



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 3 SEPTEMBER 2024

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7.30pm**

Present

The Mayor, Councillor Anne-Marie Cade
Councillor Tony Athanasopoulos
Councillor Margaret Esakoff
Councillor Jane Karlake
Councillor Jim Magee
Councillor Sam Parasol
Councillor Sue Pennicuik
Councillor Li Zhang
Councillor Simone Zmood

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1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

Glen Eira City Council acknowledges the Boon Wurrung/Bunurong and Wurundjeri Woi Wurrung peoples of the Kulin Nation as Traditional Owners and Custodians, and pays respect to their Elders past and present.

We acknowledge and uphold Traditional Owner's continuing relationship to the 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 Zmood - Item Number 8.13 – Community Grants Recommendations 2024/25

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Zmood

Seconded: Cr Athanasopoulos

That the minutes of the Ordinary Council Meeting held on 13 August 2024 and the Special Council Meeting held on 20 August 2024 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 Jane Karlake – 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 Zhang

Seconded: Cr Esakoff

That the minutes of the Advisory Committee meeting as shown below be received and noted.

1. Multicultural Advisory Committee Minutes 31 July 2024
2. Glen Eira Business and Economy Advisory Committee Minutes 5 August 2024
3. Community Grants and Awards Advisory Committee Minutes 6 August 2024
4. Community Engagement Advisory Committee Minutes 12 August 2024
5. Arts and Culture Advisory Committee Minutes 20 August 2024
6. Strategic Transport Advisory Committee Minutes 15 August 2024

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES

Moved: Cr Pennicuik

Seconded: Cr Athanasopoulos

That Council notes the Records of Assemblies for:

1. 30 July 2024 Assembly;
2. 6 August 2024 Assembly; and
3. 13 August 2024 Pre-meeting.

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 280A BALACLAVA ROAD CAULFIELD NORTH

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-36985/2024 at 280A Balaclava Road, Caulfield North in accordance with the following:

Permit preamble

Construction of seven pickleball courts, playground equipment, and fencing, and construction and display of a business identification sign, with the following planning permissions:

- To construct a building and construct or carry out works, including playground equipment occupying more than 10 square metres of parkland, and fencing greater than 1 metre in height (Clause 36.02-2)
- To construct and put up for display a business identification sign (Clause 52.05-14)

Permit conditionsAmended plans

1. Before the development starts or the signs are displayed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan 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 15034/TP05 & 15034/TP06, dated 27 June 2024, and prepared by Clarke Hopkins Clarke, but further modified to show:
 - (a) A Landscape Plan in accordance with Condition 3 of this permit;
 - (b) Notations for those trees to be retained, including tree numbers, tree protection zones, structural root zones, and tree protection measures in accordance with Condition 6 of this permit;
 - (c) A Stormwater Management Plan in accordance with Condition 8 of this permit;
 - (d) Plan 15034/TP05 with notations showing the size and location of the stormwater management system required by Condition 8 of this permit;
 - (e) Dimensions and area notations for existing and proposed business identification signs showing the total display area of those signs does not exceed 3 square metres;
 - (f) Elevations for the playground equipment, detailing a maximum height, total area, and overall envelope for the equipment.

Layout not to be altered

2. The development, and location and details of the signs 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.

Landscape plan

3. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
 - (a) A planting schedule of all proposed vegetation including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, and details of surface finishes of pathways and driveways;
 - (b) Details of how the landscaping will be maintained including any required automated irrigation treatments;
 - (c) Two advanced canopy trees (a minimum of 2 metres tall when planted, unless otherwise agreed to in writing by the Responsible Authority) in the garden bed within the enclosed play area;
 - (d) The size and location of the biobasin and any planting necessary to achieve the requirements of the endorsed Stormwater Management Plan.

