



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 30 AUGUST 2022

MINUTES

**Meeting was held online,
and streamed virtually via Council's website
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.

7:35pm Council meeting adjourned due to audio issues with the livestream

7:42pm Council meeting recommenced with audio issues rectified

Present

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

2. APOLOGIES

Nil

3. REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA

Councillors were reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or any item that was considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors were then invited to indicate any such conflict of interest.

Nil

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

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened virtually on Wednesday 31 August 2022 at 5.30pm; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Zyngier****Seconded: Cr Parasol**

That the minutes of the Ordinary Council Meeting held on 9 August 2022 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 SAVE CARNEGIE SWIM CENTRE (ALSO KNOWN AS CAULFIELD MEMORIAL SWIMMING POOL)**

The Change.org petition does not satisfy the requirements under the Local Government Act, however, Council will accept this as a Joint Letter.

The Joint Letter read as follows:

Dear Councillors,

As I am sure you are aware, the Heritage Council has issued its determination.

While it has declined to include the Place on the State Register, it "refers the Recommendation and all submissions to Glen Eira City Council for consideration for an amendment to the Glen Eira Planning Scheme."

Since Glen Eira's own heritage expert also makes a similar recommendation, and assuming an ethical process, then I expect Glen Eira shall instate full and proper heritage protection.

To date we have 1630 supporters that have signed our change.org petition. (https://www.change.org/p/glen-eira-council-save-carnegie-swimming-pool/exp/cl/cl_sharecopy_30630071_en-AU/7/1179049624?utm_content=cl_sharecopy_30630071_en-AU%3A7&recruiter=1179049624&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition)

To my knowledge there is very little evidence of public support for the demolition and redevelopment of the pool. Only 2 members of the public made written submissions against heritage protection and I am not aware of any petitions in support of demolition and redevelopment despite council calling on the public to demonstrate their support publicly. A couple of people have grumbled about me on facebook but I don't think that counts as a clear statement of support for the council proposal.

Hence, it seems clear that overall there is a lack of public support for Glen Eira council's redevelopment proposal. Everyone looks forward to the pool being fixed up and open as soon as possible. Kind regards,

John.

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council:

1. receives and notes the joint letter; and
2. refers the joint letter to officers for preparation of a detailed response to the submitter.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Community Grants Advisory Committee Meeting Minutes – 2 August 2022; and
2. CEO Employment Matters Advisory Committee Minutes – 3 August 2022

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 26 July 2022 Assembly;
2. 2 August 2022 Assembly; and
3. 9 August 2022 Pre-meeting

CARRIED UNANIMOUSLY

Change Order of Business**Moved: Cr Zmood****Seconded: Cr Athanasopolous**

That Council changes the order of business to deal with item 10.5
Written Public Questions to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY**7.5 WRITTEN PUBLIC QUESTIONS TO COUNCIL****Rosetta Manaszewicz – McKinnon****Question 1:**

Were all councillors provided with the complete community consultation feedback (including all comments and emails) on the draft housing strategy prior to last council meeting? As of today, has this now been provided if not earlier?

Response:

On 9 August 2022 Council considered a report that outlined feedback from the community on the consultation from the Housing Strategy. Councillors had access to the report before 9 August, consistent with our normal practice.

Appendices to the report included a detailed consultation report and a summary report. Feedback to the Phase 2 consultation included 319 responses to 25 survey questions, plus approximately 100 emails and letters. The summary report drew out the key feedback and responses to issues. The detailed consultation report included quotes and specific areas of interest.

No decisions were made at the Council meeting of 9 August 2022; its purpose was to thank submitters and note their feedback.

Councillors later asked for access to all verbatim submissions. This was provided on 19 August 2022.

Question 2:

Several comments at the last council meeting in relation to the Carnegie structure plan, were that the overshadowing and built form frameworks reports would be made available to the public. It is nearly three weeks later, and the documents are yet to appear on council's website. Why and when will these important reports be published?

Response:

They haven't been put on the website because the amendment is yet to be authorised by the Minister for Planning. Once Ministerial authorisation is received, the full suite of reports and information will be made available as part of the formal amendment exhibition.

