



# **GLEN EIRA CITY COUNCIL**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**28 November 2017**

**7.30pm**

Present

Cr Tony Athanasopoulos (Mayor)  
Cr Clare Davey  
Cr Mary Delahunty  
Cr Margaret Esakoff  
Cr Jamie Hyams  
Cr Jim Magee  
Cr Joel Silver  
Cr Nina Taylor

## Table of Contents

1. Acknowledgement
2. Apologies
3. Oath of Office and Disclosure of Interest
4. Confirmation of the Minutes of the Previous Council Meetings
5. Reception and Reading of Petition and Joint Letters
6. Documents for Sealing
7. Reports by Delegates Appointed by Council to Various Organisations
8. Reports from Committees
  - 8.1 Advisory Committees
  - 8.2 Records of Assembly
9. Presentation of Officers Report
  - 9.1 VCAT Watch
  - 9.2 Visitor Parking for Residential and Mixed Use Developments
  - 9.3 Carnegie & Elsternwick Special Rate Agreements
  - 9.4 120 Brady Road, Bentleigh East
  - 9.5 282 Centre Road Bentleigh
  - 9.6 Submission in Response to Reforming the Victoria Planning Provision – A Discussion Paper
  - 9.7 Lease of 1134 Glen Huntly Road, Glen Huntly
  - 9.8 Harleston Park – Stage II Consultation
  - 9.9 Access for Residents Over 70 Years of Age to Glen Eira Leisure Facilities
  - 9.10 Community Access to Rippon Lea Estate
  - 9.11 Council Meeting Cycle 2018
  - 9.12 Quarterly Service Performance Report
  - 9.13 Appointment of Independent Audit Committee Member
  - 9.14 Financial Management Report for the Period Ending 31 October 2017
  - 9.15 Transport Innovation Study Tour
10. Urgent Business
11. Ordinary Business
  - 11.1 Requests for reports from Officers
  - 11.2 Right of Reply
  - 11.3 Councillor Questions
  - 11.4 Public Questions to Council
12. Confidential Business
  - 12.1 Tender No. 2018.61 Bailey Reserve Oval 1 Redevelopment
  - 12.2 Citizen of the Year Awards Advisory Committee
13. Closure of Meeting



**Minutes of the Ordinary Meeting of Council  
held in the Council Chamber, Glen Eira Council Offices,  
Corner Hawthorn Road and Glen Eira Road, Caulfield  
on Tuesday 28 November 2017 at 7.30pm**

**1. ACKNOWLEDGEMENT**

The Mayor read the acknowledgement

In the spirit of respect, Council acknowledges the people and elders of the Boon Wurrung people of the Kulin Nation past and present, who have traditional connections and responsibilities for the land on which Council meets.

**2. APOLOGIES – An apology was received from Cr Sztrajt**

**Moved: Cr Magee**

**Seconded: Cr Silver**

That the apology from Cr Sztrajt be received and noted.

**CARRIED UNANIMOUSLY**

**3. OATH OF OFFICE AND DISCLOSURE OF INTEREST**

Oath of Office

The Mayor read the Oath of Office.

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions powers, authorities and discretions vested in us under the Local Government Act or any other Act to the best of our skill and judgement.

Councillors are also reminded of the requirements for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

**4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETINGS****4.1 Confirmation of the Minutes****Moved: Cr Hyams****Seconded: Cr Silver**

That the minutes of the Ordinary Meeting held on 8 November 2017 and the Special Council Meeting held on 17 November 2017 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITION AND JOINT LETTERS**

There were no petitions or joint letters submitted to the meeting.

**6. DOCUMENTS FOR SEALING**

There were no documents for sealing submitted to the meeting.

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

There were no reports by delegates presented to the meeting.

## 8. REPORTS FROM COMMITTEES

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### 8.1 Advisory Committees

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**Moved: Cr Hyams**

**Seconded: Cr Silver**

That the minutes of the Recreation and Leisure Advisory Committee meeting held on 14 September 2017 and the Community Consultation Committee held on 25 October 2017 be received and noted and that the recommendations of the Committees be adopted.

**CARRIED UNANIMOUSLY**

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### 8.2 *Records of Assembly*

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**Moved: Cr Delahunty**

**Seconded: Cr Silver**

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

- 24 October 2017
- 31 October 2017
- 8 November 2017 (pre meeting)

**CARRIED UNANIMOUSLY**

The Mayor advised that at this stage of the meeting, members of the community were invited to participate in the meeting under clause 230(1) Public Participation of the Glen Eira Local Law.

## **Section 9      Presentation of Officers Reports**

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### **9.1      VCAT Watch**

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**Moved: Cr Silver**

**Seconded: Cr Hyams**

That Council notes:

1. The applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.
2. The recent decisions of VCAT, including the commentary provided in relation to matters of notable interest.