Completion of landscaping

4. Before the pickleball courts and playground equipment approved by this permit are made available for use, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping maintenance

5. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority, including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Tree Protection Management Plan

6. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of Tree Nos. 1, 2, and 5 (as identified in the Arboricultural Report (Development Impact Assessment), dated 19 June 2024, and prepared by Tree Response) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Tree Management Plan (TMP) must show.
 - (a) The specification of tree protection zone (TPZ);

- (b) The type, installation and maintenance of tree protection fencing;
- (c) Vehicular or pedestrian access within a tree protection zone
- (d) The protection of the canopies and trunks of the specified tree;
- (e) Specific details of any works proposed in any TPZ and how impacts will be mitigated;
- (f) How canopies will be managed, including pruning;
- (g) Excavation within or near a tree protection zone;
- (h) Maintenance, including mulching and watering, of tree protection zone;
- (j) Schedule of Project Arborist inspections.

The TPMP must include a program to implement the proposed measures before, during and on completing construction (including demolition).

The tree protection measures set out in the TMP must be implemented to the satisfaction of the Responsible Authority.

The plan must not be revised without the consent of the Responsible Authority.

Contractors to be advised of trees to be retained

7. The occupier of the site must ensure that before the development starts, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Protection Management Plan and are advised of any obligations in relation to the protection of those trees.

Stormwater Management Plan

8. Before the development starts, an amended Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the advertised plan identified as Caulfield Park Sports Club – Proposed Pickleball Court – Stormwater Management Plan, dated 27 June 2024, and prepared by Noyce Environmental Consulting, but further modified to show:
 - (a) The reference to 'tank' on page 9 corrected to reference 'basin';
 - (b) Figure 6 on page 9 and the adjoining table corrected to show consistent 'Grass/WSUD' area calculations.
9. 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.

Completion of the development

10. Once the development starts, it must be completed and maintained to the satisfaction of the Responsible Authority.

Permit expiry

11. 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.

12. This permit will expire as it relates to the approved signs fifteen years from the date of this permit at which stage all signs and their supporting structures must be permanently removed from the land.

Notes

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.

- B. This Planning Permit represents the Planning approval for the 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.
- C. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

CARRIED UNANIMOUSLY

8.2 STATE LED ACTIVITY CENTRE PROGRAM - SUBMISSION ON MOORABBIN AND CHADSTONE DRAFT PLANS

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

That Council:

1. Endorse officers to prepare a submission to the Activity Centre Program on the draft Activity Centre Plans for Moorabbin and Chadstone by 29 September 2024 based on the principles outlined in this report and summarised as follows:
 - a) Process issues including insufficient consultation with Council and the community, in particular:
 - i) Insufficient time for officers to respond.
 - ii) Insufficient time for comments to be considered by the VPA.
 - iii) Timing of phase 2 engagement during Council election caretaker period.
 - iv) Last minute inclusion of the surrounding catchment areas in density targets.
 - v) Lack of information on the development of the draft Activity Centre Plans and controls including provision of background reports.
 - vi) Lack of detail regarding the impact of envisaged growth on existing infrastructure.
 - vii) Apparent speed of the program leading to poor planning outcomes.
 - viii) Lack of resolution and understanding or how the program will integrate or resolve contradictions with existing controls.
 - b) Concerns with the draft Activity Centre plans, including:
 - i) No details on planning controls to implement the plans including specific ordinances.
 - ii) No background information (technical reports) on infrastructure impacts of the plans.
 - iii) Significant level of change proposed.
 - iv) Infrastructure funding is unclear.
 - v) Deemed to comply approach for heights, setbacks and street wall heights.
 - vi) Activity centre core and catchment area boundary.
 - vii) Building heights are significantly different to existing controls and built form.
 - viii) Detailed concerns with Moorabbin and Chadstone plans.
2. Authorises the Manager City Futures to prepare and approve the final submission based on any further information provided on the Activity Centre Program prior to the end of the engagement period.