Warren Green – Bentleigh

Question 1:

In a question to Council at the last Council meeting I outlined many of reasons why the Draft Housing Strategy consultation process was poor and had not delivered on the CEO's documented commitment to Involve community as per the IAP2 framework. In response to this question, I was advised that "Council conducted a robust, open, transparent and professional program". I dispute this response. As one example only, it is noted that the individual Draft Housing Strategy community submissions were not made available to community prior to this claim of transparency and openness. My question is, were Councillors provided access to the individual Draft Housing Strategy submissions prior to their consideration of the Housing Strategy consultation report at the last meeting?

Response:

On 9 August 2022 Council considered a report that outlined feedback from the community on the consultation from the Housing Strategy. Councillors had access to the report before 9 August, consistent with our normal practice.

Appendices to the report included a detailed consultation report and a summary report. Feedback to the Phase 2 consultation included 319 responses to 25 survey questions, plus approximately 100 emails and letters. The summary report drew out the key feedback and responses to issues. The detailed consultation report included quotes and specific areas of interest.

No decisions were made at the Council meeting of 9 August 2022; its purpose was to thank submitters and note their feedback.

Councillors later asked for access to all verbatim submissions. This was provided on 19 August 2022.

Question 2:

At the last Council meeting, a resident stated that residents' concerns at the Town Hall meeting on May 5th were verging on white-hot anger and that these concerns have not been clearly articulated or addressed in Council's Draft Housing Strategy consultation report. This is a common theme around the inadequacy of the Draft Housing Strategy consultation and as examples, 1) Residents were on mute at the Webinar and could only ask written questions. 2) Despite over 100 attendees, the Town Hall meeting was used by Council as a question and answer session only. 3) Recent face to face meetings were conducted after the completion of consultation. Why didn't Council use the Town Hall meeting, the webinar and the recent face to face meetings to genuinely listen to the community concern raised and document key findings as part of the Draft Housing Strategy consultation?

Response:

Council is yet to decide on the final form of the Housing Strategy. Consultation on the strategy ran for over 11 weeks and there were a variety of methods used to both inform, and gather feedback and input from, the community.

All feedback received will be taken into consideration when a decision is made later this year.

Susan Nolle – Caulfield**Question 1:**

Why haven't CLEARWAY signs been installed along Koornang Road, Carnegie, to the west of the intersection of Princes Highway and Koornang Road?

At peak traffic times, chaos best describes this section of road and, recently, a pedestrian was killed by a motorist at the intersection.

It is a no-brainer to state that cars should not be parked on either side of Koornang Road during peak traffic times. Yet motorists are supposed to stop, mid-traffic, and read the small green number on a 1-hour parking sign to ascertain the time at which the road becomes a CLEARWAY.

Unless clear and obvious CLEARWAY signs are installed, the inadequate, existing signage could be viewed as an easy, money making strategy for Council.

Response:

Clearways are similar in operation to part-time 'No Stopping' restrictions, except that they are implemented over relatively long lengths of the more important urban arterial routes, in response to high peak hour traffic volumes. When considering the installation of Clearways along such roads, authorisation by VicRoads, (which is now part of the Department of Transport), is required.

There are currently part-time 'No Stopping (7-9am, 4-6pm Mon-Fri)' restrictions (signs) along both sides of Koornang Road from the intersection with Dandenong Road through to Arawatta Street. These were implemented many years ago by Council to improve traffic flows for traffic turning into Koornang Road and approaching the Dandenong Road intersection and are equivalent to having Clearway signs.

Council's Parking and Safety team continue to patrol these 'No Stopping' areas on a daily basis. Parking infringements are issued where appropriate.

Martin Lohan

With regards to the Agenda Item for the Cultural Precinct I have the following questions:

Question 1:

Do the Stakeholders in Selwyn Street have the opportunity to be involved in the detailed design stage of project.

Response:

Key stakeholders for the Elsternwick Cultural Precinct will continue to be engaged throughout detailed design process via the established project Community Advisory Committee.

