## 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 Cade**

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 05 July 2023 at 7.30pm.

**CARRIED UNANIMOUSLY**

**Public Participation**

This evening we have 6 submissions.

*7.52pm - It is recorded that Cr Sam Parasol has arrived at the Council Meeting*

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

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

**CARRIED UNANIMOUSLY****Question 1: - Silvana Shipperd, Caulfield East**

With the planned proposal, I have some real concerns around the litter on the street. Currently there are numerous occasions where broken glass, stubbies, cans, cigarette butts litter the vicinity which the MRC do not frequently clean, if at all. I imagine with the increased hours and patronage; this problem will only increase. Will the MRC or council be responsible for a daily clean of the surrounding glasshouse area?

**Answer:**

Council has not undertaken an assessment of the planning application yet and therefore it is premature to confirm whether suitable management arrangements are required for the relocated Glasshouse venue.

Nevertheless, Council does have street cleaning services in place for the surrounding area that cover the footpath, nature strips and roadsides. All areas within the Racecourse Reserve would be the MRC and Trust's responsibility.

**Question 2: - Silvana Shipperd, Caulfield East**

I believe that the new glass house venue and its extended trading hours open until 4am and moving closer to Queens Avenue will destroy the privacy and ambience of families living on Queens Avenue. Increased foot traffic, noise, parking, drunken behaviour, crime, damage to vehicles on the street will occur. How can the council control and prevent this?

**Answer:**

Council has not undertaken an assessment of the planning application yet and therefore it is premature to determine whether Council can reasonably control or prevent these possible outcomes.

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

The draft Bentleigh Structure Plan repeatedly refers to the council adopted Housing Strategy of last year as an essential component in its creation. Several maps in the draft structure plan show zoning for Wright Street and Whitmuir Road as GRZ. Yet, when the housing strategy was adopted by council on the 2<sup>nd</sup> of November 2022, it was determined that these two streets in particular would remain as NRZ. Why are these streets therefore shown with a GRZ zoning? Or is it council's intention to shortly rezone these streets to GRZ despite the resolution of November '22? In short, can the residents of Whitmuir Road and Wright Street be assured that their streets will not be 'upgraded' to GRZ zoning?

**Answer:**

The Structure Plan shows the land zoned as Neighbourhood Residential Zone. This is on page 18 of the document. However, the Built Form Framework map on page 41 of the Structure Plan shows

Wright Street and Whitmuir Road area as General Residential Zone.

The Built Form Framework map shows proposed heights and setbacks for the Structure Plan area.

Both maps show that the area of Wright Street and Whitmuir Road are not within the Structure Plan boundary. To avoid confusion this map will be revised. There is no change to the existing zoning in Whitmuir Road and Wright Street.

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

Very little detail is provided in the current agenda as to how community consultation will be organised and run apart from the generic statement that consultation will *include a range of in-person and online opportunities for the community to provide comments, feedback and ask questions*. If there is to be an online survey/questionnaire, will councillors and the community consultation committee be provided with the opportunity to 'test run' the queries and provide subsequent feedback? If not, why not?

**Answer:**

Community engagement for the Bentleigh Structure Plan is planned to run over six weeks and feature the opportunity to send in submissions, attend community drop-in sessions, and call or email Council officers to find out more about the Structure Plan. The submission format will give respondents the opportunity to provide feedback on any aspect of the Structure Plan. This broad approach means there is no need for a survey and therefore no need to 'test run' survey questions.

**Question 5: - Gerald Sherry, Caulfield East**

The Glasshouse venue currently operates as a gaming and restaurant/café facility. However, the plans for the replacement venue propose to offer live music and DJs in addition to the current gaming and restaurant operations. Consequently, the current application before the Council is a totally new proposition and not just restricted to a replacement of the existing facilities. Live music and DJ activities so close to a residential area will severely impact on the amenity of the neighbourhood. The residents of Queens Avenue will experience intolerable noise and disruption especially late at night and early morning given that the proposed hours of operation extend until 4.00am daily. Does the Council have the power to assess this application purely on a 'like for like' basis thereby prohibiting any possibility of live music/DJ activities occurring at the proposed new site?