CARRIED UNANIMOUSLY

8.3 ADOPTION OF MEETING AND COMMON SEAL LOCAL LAW, GOVERNANCE RULES AND PUBLIC PARTICIPATION POLICY

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

That Council:

1. having complied with the requirements of Division 3 of Part 3 of the Local Government Act 2020 (the Act), having obtained a certificate from a qualified person stating that the person is of the opinion that the Proposed Local Law is consistent with the Local Law requirements in section 72 of the Act, and having undertaken community engagement on the Proposed Local Law in line with Council's Community Engagement Policy:
 - (a) resolves to make the Conduct at Meetings and Common Seal Local Law in Attachment 1;
 - (b) notes the opinion of Council's external legal advisor, contained in the certificate at Attachment 1, that the draft local law is consistent with the local law requirements set out in section 72 of the Act;
 - (c) notes that the Conduct at Meetings and Common Seal Local Law will come into operation on 4 September 2024;
 - (d) notes that the Conduct and Meetings and Common Seal Local Law repeals Council's Meeting Procedure Local Law 2019 made on 7 November 2019;
 - (e) authorises the Chief Executive Officer to publish the statutory notices required at section 74 of the Act;

2. having complied with the requirements at section 60 of the Act:
 - (a) adopts the draft Glen Eira City Council Governance Rules in Attachment 2 to take effect on 4 September 2024 with the following amendments:
 - (i) amend Rule 2 – Date of Commencement to “These Governance Rules commence on 4 September 2020” “These Governance Rules commence on 4 September 2024”
 - (ii) amend Rule 45 - Speaking Times to “A Councillor must not speak longer than the time set out below, unless granted an extension by a resolution of the Council.”
 - (iii) amend Rule 96 –Prohibited Decisions – sub rule 96.5 to “Any person who suffers any loss or damage as a result of acting in good faith based on a Prohibited Decision which is invalid under section 96.4 is entitled to compensation from Council for that loss or damage in accordance with section 69 of the Act.”
 - (b) revokes the Glen Eira City Council Governance Rules adopted by Council on 18 June 2020 from midnight 3 September 2024;

3. adopts the draft Public Participation at Council Meetings Policy in Attachment 3;

4. notes the Community Engagement Summary Report at Attachment 4; and
5. resolves to write to each person who made a written submission and inform them of Council's decision.

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

Against the Motion: Crs Athanasopoulos, Zhang and Karlake (3)

CARRIED

Extension of Speaking Time

Moved: Cr Zmood

Seconded: Cr Parasol

That Cr Karlake be granted a one minute extension of speaking time.

CARRIED UNANIMOUSLY

Extension of Speaking Time

Moved: Cr Parasol

Seconded: Cr Zmood

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

CARRIED UNANIMOUSLY

8.4 DOMESTIC ANIMAL MANAGEMENT PLAN 2024 - ANNUAL REVIEW

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

That Council:

1. notes the completion of the actions to date and any actions in progress of the Domestic Animal Management Plan 2022-2026; and
2. notes that a copy of this report be provided to the Secretary of the Department of Jobs, Skills, Industry and Regions as required under section 68A(3)(b) of the *Domestic Animals Act 1994*.

CARRIED UNANIMOUSLY

8.5 ROOMING HOUSE POLICY

Moved: Cr Karlake**Seconded: Cr Pennicuik**That Council adopts the Rooming House Policy (**Attachment 1**).**CARRIED UNANIMOUSLY**

8.6 CALL FOR REPORT - PARKING TIMES IN ACTIVITY CENTRES

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

That Council

1. notes the findings of the 'Call for Report - Parking times in activity centres';
2. support a further review of the parking limitations in the Carnegie Activity Centre;
3. notes that officers will provide a report on the outcomes of the further review to an appropriate Ordinary Council meeting within the third quarter of the 2024/25 financial year; and
4. notes that officers will continue to monitor parking demands across all other activity centres.

CARRIED UNANIMOUSLY

It is recorded that Cr Zhang vacated the Chamber at 8:31pm.

It is recorded that Cr Zhang entered the Chamber at 8:33pm.

8.7 CALL FOR REPORT - TRAFFIC IMPLICATIONS - ELSTERNWICK CULTURAL PRECINCT

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

That Council:

1. Supports the traffic assessment contained in the Elsternwick Cultural Precinct – Precinct Design report tabled at the 27 April 2021 Ordinary Council Meeting having adequately addressed the call for report on minimisation options of vehicular impacts on the Selwyn Street Cultural Precinct, and
2. Revokes the need for a separate report to be brought before Council responding to the request.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos vacated the Chamber at 8:35pm.