**CARRIED UNANIMOUSLY**

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## **9.2 Visitor Parking for Residential and Mixed use Developments**

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**Moved: Cr Taylor**

**Seconded: Cr Hyams**

That Council:

1. acknowledges the report.
2. acknowledges that there are planning tools available to Council to manage car parking provision but the implementation of these tools requires a lengthy planning scheme amendment process underpinned by strong strategic justification.
3. further considers its approach to managing car parking and visitor car parking following adoption of the Integrated Transport Strategy.

### **Procedural Motion**

**Moved: Cr Hyams**

**Seconded: Cr Delahunty**

That Cr Taylor be granted a one minute extension of speaking time

**CARRIED UNANIMOUSLY**

The Motion moved by Cr Taylor and Seconded by Hyams was PUT and  
**CARRIED**

*It is recorded that Cr Athanasopoulos declared a direct conflict of interest in item 9.3 Carnegie and Elsternwick Special Rate Agreements.*

*It is recorded that Cr Esakoff declared an indirect conflict of interest by close association in item 9.3 Carnegie and Elsternwick Special Rate Agreements.*

*Cr Athanasopoulos and Cr Esakoff were not present in the Chamber when this item was considered and vacated the Chamber at 8.03pm.*

The Deputy Mayor, Cr Hyams took the Chair for consideration of Item 9.3 Carnegie and Elsternwick Special Rate Agreements.

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### **9.3 Carnegie and Elsternwick Special Rate Agreements**

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**Moved: Cr Silver**

**Seconded: Cr Delahunty**

That Council:

1. enters into an agreement with Carnegie Main Street Incorporated (ABN 73905096621) and Elsternwick Main Street Committee (ABN 74814986749) to assist it to administer the Special Rate Schemes;
2. notes that the attached agreements have been prepared in accordance with any obligations under the Local Government Act and in line with the declared Special Rate; and
3. seals the agreements in an appropriate manner by affixing of the Council Seal.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Athanasopoulos and Cr Esakoff vacated the Chamber prior to item 9.3 and were not present when this item was considered. Cr Athanasopoulos and Cr Esakoff entered the Chamber at 8.05pm.*



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## 9.4 120 Brady Road, Bentleigh East

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**Moved: Cr Magee**

**Seconded: Cr Hyams**

That Council issues a Planning Permit for Application No. GE/PP-30812/2017, for buildings and works including the installation of a shade sail, at 120 Brady Road Bentleigh East, in accordance with the following conditions/grounds:

1. The layout of the site and size, design and location of works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The shade sail must be maintained in good order to the satisfaction of the Responsible Authority.
3. This Permit will expire if:
  - The development does not start within two (2) years from the date of this Permit; or
  - The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

**NOTES:**

- A. 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.
- B. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- 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**

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## 9.5 **282 Centre Road, Bentleigh**

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**Moved: Cr Hyams**

**Seconded: Cr Taylor**

That Council issues a Notice of Decision to Grant an Amended Permit for Application No. GE/PP-29826/2016/A for the use of the land for the sale and consumption of liquor in association with a food and drink premises and bottle shop and the installation of internally illuminated signs at 282 Centre Road, Bentleigh, in accordance with the following conditions:

1. Before the commencement of the development and use, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Proposed Floor Plan prepared by Brand Works; and Drawing A100 and A101 dated 12 September 2016 prepared by Brand Works) but modified to show:
  - (a) The outdoor seating and associated red line area to the north of the site to be removed.
  - (b) The indicative outdoor seating to the west of the site to be removed, maintaining the associated red line area.
  - (c) The internally illuminated sign detailed on the proposed floor plan.

When approved, the plans will be endorsed and will then form part of this Permit.

2. The sale and consumption of liquor must only occur between the following hours:

On premises:

- Closed Monday
- 11am-10pm Tuesday and Wednesday
- 11am-11pm Thursday
- 11am-midnight Friday and Saturday
- 11am-11pm Sunday
- 11am-11pm Good Friday and ANZAC Day
- No liquor is to be consumed in the outside areas after 11pm.

Off premises:

- Closed Monday
- 11am-10pm Tuesday and Wednesday
- 11am-11pm Thursday
- 11am-midnight Friday and Saturday
- 11am-11pm Sunday
- 11am-9pm Good Friday and ANZAC Day

3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
4. The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
5. This Permit will expire if:
  - The development and *use* does not start within two (2) years from the date of this Permit; or
  - The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.
6. Not more than 44 patrons may be present on the site at any one time.
7. The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.
8. Signs must be prominently displayed at the exit and on menus advising patrons to respect neighbours and minimise noise when leaving the premises to the satisfaction of the Responsible Authority.
9. The sign(s) must not contain any flashing, intermittent or changing colour light.
10. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
11. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
12. The light source must be designed to illuminate the building and minimize light spillage onto surfaces other than the sign to the satisfaction of the Responsible Authority.