**Answer:**

Council has not undertaken an assessment of the planning application yet and therefore it is premature to confirm what restrictions may be imposed on the use, based on the relevant planning controls that apply to the land.

**Question 6: - Tamara de Silva, Caulfield East**

The Victorian Gambling and Casino Control Commission has written to resident Gerald Sherry in reply to his question regarding "existing use" rights claimed by Melbourne Racing Club that Glasshouse relocation will require a new Electronic Gaming Machine permit. Given the large number of pokies in the area with 100 at Zagames, 40 at Racecourse Hotel, 100 at the Rosstown and the 105 at current Glasshouse, will Council oppose any application for gaming machines for any new venue?

**Answer:** Council must consider every application on its own merits and make an impartial decision. Council cannot take a pre-determined position to oppose all future applications.

**Question 7: - Tamara de Silva, Caulfield East**

Given the venue operates for 21 hours and will be adjacent to residential area of Caulfield East, will council seek to decrease hours of operation, so venue closes earlier e.g. 10pm?

**Answer:**

Council has not undertaken an assessment of the planning application yet and therefore it is premature to confirm whether the proposal is acceptable, and if it is, whether any restrictions are necessary based on the relevant planning controls.

**Question 8: - Anne Kilpatrick of the Glen Eira Historical Society, Caulfield**

Heritage is one of the important issues addressed in the Draft Bentleigh Structure Plan at item 8.3. When and how will the report "Bentleigh and Elsternwick Activity Centres: RGZ Heritage Analysis and Recommendations, 2022 (GJM Heritage)" and heritage advice "Bentleigh Major Activity Centre Built Form Framework -Heritage Advice 2023 (GJM Heritage)" be made publicly available?

**Answer:**

Both documents will be made available during the planning scheme amendment process for the Bentleigh Structure Plan. This will be scheduled following the adoption of the final structure plan and when the Minister for Planning authorises the amendment.

**Question 9: - Jane Karlake, Caulfield East**

It is surprising that the first news of the proposed new gaming venue on the north-eastern corner of the racecourse came through the advertising planning application on the fences of the racecourse. These planning notices were unlikely to be seen by anyone other than local commuters. The number of whom has been significantly reduced to the works on Caulfield station, Neerim and Glenhuntly Roads. I am curious to understand the relationship and communication channels between the Caulfield Racecourse Reserve Trust and Glen Eira Council. Given we have two bodies who are both mandated to act in the public interest and hold the shared concerns to optimise open space for the public 's health and wellbeing and both are elected or appointed to represent the public interest. Can Council please tell us when they first learnt about the proposed new gaming venue on Station Street and how they sought to advocate for the public benefit?

**Answer:**

It is not Council's role when considering a planning application to advocate any position. Council is required to undertake a legislative responsibility and to determine whether the proposal is an acceptable planning outcome based of the relevant provisions within the Glen Eira Planning Scheme.

Council became aware of the proposal to relocate the Glasshouse venue through pre-application discussions in 2022. The purpose of the discussions was to discuss the relevant planning provisions that apply to the land and to determine the information that was required to be submitted with an application.

**Question 10: - Jane Karlake, Caulfield East**

The opportunity that the Racecourse Reserve represents for our community is extraordinary and I look forward to the day that community members will have improved access and facilities to improve public recreation and utilisation of the racecourse. I understand that Council is not the governing body of the racecourse and has no jurisdiction over this land, however as our representatives I am interested to learn more about how Council advocates for our interests in relation to this land. Given the opportunity and the obvious need for more open space in our community and Councils continued advocacy for improved open space, what if any relationship does Council have with the Caulfield Reserve Trust and how does communication regarding decisions and development of land use occur with Council?



**Answer:**

Council continues to proactively advocate on behalf of the Glen Eira community for the Victorian Government to unlock public open space at the Caulfield Racecourse Reserve, working in partnership with the Caulfield Racecourse Reserve Trust (CRRT).

Council meets regularly with the CRRT because we recognise that the Reserve has long been considered a missed opportunity for open space and broad community use. We supported the CRRT's development of its *Land Management Plan*, but new funding is needed to realise the space's full potential.