8.8 ADOPTION OF 2023-24 FINANCIAL REPORT

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

That Council:

1. adopts the draft 2023-24 Financial Statements and Performance Statement 'in principle' in Attachment 1 to this report, subject to no significant changes by the Auditor-General; and
2. notes that at the 1 May 2024 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 Anne-Marie Cade) and Deputy Mayor (Cr Simone Zmood) were appointed as signatories to the Financial Report; and
 - b) Cr Sue Pennicuik and Cr Sam Parasol as alternative signatories.

It is recorded that Cr Athanasopoulos was not present during the vote

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos entered the Chamber at 8:38pm.

8.9 FINANCIAL MANAGEMENT REPORT (31 JULY 2024)

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

That Council notes the Financial Management Report for the period ending 31 July 2024.

CARRIED UNANIMOUSLY

8.10 SPECIAL RATE AGREEMENTS - CARNEGIE AND ELSTERNWICK

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

That Council:

1. enters into an Agreement with Carnegie Main Street Inc (ABN 73 905 096 621) to assist it to administer the Carnegie Special Rate Scheme; (Attachment 1 to this report)
2. enters into an Agreement with Elsternwick Main Street Committee (ABN 74 814 986 749) to assist it to administer the Elsternwick special rate scheme; (Attachment 2 to this report)
3. notes that the attached Agreements have been prepared in accordance with any obligations under the *Local Government Act 1989* and in line with the declared special rate;
4. seals the Carnegie Special Rate Funding Agreement in an appropriate manner by affixing of the Council Seal once signed by the Carnegie Traders Association; and
5. seals the Elsternwick Special Rate Funding Agreement in an appropriate manner by affixing of the Council Seal once signed by the Elsternwick Traders Association.

CARRIED UNANIMOUSLY

8.11 CLASSIFIED TREE REGISTER QUARTERLY REPORT

Moved: Cr Karlake**Seconded: Cr Zmood**

That Council:

1. Includes the following tree in the Classified Tree Register:
 - a) English Oak (*Quercus robur*) located at 19 Lord St, Caulfield East – 531/CTR/2024;
 - b) notifies each person who nominated this tree of Councils decision on inclusion within the Register;
 - c) notifies all relevant landholders of Councils decision on inclusion of this tree within the Register; and
 - d) if endorsing the inclusion of this tree, authorises a notice to be published in the Victorian Government Gazette of the decision to include this tree on the Register.
2. Authorises a notice to be published in the Victorian Government Gazette of the decision to include 9 further trees on the Classified Tree Register as listed below:
 - a) Liquidambar (*Liquidambar styraciflua*) located at 25 Crosbie Rd, Murrumbeena – 236/CTR/2021;
 - b) Coral Tree (*Erythrina X sykesii*) located at 25 Crosbie Rd, Murrumbeena – 236/CTR/2021;
 - c) Port Jackson Fig (*Ficus rubiginosa*) located at Princes Park, Caulfield South – 482/CTR/2023;
 - d) Manna Gum (*Eucalyptus viminalis*) located at Princes Park, Caulfield South – 482/CTR/2023;
 - e) Silver Birch (*Betula pendula*) located at 11 Tattenham St, Caulfield East – 504/CTR/2023;
 - f) Swamp Mahogany (*Eucalyptus robusta*) located at Wingate Reserve, Bentleigh East – 556/CTR/2024;
 - g) Moreton Bay Fig (*Ficus macrophylla*) located at Wingate Reserve, Bentleigh East – 556/CTR/2024;
 - h) River Red Gum 01 (*Eucalyptus camaldulensis*) located at Centenary Park, Bentleigh East – 556/CTR/2024; and
 - i) River Red Gum 02 (*Eucalyptus camaldulensis*) located at Centenary Park, Bentleigh East – 556/CTR/2024.

CARRIED UNANIMOUSLY

8.12 QUARTERLY SERVICE PERFORMANCE REPORT (APRIL - JUNE 2024)

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

That Council notes the *Quarterly Service Performance Report (Attachment 1)* for the period ending 30 June 2024.

