



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**WEDNESDAY 8 FEBRUARY 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>7</b>
<b>5.</b>	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....</b>	<b>7</b>
5.1	Petition: Feedback and Requested Changes to the Draft Elsternwick Structure Plan .....	7
5.2	Petition: Council to Upgrade Existing Laneways between Wattle and Garden Avenue .....	8
<b>6.</b>	<b>REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS.....</b>	<b>8</b>
	Cr Tony Athanasopoulos - Metropolitan Transport Forum (MTF)	
<b>7.</b>	<b>REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY .....</b>	<b>8</b>
<b>7.1</b>	<b>Advisory Committees .....</b>	<b>8</b>
7.1.1	Advisory Committee Minutes.....	8
<b>7.2</b>	<b>Records of Assembly.....</b>	<b>9</b>
7.2.1	Records of Assemblies of Councillors .....	9
<b>8.</b>	<b>OFFICER REPORTS (AS LISTED).....</b>	<b>9</b>
8.1	Financial Management Report (31 December 2022) .....	9
8.3	VCAT Watch .....	10
8.4	Sale of Council Land Adjoining 61 Gladwyn Ave Bentleigh East .....	11
8.5	Planning Scheme Amendment C251glen Request for a permanent Heritage Overlay for the Balaclava Road Victorian Group and inclusion of revised Statements of Significance and new Heritage Design Guidelines on other unrelated heritage overlays. ....	12
8.6	Amendment C231glen Caulfield South Neighbourhood Activity Centre .....	13
8.7	Inclusion of 5 Trees in the Classified Tree Register.....	16
8.8	Philanthropic Partnership Donation Offer - Zionism Victoria .....	17

<b>9.</b>	<b>URGENT BUSINESS.....</b>	<b>17</b>
<b>10.</b>	<b>ORDINARY BUSINESS.....</b>	<b>17</b>
	10.1 Requests for reports from a member of Council staff .....	17
	10.2 Right of reply .....	17
	10.3 Notice of Motion .....	17
	10.4 Councillor questions.....	17
	10.5 Written public questions to Council .....	17
	This was heard at an earlier stage of the meeting .....	17
<b>11.</b>	<b>CONFIDENTIAL ITEMS.....</b>	<b>18</b>
	11.2 Carnegie Memorial Swimming Pool - Contract Negotiations Update .....	19
<b>12.</b>	<b>CLOSURE OF MEETING.....</b>	<b>19</b>

**1. ACKNOWLEDGEMENT**

The Mayor read the acknowledgement.

Glen Eira City Council Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

**2. APOLOGIES****Apology**

**Moved: Cr Zmood**

**Seconded: Cr Parasol**

That the apology from Cr Margaret Esakoff be received and noted.

**CARRIED UNANIMOUSLY**

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

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

Nil

**Public Participation:**

One question was asked this evening.