Over the last 12 months we have advocated for the Victorian Government to invest in the Reserve. This saw the Liberal Opposition commit \$30 million to deliver stage one of the *Land Management Plan* during the state election campaign, but this funding was not matched by the Labor Government.

Since the election, we have continued to work with the Trust to advocate for local investment, which included hosting a meeting with the Shadow Minister for Local Government at the Reserve in recent months.

**Question 11: - L Reynolds, Carnegie**

As the draft Structure Plans 2018 and 2023 for the draft Bentleigh Major Activity Centre Structure Plan 2023, completely alters the way Bentleigh community will live their daily lives, when was this plan put to the community to vote whether they want it implemented and if not when does Glen Eira council intend to put the structure plan to a democratic vote by the adult residents?

**Answer:**

The Bentleigh Structure Plan 2018 had undergone extensive community consultation and was adopted By Council in 2018. In 2021 Council requested that the Structure Plan be reviewed to incorporate the strategic work and findings from the Glen Eira Housing Strategy 2022.

The draft Bentleigh Structure Plan being considered by Council this evening has included this strategic work and, if endorsed, will be issued for community consultation. This will involve a 6-week consultation period where residents can ask questions, find out more information and provide their views in the form of a submission to Council. Council will then consider those submissions in finalising the structure plan. The decision to adopt a plan or strategy is the role of Council as elected representatives of the community, it is not put to a vote by residents.

**Question 12: - L Reynolds, Carnegie**

Glen Eira Sports and Aquatic Centre, in line with the Councils diversity and inclusion policy, is implementing gender neutral change rooms. As these change rooms will be used simultaneously by adult men, adult women and children, in the event of a sexual assault who in the council will be liable for this?

**Answer:**

Glen Eira Sports and Aquatic Centre has had the same change room configuration since opening in 2012.

There is a mixture of family, group, accessible, male and female change rooms in addition to our change village. The male and female change rooms are signed accordingly, and all other change facilities can be used by any person regardless of their gender identity.

Establishing gender neutral change room does not alter Council's duty of care or regulatory compliance in any way.

**Question 13: - T. Antoniou, Murrumbeena**

Is Glen Eira Council a corporation and if so, are the individual Councillors Directors of this corporation and where can a list of all the directors be sourced?

**Answer:**

Glen Eira City Council is a corporation under the *Local Government Act 2020*. While most Corporations in Australia are created under the Australian Corporations Law, this is not the case for local government entities.

As Council is not constituted under Australian Corporations Law it does not have any Directors. Instead, the governing body of Glen Eira City Council is the Council made up of elected representatives, being the Councillors. The names of Glen Eira's current Councillors are available on Council's website.

**Question 14: - T. Antoniou, Murrumbeena**

On page 9 of the Draft Bentleigh Major Activity Centre Structure Plan 2023, it is reported that both the 2018 and 2023 draft Structure Plans were prepared by "extensive community consultation". This "consultation" resulted in a total of 983 responses, of which 844 were community submissions and 139 were forum attendees. Given that Bentleigh has a resident population of 18,616 that is a response rate of 5.2%. How can this be assumed to be remotely close to representing the majority of the community on a policy that significantly effects 100% of the community with so little effort put into obtaining a much larger percentage of the 18,616 residents for consultation?

**Answer:**

Community engagement involves informing, educating and listening to the community to inform our decision-making. Our extensive community consultation around the *Bentleigh Structure Plan 2018* refers to the measures and methods taken to reach the community and give them an opportunity to have their say. While we encourage as many people as possible to participate and proactively highlight opportunities to do so, we can't ensure everyone affected by a decision will choose to have their say. As such, community engagement does not claim to provide exhaustive statistical data. Instead, community engagement seeks to provide communities with an opportunity to be heard.

If Council endorses the Draft Bentleigh Structure Plan this evening it will be issued for a further 6 week community consultation period which includes the opportunity to send in submissions, attend community drop-in sessions, and call or email Council officers to find out more about the Structure Plan. We encourage all interested community members to participate and share their views.

