



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 18 DECEMBER 2018

MINUTES

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

Present

The Mayor, Councillor Jamie Hyams
Councillor Tony Athanasopoulos
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt

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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

Moved: Cr Delahunty

Seconded: Cr Silver

That the apology from Cr Clare Davey 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.

The Mayor announced the resignation of former Councillor, Nina Taylor and advised that Nina may attend the meeting to make a farewell speech.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**Moved: Cr Silver****Seconded: Cr Esakoff**

That the minutes of the Ordinary Council Meeting held on 27 November 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 Magee****Seconded: Cr Delahunty**

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

- a. 8 November 2018 – Community Grants Committee
- b. 20 November 2018 – Arts and Culture Committee
- c. 23 November 2018 – Audit and Risk Committee

CARRIED UNANIMOUSLY

8.2 Records of Assembly

8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Esakoff****Seconded: Cr Silver**

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

- a. 13 November 2018
- b. 20 November 2018
- c. 27 November 2018 (pre-meeting)

CARRIED UNANIMOUSLYPublic Participation

The Mayor advised that at this stage of the meeting 15 minutes is allowed for public participation in accordance with clause 230(1) of the Glen Eira Local Law.

9. PRESENTATION OF OFFICER REPORTS

9.1 277-279 CENTRE ROAD, BENTLEIGH

Moved: Cr Athanasopoulos**Seconded: Cr Delahunty**

That Council resolves that had it been in a position to determine Amended Planning Permit Application GE/PP-30084/2016 at 277-279 Centre Road, Bentleigh, that it would have supported the proposal subject to the following conditions:

- 1 Before the commencement of the development, 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 (identified as Drawing no.'s TP090, TP091, TP092, TP100-106, TP200-203, TP300-301, TP400-406 dated November 2018 prepared by Peddle Thorp Architects but modified to show:
 - (a) At level 1 and 2 fixed obscure glazing to all North facing windows and Northern edge of all balconies to a minimum height of 1.7m above finished floor level.
 - (b) A schedule of construction materials, external finishes and colours.
 - (c) Provision of a landscape plan in accordance with Condition 2.
 - (d) An intercom provided at the left hand side entrance to the basement car park for visitor access.
 - (e) Provision of an additional five (5) car parking spaces allocated to the office component of the development.

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

- 2 Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (c) Landscaping and planting within all open space areas of the site (where practical) including (but not limited to):
 - i 10 semi-mature trees at ground level adjacent to the northern boundary of a minimum height at planting of 3m and growing to a maximum of 8m.
 - ii 10 trees at Level 3 along the northern edge.
 - (d) The delineation of separate Tree Protection Zone (TPZ) & Tree Protection Fencing (TPF) for the following tree/s at the prescribed radial distance from the base of tree trunk to define a tree protection zone (TPZ):
 - i Larger neighbouring tree to North (adjacent to the Oak St. site entrance) – 3.0m

- ii All remaining neighbouring trees to North – 2.0m
 - (e) The delineation of root sensitive at / above grade paving where any part comes within comes within the following TPZ's:
 - i Larger neighbouring tree to North (adjacent to the Oak St. site entrance) – 3.0m
 - ii All remaining neighbouring trees to North – 2.0m
- 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 landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 5 The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
- 6 If the driveway adjacent to the northern boundary is removed during construction, a tree protection fence must be erected around the following tree/s at the prescribed radial distance from the base of the trunk to define a tree protection zone (TPZ):
 - i Larger neighbouring tree to North (adjacent to the Oak St. site entrance) – 3.0m
 - ii All remaining neighbouring trees to North – 2.0m

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No trenching or soil excavation is to occur within the tree protection zone.

No vehicular or pedestrian access is to occur within the TPZ unless via formalised ground protection comprised of strapped timber rumble-boards laid over 100mm layer of mulch or crushed rock.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

- 7 Any required pruning to retained site tree/s and the overhanging canopy of any neighbouring tree/s is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373 – 2007 Standards Australia.