#### 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 use and/or 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. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- D. 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.
- E. The sale of liquor on the premises for consumption on or off the premises will require permission from the Victorian Commission for Gambling and Liquor Regulation and may require further planning permission from Council.
- F. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

**CARRIED UNANIMOUSLY**

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**9.6      *Submission in Response to Reforming the Victoria Planning Provisions – A Discussion Paper***

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**Moved: Cr Silver****Seconded: Cr Delahunty**

That Council notes and endorses the submission made in relation to the State Governments Reforming the Victoria Planning Provisions – a discussion paper.

**CARRIED UNANIMOUSLY**

*It is recorded Cr Esakoff declared an indirect conflict of interest because of conflicting duties in item 9.7 – Lease of 1134 Glenhuntly Road, Glenhuntly. Cr Esakoff was not present in the Chamber when this item was considered and vacated the Chamber at 8.24pm.*

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**9.7      *Lease of 1134 Glenhuntly Road, Glenhuntly***

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**Moved: Cr Magee****Seconded: Cr Delahunty**

That Council defers this item to a future meeting of Council.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff vacated the Chamber prior to item 9.7 and was not present when this item was considered. Cr Esakoff entered at 8.25pm*

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## **9.8 Harleston Park Small Basketball Court Consultation**

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**Moved: Cr Delahunty**

**Seconded: Cr Davey**

That Council:

1. notes the feedback received; and
2. endorses the concept plan for a small basketball court as outlined in this report.

### **Procedural Motion**

**Moved: Cr Silver**

**Seconded: Cr Taylor**

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

**CARRIED UNANIMOUSLY**

The Motion Moved by Cr Delahunty and Seconded by Cr Davey was PUT and  
**CARRIED**

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## 9.9 Access for Residents over 70 Years of Age to Glen Eira Leisure Facilities

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**Moved: Cr Magee**

**Seconded: Cr Delahunty**

That Council:

1. endorses the removal of startup fees for people aged 70 years and over joining Glen Eira Sports and Aquatic Centre (GESAC) or Caulfield Recreation Centre (CRC) as new members;
2. approves the subsidised rate for aquatic and gym group fitness classes of \$2.00 per session for concession card holders and \$6.95 for non-concession card holders for non-members aged 70 and over;
3. endorses free health assessments with qualified trainers for non-members aged 70 and over who participate casually in any activity at GESAC and CRC.

### **AMENDMENT**

**Moved: Cr Hyams**

**Seconded: Cr Silver**

That Council:

1. endorses the removal of startup fees for people aged 70 years and over joining Glen Eira Sports and Aquatic Centre (GESAC) or Caulfield Recreation Centre (CRC) as new members;
2. approves the subsidised rate for aquatic and gym group fitness classes of \$3.50 per session for concession card holders and \$6.95 for non-concession card holders for non-members aged 70 and over;
3. endorses free health assessments with qualified trainers for non-members aged 70 and over who participate casually in any activity at GESAC and CRC.

The Amendment was PUT and was **LOST**.

The Motion Moved by Cr Magee and Seconded by Cr Delahunty became the motion before the Chair.

**CARRIED UNANIMOUSLY**

*It is recorded Cr Magee left the Chamber at 9.25pm*

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## **9.10 Community Access to Rippon Lea Estate**

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**Moved: Cr Silver**

**Seconded: Cr Delahunty**

*It is recorded Cr Magee entered the Chamber at 9.26pm.*

That Council:

1. authorises officers to enter into a three year trial with the National Trust of Australia (Victoria) to provide free access for Glen Eira residents to the Rippon Lea Estate at 192 Hotham St, Elsternwick subject to agreement on final terms;
2. endorses the payment of \$250,000 per annum to the National Trust of Australia (Victoria) for three years;
3. endorses a budget forecast provision of \$250,000 to Council's 2017-18 budget, and includes further funding as part of the 2018-19 budget planning process and long-term financial strategic resource plan;
4. receives a further report on the success of the trial before the end of the three year period.

**CARRIED UNANIMOUSLY**

### **Procedural Motion**

**Moved: Cr Hyams**

**Seconded: Cr Magee**

That the meeting be extended to finish at 11pm.