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Cade****Seconded: Cr Zmood**

That the minutes of the Ordinary Council Meeting held on 13 June 2023 and the Special Council Meeting held on 27 June 2023 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: REDUCE OR CUT OFF COUNCIL RATES DURING LEVEL CROSSING REMOVAL****Moved: Cr Athanasopoulos****Seconded: Cr Zmood**

That Council:

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

**CARRIED UNANIMOUSLY**

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

Cr Athanasopoulos – Metropolitan Transport Forum

Cr Zyngier – Local Government Working Group on Gambling

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

---

**7.1 Advisory Committees**

---

**7.1.1 ADVISORY COMMITTEE MINUTES****Moved: Cr Zmood****Seconded: Cr Zhang**

That the minutes of the Advisory Committee meetings as shown below be received and noted and that the recommendations of these Committees be adopted.

1. Multicultural Advisory Committee Minutes – 31 May 2023

**CARRIED UNANIMOUSLY**

---

**7.2 Records of Assembly**

---

**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS****Moved: Cr Zyngier****Seconded: Cr Cade**

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

1. 29 May 2023 Assembly;
2. 6 June 2023 Assembly; and
3. 13 June 2023 Pre-meeting.

**CARRIED UNANIMOUSLY**

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

---

**8.1 FINANCIAL MANAGEMENT REPORT (31 MAY 2023)**

---

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

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

**CARRIED UNANIMOUSLY**

---

**8.2 GOVERNMENT LEVIES AND DUTIES**

---

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

That Council:

- 1) Notes the average annual amount of Stamp Duty and Land Tax that the Victorian Government receives from the City of Glen Eira and its community is approximately \$332M<sup>1</sup>; and
  
- 2) Uses the data generated from this report to help inform Council's advocacy to the State Government to address sector financial sustainability and the challenges associated with cost shifting.

For the Motion: Crs Esakoff, Magee, Cade, Parasol, Zhang, Zmood, Zyngier and Pennicuik (8)

Against the Motion: Cr Athanasopoulos (1)

**CARRIED**

---

**8.3 DRAFT BENTLEIGH STRUCTURE PLAN**

---

**Moved: Cr Cade****Seconded: Cr Zhang**

That Council:

1. Endorses the draft *Bentleigh Structure Plan 2023*, as presented in Attachment 1, for a six-week period of community and stakeholder consultation.
2. Requests a further report on the submissions received and next steps in finalising the *Bentleigh Structure Plan*.

For the Motion: Crs Athanasopoulos, Magee, Cade, Parasol and Zhang (5)

Against the Motion: Crs Esakoff, Zmood, Zyngier and Pennicuik (4)

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

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

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

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

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

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

**CARRIED UNANIMOUSLY**

**Extension of Speaking Time****Moved: Cr Magee****Seconded: Cr Zyngier**

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

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

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

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

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

**CARRIED UNANIMOUSLY**

---

**8.4 CITY OF GLEN EIRA MCKINNON HERITAGE REVIEW 2023**

---

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

That Council:

1. adopts the *City of Glen Heritage Review of McKinnon 2023* (GJM Heritage Pty Ltd);
2. seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C240glen to implement all of the recommendations of the *City of Glen Eira McKinnon Heritage Review 2023*;
3. 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
4. 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**

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

That the meeting be extended to conclude at 11pm.

**CARRIED UNANIMOUSLY**

---

**8.5 280A BALACLAVA ROAD CAULFIELD NORTH**

---

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

That Council issues a Notice of Decision to Grant a Planning Permit to construct a building (roof structure) over an existing bowling green in the Public Park and Recreation Zone, for Application No. GE/DP-36041/2023 at 280A 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 'Caulfield Park Sports Club Bowl', Job. 11455, 'Site Plan' 'Setout Plan', 'Modification Plan', 'New Roof Plan', 'New Roof Elevations', (all dated 10/03/2023) and 'Finishes Schedule' dated 13/03/2023 and prepared by Mak Max Australia but further modified to show:
  - (a) Any changes or additions to the plans in accordance with any recommendations of the Stormwater Management Report as required by Condition 2.
  - (b) If water tanks are required by Condition 2, that the tanks are screened from view from the public realm.