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

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

**CARRIED UNANIMOUSLY****Written Public Questions to Council**

<b>Timothy Wilson</b> <b>Beaumaris</b>	<p><b>Question 1</b></p> <p>Dear Mayor and Councillors, First, I wanted to express my appreciation to represent the Bayside and Glen Eira community for the past six years, and particularly to work with the overwhelming number of Councillors constructively. My engagement was always based on respecting the Council's authority to run our local community and support Council in that task, not pretend I could duplicate it. Second, now that the updated 2022/23 Federal Budget has been delivered, can Council please advise which of the following funding grants that were budgeted for or committed will now be funded: 1. Car park upgrades: \$100 million which included upgrades for Bentleigh and Elsternwick; and 2. Electric vehicle charging stations: \$560,000, which included sites in Glen Eira?</p> <p><b>Answer:</b></p> <p>Urban Congestion Fund:</p> <ul style="list-style-type: none"><li>• The Urban Congestion Fund, which was to fund commuter carparks across Australia, was abolished by the Australian Government in its October 2022 Federal Budget.</li><li>• Therefore, the two proposed commuter car parks in Bentleigh and Elsternwick will not go ahead. As per Council's decision at the 22 November 2022 Ordinary Council Meeting.</li><li>• \$20.6 million in federal funding was earmarked in 2019 for the two car parks.</li><li>• In late 2022, Council agreed to put the commuter car park projects on hold so we could discuss the funding with the Australian Government, after the community had raised concerns around the proposed car parks during our community engagement process.</li><li>• With the community's feedback in mind, Council had been advocating for alternative uses for the funding, such as activity centre carparking, safer cycling infrastructure, electric vehicle (EV) chargers, or more open space.</li><li>• Following the Urban Congestion Fund's cancellation, Council will continue to strongly advocate to the state and federal</li></ul>
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	<p>governments for more funding for integrated transport and connectivity.</p> <p>EV charging stations:</p> <ul style="list-style-type: none"> <li>• At the state and federal elections, Council advocated for more funding for electric vehicle charging stations at the Bentleigh Library and Youth Hub, Murrumbeena Community Hub, and Carnegie Library.</li> <li>• Unfortunately, while the Liberal Party made a commitment to fund an EV charger at the Bentleigh Library if elected at the 2022 federal election, this commitment was not matched by the now Labor government.</li> <li>• Council will continue to advocate for state and federal funding to support more EV chargers throughout the municipality, as part of its commitment to net zero Council emissions by 2025 and net zero community emissions by 2030.</li> <li>• In the meantime, is worth noting that Council has installed EV charging sites at the new Murrumbeena Community Hub and is installing more EV chargers at Town Hall and is planning for more charging sites as part of the Carnegie Memorial Swimming Pool redevelopment project.</li> </ul>
<p><b>Max Deacon</b> <b>Elsternwick</b></p>	<p><b>Question 2</b></p> <p>In the VCAT decision in relation to Fabcot (Woolworths) handed down in Sept 2022 Fabcot were to submit amended plans. Have these plans been submitted and will neighbouring residents be advised of the amended plans?</p> <p><b>Answer:</b></p> <p>The permit holder for the site at 10-16 Selwyn Street, Elsternwick, has submitted amended plans to address the requirements of the various conditions of the planning permit.</p> <p>Officers are currently reviewing their compliance with the conditions of the permit.</p> <p>A copy of the plans will be available to view in accordance with legislative requirements when they are endorsed.</p> <p>The plans have not been endorsed at this stage.</p>

<p><b>Rosetta Manaszewicz McKinnon</b></p>	<p><b>Question 3</b></p> <p>Amendment C231 is bereft of any detail on the overshadowing impact of the proposed heights on both public open spaces and pedestrian areas (ie Hawthorn/Glen Huntly Roads) during the winter solstice. The adopted the Urban Design Framework did not include any overshadowing diagrams for the winter solstice. Have such studies been done and have councillors been provided with full access to these specific studies?</p> <p><b>Answer:</b></p> <p>Amendment C231 seeks to secure built form controls in the Caulfield South Neighbourhood Activity Centre. The accepted standard with regards to overshadowing of a street, specifically the opposite footpath, is the equinox in March and September and not the winter solstice in June. Other than public open space, consideration of winter shadow impacts does not carry statutory weight when considering this amendment. As there are no public open spaces in the Caulfield South NAC, winter shadowing was not pursued. This objective however, has been pursued for open spaces in Elsternwick and Carnegie but has yet to be tested through a Panel. Footpaths are not considered open space where Council could apply winter controls successfully. Councillors have been provided with the shadow casts at the equinox for the full extent of the activity centre. These are contained in the Built Form Framework adopted by Council.</p>
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#### 4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

**Moved: Cr Parasol**

**Seconded: Cr Zmood**

That the minutes of the Ordinary Council Meeting held on 13 December 2022 be confirmed.

**CARRIED UNANIMOUSLY**

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

##### 5.1 PETITION: FEEDBACK AND REQUESTED CHANGES TO THE DRAFT ELSTERNWICK STRUCTURE PLAN

**Moved: Cr Zmood**

**Seconded: Cr Zyngier**

That Council:

1. receives and notes the petition; and
2. refers the petition to the relevant officer for appropriate action including a detailed response to the submitter.

