



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 4 SEPTEMBER 2018

MINUTES

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

Present

The Mayor, Councillor Tony Athanasopoulos
Councillor Clare Davey
Councillor Jamie Hyams
Councillor Jim Magee
Councillor Joel Silver
Councillor Nina Taylor

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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 Esakoff, Cr Delahunty and Cr Sztrajt

Moved: Cr Hyams

Seconded: Cr Magee

That the apologies from Cr Esakoff, Cr Delahunty and Cr Sztrajt be received and noted.

CARRIED UNANIMOUSLY

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

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 requirement 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 MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Silver

Seconded: Cr Magee

That the minutes of the Ordinary Council Meeting held on 14 August 2018 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

6. DOCUMENTS FOR SEALING

Nil

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

8.1.1 ADVISORY COMMITTEE MINUTES

Moved: Cr Hyams

Seconded: Cr Silver

- a) Arts and Culture Advisory Committee – 17 July 2018
- b) Audit Committee – 17 August 2018

CARRIED UNANIMOUSLY

8.2 Records of Assembly

8.2.1 RECORDS OF ASSEMBLY

Moved: Cr Hyams

Seconded: Cr Magee

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

- a) 31 July 2018
- b) 6 August 2018 (Recreation and Leisure Advisory Committee)
- c) 7 August 2018
- d) 14 August 2018 (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.

9. PRESENTATION OF OFFICER REPORTS

9.1 STATEMENT OF COMMITMENT ON AFFORDABLE HOUSING

Moved: Cr Magee

Seconded: Cr Davey

That Council endorses the following Statement of Commitment on Affordable Housing:

Statement of Commitment:

Council commits to:

1. Developing a *Social and Affordable Housing Strategy* to outline Glen Eira's housing and service need of our most at-need groups in Glen Eira.
2. Taking a whole-of-Council approach to supporting Glen Eira residents experiencing housing stress and homelessness.
3. Advocating to the State Government to provide affordable housing on government-owned sites in Glen Eira.
4. Collaborating with other councils to seek a consistent minimum level of affordable housing on larger development sites.
5. Negotiating for on-site affordable housing opportunities through the rezoning process for strategic sites.
6. Partnering with housing associations and providers to increase the overall supply of affordable housing on Council's existing housing sites, where appropriate.
7. Actively explore the inclusion of affordable housing in the redevelopment of Council owned sites.
8. Advocating to the State Government for planning controls that facilitate affordable housing

CARRIED UNANIMOUSLY

9.2 774-776 GLEN HUNTLY ROAD CAULFIELD SOUTH VIC 3162

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-32002/2018 and allow use of the land as a restricted recreational facility (personal training facility) and display of advertising signage within a Heritage Overlay at 774-776 Glen Huntly Road, Caulfield South in accordance with the following conditions:

Plans

1. Before the use starts, 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 DA02 (rev. B) & DA05 (rev. A)) but modified to show:
 - (a) Five (5) bicycle spaces to be provided on site in accordance with Clause 52.34 of the Glen Eira Planning Scheme

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

2. 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.

Signage

3. The location of the signs (including the size, nature, panels, position and construction) shown on the endorsed plan 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 signs must be constructed and maintained to the satisfaction of the Responsible Authority.
5. This Permit in relation to signage will expire if the advertising sign is not displayed within two (2) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before the Permit expires or within the six (6) months after the expiry date.

6. This Permit in relation to the signage expires 15 years from the date of issue, at which stage all signs and structures built specifically to support or illuminate the sign must be removed.

General

7. This Permit will expire if the use is not started within two (2) years from 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.

8. The use must operate only between the following hours:
- 5am to 9pm Monday – Friday
 - 5am to 5pm Saturday
 - 7am – 1pm Sunday
9. Not more than 15 staff members/employees must be present on the site at any one time.
10. Not more than 25 patrons may be present on the site at any one time.
11. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).

Parking

12. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes;

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

13. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining 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 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

CARRIED UNANIMOUSLY

9.3 VCAT WATCH

Moved: Cr Hyams**Seconded: Cr Silver**

That Council notes the recent decision and the applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.

CARRIED UNANIMOUSLY

9.4 SPORTS GROUND LIGHTING

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

That Council

1. notes this report;
2. endorses the draft Provision of Sports Ground Lighting Policy (Attachment 1);
3. authorises officers to commence assessments of all sportsground lighting lux levels and create a priority renewal list;
4. authorises officers to prepare an annual sports ground lighting capital works renewal program for 2019/20 budget consideration; and
5. receives a further report at an Ordinary Council Meeting on the review of fees and charges to reflect the inclusion of charges for sports ground lighting maintenance and globe renewal.

Procedural Motion**Moved: Cr Silver****Seconded: Cr Hyams**

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

CARRIED UNANIMOUSLY

It is recorded that Cr Taylor entered the meeting at 8.18pm

CARRIED UNANIMOUSLY

9.5 GLEN EIRA REFUGEE WELCOME ZONE

Moved: Cr Davey**Seconded: Cr Magee**

That Council signs the declaration and registers Glen Eira City Council as a 'Refugee Welcome Zone'.

Procedural Motion**Moved: Cr Athanasopoulos****Seconded: Cr Silver**

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

CARRIED UNANIMOUSLY

It is recorded that Cr Hyams and Cr Silver abstained from voting on this item.