- 8 Any pruning of the root system of any retained site tree or neighbouring tree is to be done by hand by a qualified Arborist.
- 9 Root sensitive at / above grade paving such as 'on-ground' or no-dig' paving (or similar) is to be used where any part of the proposed paving comes within the following TPZ's:
- i Larger neighbouring tree to North (adjacent to the Oak St. site entrance) – 3.0m
 - ii All remaining neighbouring trees to North – 2.0m
- 10 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;
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways;
- 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.
- 11 Prior to completion of the basement floor constructions, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floors have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
- 12 Prior to the completion of ramps to the basements, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramps have been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
- 13 The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.
- 14 Prior to the commencement of any substantial site works excluding demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) Delivery and unloading points and expected frequency;

- (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (d) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (e) Hours for construction activity in accordance with any other condition of this permit;
 - (f) Measures to control noise, dust, water and sediment laden runoff;
 - (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
- 15 Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must be generally in accordance with the plan identified as 'Waste Management' dated 18 November 2016 prepared by Ratio Consultants and provide for the following:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.
- Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
- 16 Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
- 17 No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.

- 18 Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
- 19 Prior to the occupation of the development, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
- 20 Before the commencement of buildings and works (excluding demolition up to the removal of the existing slab) a 3.0 metre high acoustic fence must be constructed along the full length of the northern boundary of the land. The acoustic fence must be designed and constructed in accordance with the specifications of an appropriately qualified acoustic engineer, to the satisfaction of the Responsible Authority.

VicRoads conditions

- 21 Prior to the commencement of works, amended plans must be submitted to and approved by the Responsible Authority. Once approved, the plans may be endorsed and will form part of the permit. The plans must be generally in accordance with the advertised plans but amended to show the proposed canopy to be detachable with a vertical clearance of no less than 3000mm and a horizontal clearance from the back of the Centre Road kerb of no less than 750mm.

Public Transport Victoria (PTV) conditions

- 22 The permit holder must take all reasonable steps to ensure that disruption to bus operation along Centre Road is kept to a minimum during construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) days prior.

Permit Expiry

- 23 This Permit will expire if:
 - (a) The development does not start within two (2) years from the date of this Permit; or
 - (b) The development is not completed within five (5) years of the date of this Permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

NOTES: (*The following notes are for information only and do not constitute part of this permit or conditions of this permit*)

- 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. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 150mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

CARRIED

9.2 8 EGAN STREET CARNEGIE

Moved: Cr Esakoff**Seconded: Cr Athanasopoulos**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-31821/2018 at 8 Egan Street, Carnegie for the following reasons:

1. The proposal is inconsistent with the Planning Policy Framework for Urban Design, Building Design, and Local Planning Policy for Housing and Residential Development as stated in Clauses 15 and 21.04 of the Glen Eira Planning Scheme as:
 - The development fails to enhance the public realm; and
 - The development fails to provide a satisfactory standard of urban design.
2. The proposal does not satisfy the intent and objectives of Clause 22.05 of the Glen Eira Planning Scheme (Urban Villages Policy) with respect to:
 - Creating pleasant and safe public spaces due to the proposed vehicle and pedestrian access arrangements; and
 - Encourage economic and employment development due to the limited commercial uses and diversity proposed.
3. The proposal fails to satisfy the design objective of the Design and Development Overlay - Schedule 9 by virtue of not providing significant community benefit.
4. The proposal fails to satisfy the design objective of the Design and Development Overlay – Schedule 9 by virtue of unreasonable overshadowing impacts to the public open space area to the south of the site.
5. The design and built form of the proposal does not accord with the Design and Development Overlay – Schedule 9 having regard to building height and setbacks.

CARRIED UNANIMOUSLY

9.3 57 SNOWDON AVENUE CAULFIELD

Moved: Cr Silver**Seconded: Cr Sztrajt**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/DP-32229/2018 at 57 Snowdon Avenue, Caulfield, in accordance with the following grounds:

1. The scale and bulk of the development and its design detail fails to respect the neighbourhood character of the area contrary to the purpose of the Neighbourhood Residential Zone at Clause 32.09 of the Glen Eira Planning Scheme.
2. The proposed design response is inconsistent with the existing or preferred neighbourhood character and features of the site and would appear visually dominant due to bulk, scale, massing a design detail, contrary to Standards B1 (Neighbourhood Character Objectives) at Clause 55.02-1 and Standard B31 Design Detail Objective) at Clause 55.06-1 of the Glen Eira Planning Scheme.
3. The proposal does not satisfy the objectives and policy provisions of Clause 22.08 (Minimal Change Area Policy) of the Glen Eira Planning Scheme in that it does not respect the low scale, low rise character of the area.
4. The proposed development fails to provide opportunity for meaningful landscaping on site and is not consistent with the objectives of Clause 55.03-8 (landscaping objective) of Glen Eira Planning Scheme.
5. The proposal does not represent proper and orderly planning.