**CARRIED UNANIMOUSLY**

**5.2 PETITION: COUNCIL TO UPGRADE EXISTING LANEWAYS BETWEEN WATTLE AND GARDEN AVENUE****Moved: Cr Pennicuik****Seconded: Cr Zyngier**

That Council:

1. receives and notes the petition; and
2. refers the petition to the relevant officer for appropriate action including a detailed response to the submitter.

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

Cr Tony Athanasopoulos - Metropolitan Transport Forum (MTF)

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

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**7.1 Advisory Committees**

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

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

1. Community Engagement Advisory Committee Meeting Minutes – 23 November 2022;
2. Multicultural Advisory Committee Minutes - 30 November 2022; and
3. Business and Economy Advisory Committee Meeting Minutes – 8 December 2022.

**CARRIED UNANIMOUSLY**



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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS****Moved: Cr Zmood****Seconded: Cr Parasol**

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

1. 29 November 2022 Assembly;
2. 5 December 2022 Assembly;
3. 6 December 2022 Assembly; and
4. 13 December 2022 Pre-meeting.

**CARRIED UNANIMOUSLY**

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

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**8.1 FINANCIAL MANAGEMENT REPORT (31 DECEMBER 2022)**

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

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

**CARRIED UNANIMOUSLY**

**Procedural Motion – Deferral of Item 8.2 - 13 LOCH AVENUE ST KILDA EAST****Moved: Cr Magee****Seconded: Cr Pennicuik**

That Council:

1. defer the debate on this matter until the 28 February 2023 Ordinary Council Meeting; and
2. allow consideration of this matter following a decision on the Road Discontinuance application for Merriwoola Street St Kilda East which is an item scheduled for resolution at the same meeting.

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

Against the Motion: Cr Zyngier (1)

**CARRIED**

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**8.3 VCAT WATCH**

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

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

For the Motion: Crs Magee, Cade, Parasol, Zhang, Zmood, Zyngier and Pennicuik (7)

Against the Motion: Cr Athanasopoulos (1)

**CARRIED**

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**8.4 SALE OF COUNCIL LAND ADJOINING 61 GLADWYN AVE BENTLEIGH EAST**

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**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 8382 Folio 653 and more particularly known as Lot 1 on Title Plan TP340282B, in **Attachment 2**;
2. gives notice on Council's website of its intention to sell the land to the owner of the adjoining property at 61 Gladwyn Avenue, Bentleigh East, by private treaty;
3. writes to all adjoining property owners and occupiers informing them of the proposal and providing them with a copy of the notice;
4. as part of its community engagement process invites both written and verbal submissions on the proposed sale;
5. resolves that in the event that no submissions are received a further report be presented to the Council to determine whether to sell the land, part of the land or not to sell the land; and
6. resolves that in the event that submissions are received, that Council considers the submissions at an Ordinary meeting of Council and then determine whether to sell the land, part of the land or not to sell the land.

**CARRIED UNANIMOUSLY**

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**8.5 PLANNING SCHEME AMENDMENT C251GLEN  
REQUEST FOR A PERMANENT HERITAGE OVERLAY FOR THE BALACLAVA  
ROAD VICTORIAN GROUP AND INCLUSION OF REVISED STATEMENTS OF  
SIGNIFICANCE AND NEW HERITAGE DESIGN GUIDELINES ON OTHER  
UNRELATED HERITAGE OVERLAYS.**

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**Moved: Cr Zyngier**

**Seconded: Cr Zmood**

That Council:

1. adopts the heritage citation for the Balaclava Road Victorian Group (Attachment 1);
2. adopts the *Glen Eira Consolidated Background Reports for Amendment C251glen*, GJM Heritage, August 2022 (Attachment 2);
3. endorses the Amendment C251glen amendment documentation (Attachment 3) for the purposes of seeking authorisation and public exhibition;
4. seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C251glen;
5. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or Department of Transport and Planning in order to receive authorisation, where changes do not affect the purpose or intent of the Amendment; and
6. subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least one month.