CARRIED UNANIMOUSLY

8.13 COMMUNITY GRANT RECOMMENDATIONS 2024-2025

Moved: Cr Zhang**Seconded: Cr Esakoff**

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;

CARRIED UNANIMOUSLY

Cr Zmood has declared a Conflict of Interest to point 3 of this motion. It is recorded that Cr Zmood vacated the Chamber at 8:51pm.

Moved: Cr Zhang**Seconded: Cr Esakoff**

3. Community grants for B'nai B'rith and United Jewish Education Board as detailed in Attachment 3 to this report.

It is recorded that Cr Zmood was not present during the vote

CARRIED UNANIMOUSLY

It is recorded that Cr Zmood entered the Chamber at 8:53pm.

8.14 COMMUNITY GRANTS

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

Part A: That Council:

1. Approves Facility Hire Grants for:
 - a) Lider School Inc for \$2,227.94.
 - b) FoodFilled for \$1,182.
2. Approves a Youth Excellence Grant for:
 - a) Isabelle for \$1,200.

Part B: That Council approves a Small Grant for Chabad of Rural and Regional Australia for \$1,000.

CARRIED UNANIMOUSLY

8.15 LEASE TO GLEN EDUCATION INCORPORATED - PART OF MURRUMBEENA FAMILY CENTRE, 105 MURRUMBEENA ROAD, MURRUMBEENA

Moved: Cr Esakoff**Seconded: Cr Magee**

That Council:

1. Authorises officers to negotiate and finalise the terms of a five-year, Kindergarten lease with Glen Education Incorporated (A0056608F) for its occupation of Council premises at Murrumbeena Family Centre, 105 Murrumbeena Road, Murrumbeena, Victoria 3163.
2. Resolves to enter into a five-year lease term with Glen Education Incorporated (A0056608F) for its occupation of Council premises at Murrumbeena Family Centre, 105 Murrumbeena Road, Murrumbeena, Victoria 3163; and
3. Executes the lease in an appropriate manner by affixing the common seal of Council.

CARRIED UNANIMOUSLY

8.16 LEASE OF 118 LEILA ROAD CARNEGIE TO BAYSIDE CITY COUNCIL

Moved: Cr Pennicuik**Seconded: Cr Karlake**

That Council:

1. Enters into a lease with Bayside City Council (ABN 65 486 719 651) for its occupation of Glen Eira City Council premises at 118 Leila Road, Carnegie;
2. Authorises officers to finalise the terms of the lease with Bayside City Council (ABN 65 486 719 651) for a term of ten years; and
3. Executes the lease in an appropriate manner by affixing the common seal of Council.

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

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

CARRIED UNANIMOUSLY

8.17 FAIR ACCESS POLICY AND FAIR ACCESS ACTION PLAN

Moved: Cr Karlake**Seconded: Cr Zhang**

That Council:

1. notes the feedback received through the community engagement process;
2. endorses the Fair Access Policy; and
3. endorses the Fair Access Action Plan.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos vacated the Chamber at 9:10pm.

8.18 POLICY LIFECYCLE POLICY

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

That Council adopt the Policy Lifecycle Policy (Attachment 1).

It is recorded that Cr Athanasopoulos was not present during the vote

CARRIED UNANIMOUSLY

8.19 TENDER 2025.9 LORD RESERVE OVAL 3 RECONSTRUCTION

Moved: Cr Cade**Seconded: Cr Magee**

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

1. appoints **Hendriksen Contractors Pty Ltd, A.C.N. 093 866 758 (A.B.N. 98 093 866 758), as the contractor under Tender number 2025.9** for an amount of **\$494,373.88** exclusive of GST based on the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf;
4. notes the attachment to the report remain confidential in accordance with section 3(1)(g) 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.

It is recorded that Cr Athanasopoulos was not present during the vote

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos entered the Chamber at 9:17pm.