**Stormwater Management Plan**

2. Before the development starts, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must outline how the development complies with Clause 53.18 (Stormwater Management in Urban Development) of the Glen Eira Planning Scheme. Any proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system detailed within the Stormwater Management Plan, must be included and shown on the plans. The response must include:



- (a) A site plan showing the location of proposed stormwater treatment measures and the location and area (square metres) of impermeable surfaces that drain to each treatment measure.
- (b) A written statement outlining how the application achieves current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (1999).  
Note - for the modelling requirement you can use the following free program to demonstrate best practice, which is equivalent to a score of 100% or more: <http://storm.melbournewater.com.au>.
- (c) If any water tank is proposed, the plans must indicate the tank's capacity in litres and what the tank would be connected to.

- 3. The provisions, recommendations and requirements of the endorsed Stormwater Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Layout not to be altered

- 4. 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.

Permit expiry

- 5. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within two years of the date of this permit.
  - (b) The development is not completed within four 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 1987.

For the Motion: Crs Esakoff, Magee, Cade, Parasol, Zhang and Zmood (6)

Against the Motion: Crs Athanasopoulos, Zyngier and Pennicuik (3)

**CARRIED**

**Extension of Speaking Time****Moved: Cr Magee****Seconded: Cr Zyngier**

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

**CARRIED UNANIMOUSLY****Extension of Speaking Time****Moved: Cr Zmood****Seconded: Cr Zhang**

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

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Athanasopoulos vacated the Chamber at 10:21pm.*

---

**8.6 VCAT WATCH**

---

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

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

**CARRIED UNANIMOUSLY**

---

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

---

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

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) Lemon Scented Gum (*Corymbia citriodora*) located at 8 Carnarvon Rd, Caulfield North – 318/CTR/2021;
  - b) Lemon Scented Gum (*Corymbia citriodora*) located at 40 Anthony St, Ormond – 396/CTR/2022;
  - c) Silky Oak (*Grevillea robusta*) located at 41 Wright St, Bentleigh – 399/CTR/2022;
  - d) Bull Bay Magnolia 2 (*Magnolia grandiflora*) located Caulfield Park, Caulfield North – 472/CTR/2023; and
  - e) Lone Pine (*Pinus butia*) located at Caulfield Park, Caulfield North – 503/CTR/2023.
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.

**CARRIED UNANIMOUSLY**

---

**8.8 SALE OF COUNCIL LAND ABUTTING 204 CENTRE ROAD BENTLEIGH**

---

**Moved: Cr Cade****Seconded: Cr Zhang**

That Council

1. 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 12209 Folio 008 and known as part of Lot 1 on Title Plan 963080, in Attachment 1; and
2. 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 204 Centre Road, Bentleigh by private treaty; and
3. as part of its community engagement process, invites both written and verbal submissions on the proposed sale; and
4. notes that following the submission period a further report will be presented to Council to determine whether to sell the land, part of the land or not to sell the land.

**CARRIED UNANIMOUSLY**

---

**8.9 TENDER 2023.81 CALL MANAGEMENT AND TELEPHONY SOLUTION**

---

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

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

1. appoints **Converged Communications Network Applications Limited, A.C.N. 128 905 091 as the contractor under Tender number 2023.81** in accordance with the Schedule of Rates submitted.
2. prepares the contract in accordance with the Conditions of Contract included in the tender subject to successful negotiation between the Contractor and Council's Corporate Counsel.
3. authorises the CEO to execute the contract on Council's behalf.
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

**CARRIED UNANIMOUSLY**

---

**8.10 AUDIT & RISK COMMITTEE MINUTES**

---

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

That the minutes of the Audit and Risk Committee meeting held on 26 May 2023 as shown in Attachment 1 to the report be approved.

**CARRIED UNANIMOUSLY**

---

**8.11 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) 2023 NATIONAL CONFERENCE**

---

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

That Council receives and notes the report from Councillors Cade and Pennicuik following their attendance at the ALGWA Conference in May 2023.

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS**

Nil

**10. ORDINARY BUSINESS**

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

Nil

**10.2 Right of reply**

Nil

**10.3 Notice of Motion**

Nil

**10.4 Councillor questions**

Nil

**10.5 Written public questions to Council**

Heard at an earlier stage of this meeting

**11. CONFIDENTIAL ITEMS**

Nil

**12. CLOSURE OF MEETING**

The meeting closed at 10.29pm.

Confirmed this 25 July 2023

**Chairperson.....**