**CARRIED UNANIMOUSLY**

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**8.6 AMENDMENT C231GLEN CAULFIELD SOUTH NEIGHBOURHOOD ACTIVITY CENTRE**

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

That Council:

1. Notes the officer report regarding Amendment C231glen, including the Panel Report and officer recommendations.
2. Adopts revised changes to Amendment C231glen in accordance with the Panel's recommendations.
3. Adopts Planning Scheme Amendment C231glen in accordance with Section 29(1) of the *Planning and Environment Act 1987* as exhibited, but amended:
  - i) to reduce the preferred maximum building height from 6 storeys (21m) to 5 storeys (18m) for land on the northern side of Glenhuntly Road within Precinct 4 (between 649 and 697 Glenhuntly Road) as Council does not agree that a 6 storey (21m) height control is appropriate or justified in this location, given the potential adverse amenity impacts on the built form context including overshadowing; and
  - ii) in accordance with the further recommendations of the Panel as follows:
    - a) Amend Diagram 2 in Design and Development Overlay Schedule 11 to replace the 8-metre boundary wall height with a height of 7.5 metres.
    - b) Amend the Table in Clause 2.0 to include land at 613-625 Glen Huntly Road in the Precinct 4 provision which specifies a preferred 11 metre street wall height.
    - c) Amend Design and Development Overlay Schedule 11 as follows:
      - i) Add the words "minimising vehicle disruption" after the words "ground floor" in the fourth paragraph under Clause 1.
      - ii) Add the words "whichever is lesser" at the end of each entry for Precincts 2, 3 and 4 in the Street wall height table in Clause 2.
      - iii) Delete the sentence beginning with "Building Height..." in the second paragraph under the heading of "Building form and design" in Clause 2.
      - iv) Delete the sentence beginning "Incorporate environmentally..." under the heading of "Building form and design" in Clause 2.
      - v) Delete the words "for land in a commercial zone" from the third paragraph under the heading of "Building form and design" in Clause 2.
      - vi) Replace the sentence beginning "Avoid repetitive..." under the heading of "Building form and design" in Clause 2 with the sentence "Provide consistent setbacks above the street wall for at least two thirds of the upper levels".
      - vii) Add the words "where possible" to the end of the sentence beginning with "Provide loading..." under the heading of "Access and services" in Clause 2.
      - viii) Add the following under the heading of "Access and services" in Clause 2:

*“New vehicle crossovers to Hawthorn Road and Glen Huntly Road should be avoided.*

*Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.*

*Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.”*

*ix) Add the following as a new dot point 2 under the heading of “Application requirements” in Clause 5*

*“A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of ongoing functionality of laneway/s and relevant local streets”*

*x) Amend Diagram 4 to show all building heights and setbacks in metres, consistent with the relevant table in Clause 2.*

*xi) Amend the plan in Clause 6 to apply the light blue colour of Precinct 3 to the land at 707 Glen Huntly Road.*

*xii) Amend the heading in Column 2 of the table under the heading “Building setbacks” to read “Preferred minimum building setbacks”.*

- d) Amend the Caulfield South Neighbourhood Activity Centre Built Form Framework to ensure that it is consistent with Schedule 11 to the Design and Development Overlay.
4. Authorise the Manager City Futures to undertake all changes to the amendment documentation in accordance with Council's resolution, and to make any administrative or correctional changes required to the documents where the changes do not affect the purpose or intent of the adopted documents.
5. Submits the adopted Planning Scheme Amendment C231glen to the Minister for Planning for approval, in accordance with section 31(1) of the *Planning and Environment Act 1987*
6. Advises all submitters to the Amendment of Council's determination in relation to Amendment C231glen.
7. Separately investigates potential vehicular traffic calming measures in Murray Lane, Caulfield.