8.20 TENDER 2025.7 ANNUAL CONTRACT FOR ASPHALT ROADS AND FOOTPATHS MAINTENANCE

Moved: Cr Pennicuik**Seconded: Cr Karlake**

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

1. appoints **Future Civil Group Pty Ltd A.C.N. 165 948 247 A.B.N. 16 165 948 247, as panel contractor under Tender number 2025.7** based on the schedule of rates submitted;
2. appoints **Paper Street Pty Ltd, trading as Metro Plant & Civil Services A.C.N. 152 055 359 A.B.N. 81 152 055 359, as panel contractor under Tender number 2025.7** based on the schedule of rates submitted;
3. appoints **Prestige Paving Pty Ltd A.C.N. 140 970 912 A.B.N. 84 140 970 912, as panel contractor under Tender number 2025.7** based on the schedule of rates submitted;
4. appoints **Tompsett Pty Ltd A.C.N. 625 912 772 A.B.N. 12 625 912 772, as panel contractor under Tender number 2025.7** based on the schedule of rates submitted;
5. prepares the contracts in accordance with the Conditions of Contract included in the tender;
6. authorises the CEO to execute the contracts on Council's behalf;
7. notes the attachments to the report remain confidential in accordance with section 3(1)(g) of the *Local Government Act 2020* or until Council resolves otherwise; and

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

9. URGENT BUSINESS**Procedural Motion****Moved: Cr Cade****Seconded: Cr Zmood**

That Council accept this item: Notice of Motion regarding noise and nuisance complaints as Urgent Business to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY**9.1 Urgent Business – Notice of Motion: Noise and Nuisance Complaints****Moved: Cr Zmood****Seconded: Cr Pennicuik**

That Council:

1. Writes to the Executive Director, Department of Transport and Planning, and the Australian Building Codes Board seeking their commitment to:
 - raise awareness with the lack of appropriate minimum building standards in Victoria to appropriately respond to noise nuisance concerns
 - actively investigate and review the minimum building standards of development in Victoria to significantly improve building standards in response to the growing noise nuisance concerns associated with medium-high density development.
2. Writes to the Environmental Protection Authority seeking their commitment to:
 - actively investigate and take action on any commercial noise nuisance complaints referred to by local Councils where all other avenues have been exhausted.
3. Conducts an educational campaign to inform the community about the process that Council follows in response to noise nuisance complaints.

CARRIED UNANIMOUSLY

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff**

Nil

10.2 Right of reply

Nil

10.3 Notice of Motion

Nil

10.4 Councillor questions

Nil

10.5 Written public questions to Council

Nil

11. CONFIDENTIAL ITEMS

Moved: Cr Athanasopoulos

Seconded: Cr Magee

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 Tender 2024.45A Provision of Waste Services and Circular Economy Services - Stage 1

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
- Recommendation for this report to be confidential was endorsed at the August 2024 Project Control Group meeting for this project. Advice from Council's probity advisor for this project informed this resolution. A recommendation has been included in the report to announce the appointment of contractors for 2024.45 - Stage 1, once contract negotiations close

11.2 93 MIMOSA ROAD CARNEGIE - PUBLIC ACQUISITION OVERLAY

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and

- The paper seeks to resolve an upper amount for negotiation on a property. This needs to remain confidential to ensure Council is not placed at a financial disadvantage.

11.3 Discontinuance and sale of Road abutting 333-335 Hawthorn Road and 2 Briggs Street, Caulfield South

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

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)); and
- Council regards this entire item as confidential information under section 66(2)(a) of the Local Government Act 2020 and moves in camera to consider the item. The grounds for determining to consider the item in camera (close the meeting to the public) is that the entire item contains legal privileged information, being information to which legal professional privilege or client legal privilege applies as described under section 3(1)(e) of the Local Government Act 2020.

This report also discusses matters that have been discussed on a without prejudice basis in negotiations with the applicant's legal representative, as such this report and the attachments to this report are to remain confidential and not to be disclosed.

Councillors, and Council staff, are reminded of their obligations under Council's Code of Conduct regarding how confidential information is to be treated and protected

11.4 CEO Performance Review - August 2024

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); and
- Personal Information

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Karlake

Seconded: Cr Zmood

That Council disable the livestream and clears the gallery in order to discuss the in camera items 11.1, 11.2, 11.3, 11.4 as listed on this evening's agenda.

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting closed at 21.39pm.

Confirmed this 17 September 2024

Chairperson.....