**CARRIED UNANIMOUSLY**



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**9.11 Council Meeting Cycle 2018**

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**Moved: Cr Hyams****Seconded: Cr Magee**

1. That Council adopts the 2018 Ordinary Meeting of Council dates for Glen Eira City Council as shown below;
  - Tuesday 6 February 2018
  - Tuesday 27 February 2018
  - Tuesday 20 March 2018
  - Tuesday 10 April 2018
  - Tuesday 1 May 2018
  - Tuesday 22 May 2018
  - Tuesday 12 June 2018
  - Tuesday 3 July 2018
  - Tuesday 24 July 2018
  - Tuesday 14 August 2018
  - Tuesday 4 September 2018
  - Wednesday 26 September 2018
  - Tuesday 16 October 2018
  - Wednesday 7 November 2018
  - Tuesday 27 November 2018
  - Tuesday 18 December 2018
  
2. That all Council meetings commence at 7.30pm in the Council Chamber at the corner of Glen Eira and Hawthorn Roads, Caulfield unless otherwise determined by resolution of Council or notice given in accordance with the Local Law.

**CARRIED UNANIMOUSLY**

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**9.12 Quarterly Service Performance Report**

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**Moved: Cr Davey****Seconded: Cr Delahunty**

That Council notes the attached Quarterly Service Performance Report

**CARRIED UNANIMOUSLY**

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**9.13 Audit Committee Membership – Appointment of Independent Member**

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**Moved: Cr Magee****Seconded: Cr Silver**

That Council:

1. adopts the Audit Committee's recommendation to appoint Mr Craig Geddes as an independent member of the Glen Eira City Council Audit Committee for a term of three years, effective 28 February 2018.
2. pays the Independent Member (Lisa Woolmer) for her services during the recruitment process (\$1,625 excluding GST, being the equivalent of one meeting's remuneration), which included reviewing all applications received, conducting the interviews with the shortlisted candidates, referee checking and selecting, in conjunction with the other members of the panel, one candidate to join the Audit Committee.

**CARRIED UNANIMOUSLY**

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**9.14 Financial Management Report for the Period Ending  
31 October 2017**

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**Moved: Cr Delahunty****Seconded: Cr Magee**

*It is recorded that Cr Esakoff vacated the Chamber at 9.49pm.*

That Council notes the Financial Management Report for the period ending 31 October 2017.

**CARRIED UNANIMOUSLY**

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**9.15 Transport Innovation Study Tour**

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**Moved: Cr Silver****Seconded: Cr Magee**

That Council contributes \$1000 towards Cr Nina Taylor attending the Study Tour: Transport Innovation in the Netherlands from 24 to 30 June 2018, plus the cost of an additional 2 nights' accommodation to enable Cr Taylor to visit the relevant local government organisations as a representative of Glen Eira City Council.

**CARRIED UNANIMOUSLY**

## **10. URGENT BUSINESS**

There were no items of urgent business submitted to the meeting.

## **11. ORDINARY BUSINESS**

### **11.1 Requests for reports from Officers – NIL**

### **11.2 Right of Reply – NIL**

### **11.3 Councillor questions**

Cr Silver: I understand there was a snake in Princess Park recently. Can Ms Krull confirm to the meeting what Council has done to deal with a said snake.

Director Infrastructure, Environment and Leisure: Yes there was a sighting of a snake in Princess Park recently and we have installed signage. We encourage residents to contact Council's Service Centre if they see a snake.

### **11.4 Public Questions to Council - NIL**

## 12. CONFIDENTIAL BUSINESS

**Moved: Cr Magee**

**Seconded: Cr Silver**

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments
- (f) Legal advice
- (g) Matters affecting the security of Council property'
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

### 12.1 Tender Number 2018.61 Bailey Reserve Oval 1 Redevelopment

**Local Government Act 1989 Section 89(2)(d)** given it relates to a contractual matter

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$560,000.00

### 12.2 Citizen of the Year Awards Advisory Committee

**Local Government Act 1989 Section 89(2)(h)** any other matter which the Council or Special Committee considers would prejudice the Council or any person.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff entered the Chamber at 10.02pm.*

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## 12.1 Tender 2018.61 Bailey Reserve Oval 1 Redevelopment

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This paper and the supporting Evaluation Panel report contain confidential contractual and financial data. It is recommended that discussion of this paper and the Evaluation Panel Report be in-camera under Section 89(2)(d) of the Local Government Act 1989

**Moved: Cr Hyams**

**Seconded: Cr Magee**

1. That Council appoints Turf Renovations Australia Pty Ltd, CAN 082 775 193 as the contractor under Tender number 2018.61 for an amount of \$560,986.56 exclusive of GST, in accordance with the Schedule of Rates submitted.
2. That the contract be prepared in accordance with the Conditions of Contract included in the tender.
3. That the CEO executes the contract on Council's behalf.
4. That this resolution be incorporated in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

**Procedural Motion**

**Moved: Cr Delahunty**

**Seconded: Cr Silver**

That the meeting be resumed in open Council.

**CARRIED UNANIMOUSLY**

**13 CLOSURE OF MEETING**

The Mayor closed the meeting at 10.10pm.

Confirmed this 19 Day of December 2017

Chairperson: .....