Question 2:

Has the Department of Transport been consulted in the decision as they have supported 2 lanes from Selwyn Street into Glen Huntley Road to minimise disruption to trams.

Response:

Council has kept both the Department of Transport and Yarra Trams updated throughout the concept development stage of the project. This engagement will continue throughout the next stage of design development.

8. OFFICER REPORTS (AS LISTED)

8.1 ADOPTION OF 2021-22 FINANCIAL REPORT

Moved: Cr Zmood**Seconded: Cr Zhang**

That Council:

1. adopts the 2021-22 Financial Statements and Performance Statement 'in principle', subject to no significant changes by the Auditor-General; and
2. notes that the Mayor (Cr Jim Magee) and Deputy Mayor (Cr Li Zhang) have been appointed to sign the Financial Statements and Performance Statement once they have been returned by the Victorian Auditor-General.

CARRIED UNANIMOUSLY

8.2 FINANCIAL MANAGEMENT REPORT (31 JULY 2022)

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

That Council notes the Financial Management Report for the period ending 31 July 2022.

CARRIED UNANIMOUSLY

8.3 DRAFT GLEN EIRA PLACEMAKING FRAMEWORK

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

That Council:

1. Notes the draft *Placemaking Framework* (Attachment 1) for the purposes of community consultation over a six-week period; and
2. Receives a further report outlining the community feedback and to present the final *Placemaking Framework*.

CARRIED UNANIMOUSLY

**8.4 GLEN EIRA SOCIAL AND AFFORDABLE HOUSING STRATEGY
IMPLEMENTATION PLAN YEAR FOUR 2022-23**

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

That Council endorses the *Glen Eira Social and Affordable Housing Strategy Implementation Plan Year Four 2022-23*.

CARRIED UNANIMOUSLY

8.5 COMMUNITY WELLBEING ACTION PLAN YEAR TWO 2022-2023

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

That Council endorses the *Community Wellbeing Action Plan Year Two 2022-2023*.

CARRIED UNANIMOUSLY

**8.6 MULTIDECK COMMUTER CARPARKS PROJECT - OUTCOMES OF
COMMUNITY CONSULTATION**

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

That Council:

1. notes the feedback from the community consultation; and
2. supports a hold point for the project until further guidance is received from the Federal Government regarding the Urban Congestion Fund.

For the Motion: Crs Athanasopoulos, Esakoff, Magee, Cade, Parasol, Zhang and Zmood (7)

Against the Motion: Crs Zyngier and Pennicuik (2)

CARRIED

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

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

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

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

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

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

CARRIED UNANIMOUSLY

8.7 ELSTERNWICK CULTURAL PRECINCT - COMMUNITY CONSULTATION OUTCOMES

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

That Council notes the community engagement outcomes and resolves to proceed with the next stage of design development.

CARRIED UNANIMOUSLY

Cr Zyngier: has asked a question in relation to Item 8.7 which has been taken on notice by Director – Planning and Place. The question will be added to 'Item 10.4 – Councillor Questions' at the next Ordinary Council Meeting 20 September 2022

8.8 INCLUSION OF 9 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) Blue Gum (*Eucalyptus globulus* subsp. *bicostata*) located at Caulfield Racecourse, Caulfield East – 342/CTR/2022;
 - b) Coastal Manna Gum x 5 (*Eucalyptus viminalis* subsp. *pryoriana*) located at Caulfield Racecourse, Caulfield East – 355/CTR/2022;
 - c) English Oak (*Quercus robur*) located at Caulfield Racecourse, Caulfield East – 364/CTR/2022;
 - d) Spotted Gum x 2 (*Corymbia maculata*) located at Caulfield Racecourse, Caulfield East – 365/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

8.9 VCAT WATCH

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

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

CARRIED UNANIMOUSLY

8.10 ADOPTION OF THE GOVERNANCE RULES

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

That Council:

1. receives and notes the community feedback provided on the Governance Rules during the community consultation period from 20 July 2022 to 5pm Wednesday 17 August 2022; and
2. adopts the revised Governance Rules as outlined in Attachment 2 to this report.