For the Motion: Crs Athanasopoulos, Magee, Cade, Parasol, Zhang and Pennicuik (6)

Against the Motion: Crs Zmood and Zyngier (2)

**CARRIED**

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

That Cr Pennicuik have a two minute extension of speaking time.

**CARRIED UNANIMOUSLY**

**Amendment to 8.6****Moved: Cr Pennicuik****Seconded: Cr Zmood**

That Council adopt the alternate recommendation but amend point 3 (i) to reduce 5 storeys to 4 storeys for land on the northern side of Glenhuntly Road within Precinct 4

For the Motion: Crs Zmood, Zyngier and Pennicuik (3)

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

**LOST**

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

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

**CARRIED UNANIMOUSLY**

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

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 Zyngier be granted a two minute extension of speaking time.

**CARRIED UNANIMOUSLY**

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

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

**CARRIED UNANIMOUSLY**

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

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

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) Pin Oak (*Quercus palustris*) located at 387 Neerim Rd, Carnegie – 196/CTR/2021;
  - b) Flax Leaf Paperbark (*Melaleuca linariifolia*) located at 5 Gladwyn Ave, Bentleigh East – 271/CTR/2021;
  - c) Red Ironbark (*Eucalyptus sideroxylon*) located at 6 Lawrence St, Murrumbeena – 315/CTR/2021;
  - d) Tallowwood (*Eucalyptus microcorys*) located Glen Huntly Park, Neerim Rd, Caulfield East – 390/CTR/2022;
  - e) Australian Kauri (*Agathis robusta*) located at Caulfield Park, Caulfield North – 448/CTR/2022;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.

**CARRIED UNANIMOUSLY**



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**8.8 PHILANTHROPIC PARTNERSHIP DONATION OFFER - ZIONISM VICTORIA**

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

That Council:

1. accepts the donation offer of \$6,000 from Zionism Victoria;
2. writes to Zionism Victoria advising of Council's decision;
3. authorises the Director Sustainability, Assets and Leisure to finalise the Partnership Agreement with Zionism Victoria; and
4. publishes the conditions of the Partnership Agreement on Council's website within  
30 days of execution of the written agreement.

**CARRIED UNANIMOUSLY****9. URGENT BUSINESS****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.2 Right of reply****10.3 Notice of Motion****10.4 Councillor questions****10.5 Written public questions to Council**

This was heard at an earlier stage of the meeting

**11. CONFIDENTIAL ITEMS****Moved: Cr Zyngier****Seconded: Cr Zmood**

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 Rate Charge for Caulfield Racecourse Reserve Trust**

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
- because the matter to be discussed at this meeting is an ongoing commercial negotiation in relation to Section 4(1) of the Cultural & Recreational Lands Act 1963 (Vic)

**11.2 Carnegie Memorial Swimming Pool - Contract Negotiations Update**

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 security information, being information that if released is likely to endanger the security of Council property or the safety of any person (section 3(1)(b)), and confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) (section 3(1)(h)), and information that was confidential information for the purposes of section 77 of the Local Government Act 1989 (section 3(1)(l)); and
- Includes confidential tender information

**CARRIED UNANIMOUSLY**

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**11.2 CARNEGIE MEMORIAL SWIMMING POOL - CONTRACT NEGOTIATIONS  
UPDATE** (resolution details below made public)

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

That Council:

1. Support the public release of the following information in relation to Contract 2022.80 Carnegie Memorial Swimming Pool Redevelopment - Construction Tender:
  - a) ADCO Group Pty Ltd have been appointed as the builder to redevelop Carnegie Memorial Swimming Pool, with a total construction contract value of \$61,797,238 (excl GST); and
  - b) The new project budget of \$75,319,095 (excluding GST) which includes the construction costs, project contingency, authority fees, consultant fees and capitalisation costs.
2. Incorporates this report's resolution in the public minutes of this meeting.

**CARRIED****12. CLOSURE OF MEETING**

The meeting closed at 9.53pm.

Confirmed this 28 February 2023

**Chairperson.....**