CARRIED

**9.6 FOUNDATION FOR YOUTH EXCELLENCE APPLICATIONS COUNCIL
RECOMMENDATIONS QUARTER 3, 2018**

Moved: Cr Silver**Seconded: Cr Hyams**

That Council approves the following Foundation for Youth Excellence grants for the 3rd Quarter 2018:

- \$1,200 to Jamie Fink to compete in the 2018 FISU World University Cheerleading Championship in Lodz, Poland
- \$1200 to Edgar Chen to compete in the Melbourne International Youth Music Competition in Melbourne
- \$600 to Alisa Gimgina to compete in the 2018 Australian Gymnastics Championships in Melbourne
- \$1,200 to Rachelle Esakoff to compete in the 2018 FISU World University Cheerleading Championship in Lodz, Poland
- \$1,200 to Romi Lazarus to compete in the 2018 FISU World University Cheerleading Championship in Lodz, Poland
- \$600 to Dominique Blatherwick to compete at the Under 15 Australian Hockey Championships
- \$600 to Declan Haining to compete in the 2018 Australian Karate Federation National Championships
- \$1200 to Benjamin Fierenzi to contribute towards the cost of the Under 17 All Australian Team US College Baseball Tour
- \$600 to Ashley Kolomoisky to contribute to the costs of attending the Australian Gymnastics Championships
- \$600 to Yana Popov to contribute towards the cost of competing in the 2018 National Championships
- \$1200 to James Haggarty to contribute towards the cost of attending the International Youth Silent Film Festival.

CARRIED UNANIMOUSLY

9.7 QUARTERLY SERVICES PERFORMANCE REPORT JUNE 2018

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

That Council notes the attached Quarterly Service Performance Report is for the period ended June 2018.

CARRIED UNANIMOUSLY

9.8 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 JULY 2018

Moved: Cr Athanasopoulos**Seconded: Cr Hyams**

That Council notes the Financial Management Report for the period ending 31 July 2018.

CARRIED UNANIMOUSLY

9.9 ADOPTION OF 2017-18 FINANCIAL REPORT

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

That Council:

1. adopts the 2017-18 Financial Statements and Performance Statement 'in principle', subject to no significant changes by the Auditor-General; and
2. notes that the Mayor (Cr Tony Athanasopoulos) and Deputy Mayor (Cr Jamie Hyams) have been appointed to sign the Financial Statements and Performance Statement once they have been returned by the Auditor-General.

CARRIED UNANIMOUSLY

9.10 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

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

That Council appoints Mr Ron Torres, Director Planning and Place to the role of Acting Chief Executive Officer for the period 5pm Thursday 13 September 2018 to 8am Tuesday 2 October 2018 inclusive, in accordance with section 94 (4A) of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS**10.1 Withdrawal of the MAV video '*More than just Roads, Rates and Rubbish*'****Moved: Cr Magee****Seconded: Cr Silver**

That Council considers the withdrawal of the video *More than just Roads, Rates and Rubbish* from the MAV website and associated social media as an item of urgent business

CARRIED UNANIMOUSLY

That Council urgently writes to the President, Municipal Association of Victoria, asking her to immediately withdraw the video *More than just Roads, Rates and Rubbish* from the MAV website and associated social media on that basis that it has the potential to have a negative impact on the reputation and standing of Local Government in Victoria.

That Council encourages the MAV to continue its efforts to highlight the important role that local government plays in local communities in a way that is professional, respectful and relevant.

CARRIED UNANIMOUSLY

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

That Council urgently writes to the President, Municipal Association of Victoria, asking her to immediately withdraw the video *More than just Roads, Rates and Rubbish* from the MAV website and associated social media on that basis that it has the potential to have a negative impact on the reputation and standing of Local Government in Victoria.

That Council encourages the MAV to continue its efforts to highlight the important role that local government plays in local communities in a way that is professional, respectful and relevant.

CARRIED UNANIMOUSLY

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**

Mr Warren Green submitted a question for this Council meeting. As Mr Green was not present in the Chamber, a letter including his question and the response will be sent to him in accordance with the Local Law.

12. CONSIDERATION OF IN CAMERA ITEMS**Moved: Cr Hyams****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 Variation to Recyclables Processing Service Contract 2014022
Local Government Act 1989 - Section 89(2) (d)

12.2 Tender 2018.256 Sustainability Works – Building Insulation
Local Government Act 1989 - Section 89(2) (d)

12.3 Tender 2018.231 Direct Mail Solutions
Local Government Act 1989 - Section 89(2) (d)

CARRIED UNANIMOUSLY

The Mayor thanked the members of the gallery for coming to the meeting and advised that after consideration of the three confidential items the meeting will be closed.

12.2 TENDER 2018.256 SUSTAINABILITY WORKS – BUILDING INSULATION

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

That Council:

1. appoints **Argyle Maintenance Pty Ltd, ACN 007 051 112 as panel contractor under Tender number 2018.256** in accordance with the Schedule of Rates submitted.
2. appoints **AWS Services Pty Ltd, ACN 163 375 031 as panel contractor under Tender number 2018.256** in accordance with the Schedule of Rates submitted.
3. prepares the Contracts for each contractor in accordance with the Conditions of Contract included in Tender.
4. authorises the CEO to execute the Contracts on Council's behalf.
5. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

12.3 TENDER 2018.231 DIRECT MAIL SOLUTIONS

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

That Council:

1. appoints **Bing Technology Pty Ltd, ACN 098 420 903** as the contractor under Tender number 2018.231 for an estimated amount of \$1,027,432 exclusive of GST in accordance with the Schedule of Rates submitted.
2. prepares the contract in accordance with the Conditions of Contract as negotiated and agreed by Council's Corporate Counsel.
3. authorises the CEO to execute the Contract on Council's behalf.
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

13. CLOSURE OF MEETING

The meeting closed at 9.20pm

Confirmed this 26th day of September 2018

Chairperson.....