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

8.11 AUDIT & RISK COMMITTEE MINUTES (12 AUGUST 2022)

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

That the minutes of the Audit & Risk Committee meeting held on 12 August 2022 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

8.12 AUDIT & RISK COMMITTEE BIENNIAL REPORT

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

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

CARRIED UNANIMOUSLY

8.13 AUDIT & RISK COMMITTEE - RECRUITMENT OF INDEPENDENT MEMBER

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

That Council endorses the recruitment process to appoint an Independent Member to Council's Audit and Risk Committee effective 1 January 2023.

CARRIED UNANIMOUSLY

8.14 TENDER 2022.192 PROVISION OF CONCRETE DRY GRINDING OF FOOTPATHS

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

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

1. appoints **McDonough Contracting Pty Ltd ACN 005 576 376**, as the trustee for the McDonough Family Trust, trading as McDonough Contracting (ABN 40 476 183 863) as the contractor under Tender number 2022.192 for an amount in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer 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. authorizes 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

8.15 TENDER 2023.1 BRIGGS STREET STAGE 2 DRAINAGE WORKS

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

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

1. appoints **Jaydo Construction Pty Ltd ACN 062 221 596** as the contractor under Tender number 2023.1 for an amount of \$991,867.80 GST exclusive (\$1,091,054.58 GST inclusive) in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer 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. authorizes 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

8.16 TENDER 2023.2 SCOTT STREET STAGE 4 DRAINAGE WORKS

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

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

1. appoints **Jaydo Construction Pty Ltd ACN 062 221 596** as the contractor under Tender number 2023.2 for an amount of \$931,081.00 GST exclusive (\$1,024,189.10 GST inclusive) in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer 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. authorizes 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

8.17 TENDER 2023.6 RICOURT AVENUE & ELLA STREET RECONSTRUCTION

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

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

1. appoints **Delfino Paving Co Pty Ltd ACN 007 116 305** as the contractor under Tender number 2023.6 for an amount of \$1,001,892.20 GST exclusive (\$1,102,081.42 GST inclusive) in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer 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. authorizes 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

8.18 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MOTION

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

That Council:

1. endorses the following motion for submission to the 14 October 2022 MAV State Council meeting:

'That the Municipal Association of Victoria advocates to the Victorian Government to commit to the continuation of the highly successful *Suburban Parks Program*, noting:

- councils across Victoria have benefited from the program and have used the funding to construct new public open spaces such as dog parks and pocket parks;
- it is essential for councils to have continued access to State Government funding to improve and develop new public open spaces that meet the diverse needs of our communities; and
- continuing to fund new green space and tree canopy in municipalities across Victoria will reduce the urban heat effect, improve biodiversity, reduce the impacts of climate change and improve the health and wellbeing of our communities

CARRIED UNANIMOUSLY

9. URGENT BUSINESS**10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1 Call for Report - Climate Emergency Response and Urban Forest****Moved: Cr Zyngier****Seconded: Cr Zmood**

That Council receives a report as follows:

1. In order to further support our Climate Emergency Response and Urban Forest Strategy, council officers prepare a report on the logistics, feasibility and cost of holding an annual native vegetation planting week by Glen Eira school children and their families that would include trees, shrubs and grasses to coincide with International Tree Day or another appropriate time.
2. These plantings could be in a variety of locations, including schools, parks and reserves, nature strips, car parks and of course private homes. That officers consider making this event a competition between schools and the opportunities for partnerships, sponsorships and support from relevant industry groups, government and environmental organisations.

CARRIED UNANIMOUSLY**10.2 Right of reply**

Nil

10.3 Notice of Motion

Nil

10.4 Councillor questions

Nil

11. CONFIDENTIAL ITEMS

10.22pm - livestream was discontinued as Councillors move in camera to discuss Item 11.1, moved by Cr Athanasopoulos and seconded by Cr Zmood.

11.1 EMPLOYMENT MATTER

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

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

12. CLOSURE OF MEETING

The meeting closed at 10.30pm.

Confirmed this at 20 September 2022

Chairperson.....