CARRIED UNANIMOUSLY

At the Mayor's discretion, under clause 230 of the Local Law, the Mayor invited former Councillor Nina Taylor to speak to her resignation as a Councillor of Glen Eira City Council.

Cr Taylor acknowledged the Mayor, CEO, Councillors and Executive and expressed her appreciation towards her fellow Councillors for the two years they have worked together. Nina reflected on the work that has been accomplished over the 2 years including the Transport Strategy, Structure Plans, Reconciliation Action Plan and the toilet at East Bentleigh. Nina said it was a great honour and privilege to serve the people of Glen Eira.

The Councillors responded congratulating Nina on her new role and conveyed their gratitude for her dedication and enthusiasm in her role as Councillor.

9.4 VCAT WATCH

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

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

CARRIED UNANIMOUSLY

9.5 BENTLEIGH AND CARNEGIE STRUCTURE PLANS (PLANNING SCHEME AMENDMENT)

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

That Council:

1. adopts the revision to the *Bentleigh Structure Plan 2018-2031*;
2. adopts the revision to the *Carnegie Structure Plan 2018-2031*;
3. adopts the revision to the *Quality Design Guidelines - Residential Areas*;
4. adopts the revision to the *Quality Design Guidelines - Commercial and Mixed Use Areas*;
5. endorses the following background documents that give support to the Amendment and which the Amendment will seek to refer to in the Scheme:
 - Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 (RBA Architects and Conservation Consultants, 2018)
 - How to Calculate Significant Community Benefits for development in Carnegie Activity Centre (Glen Eira City Council, 2018)
 - Urban Form Analysis Bentleigh (Glen Eira City Council, 2018)
 - Urban Form Analysis Carnegie (Glen Eira City Council, 2018)
6. endorses the *Proposed Amendment C184 to the Glen Eira Planning Scheme documentation* for the purposes of public exhibition;
7. seeks authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment to implement the *Bentleigh and Carnegie Structure Plans*;
8. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or the Department of Environment, Land, Water and Planning in order to receive authorisation, where the changes do not affect the purpose or intent of the Amendment; and
9. subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least one month.

Moved: Cr Delahunty Seconded: Cr Athanasopoulos

That Cr Hyams be granted a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY**Moved: Cr Silver Seconded: Cr Delahunty**

That Cr Esakoff be granted a 5 minute extension of speaking time.

CARRIED UNANIMOUSLY

The Motion Moved by Cr Hyams and Seconded by Cr Athanasopoulos was put
and **CARRIED**

9.6 DRAFT GLEN EIRA ROOMING HOUSE STRATEGY

Moved: Cr Delahunty**Seconded: Cr Sztrajt**

That Council:

1. Notes the report and Draft Glen Eira Rooming House Strategy
2. Resolves to commence community and stakeholder consultation in February 2019, including the additional activities detailed in this report.

Moved: Cr Silver**Seconded: Cr Athanasopoulos**

That Cr Sztrajt be granted a 4 minute extension of speaking time.

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

**9.7 FOUNDATION FOR YOUTH EXCELLENCE APPLICATIONS COUNCIL
RECOMMENDATIONS QUARTER 4, 2018**

Moved: Cr Esakoff**Seconded: Cr Silver**

That Council approves the following Foundation for Youth Excellence grants for the 4th Quarter 2018:

- \$600 to Zoe Samuel to compete at the School Sports Australia 12 Years and Under Cricket Championships in Bunbury, Perth
- \$600 to Lachlan Teal to compete at the 15 Years and Under Touch Football National Championships in Hobart, Tasmania.
- \$1,200 to Rebecca Fancke to compete in the 2018 FISU World University Cheerleading Championship in Lodz, Poland.
- \$600 to Elizabeth Cormack to compete at the School Sports Australia 12 Years and Under Cricket Championships in Bunbury, Perth
- \$600 to Isabella Mints to compete at the School Sport Australia Track and Field National Championships in Melbourne.

CARRIED UNANIMOUSLY

9.8 STRATEGIC TRANSPORT PROJECTS UPDATE

Moved: Cr Athanasopoulos**Seconded: Cr Magee**

That Council:

1. Agrees to the scope of each of the Integrated Transport Strategy pilot projects (Pedestrian Safe Neighbourhood Project and Corridor Improvement For Safe Cycling Project), which includes extensive community and stakeholder consultation and data collection.
2. Notes that both a Neighbourhood Plan for the Pedestrian Safe Neighbourhood Project and a Corridor Plan for the Safe Cycling Corridor Project, will be completed and presented to the community for a final round of consultation by the end of the 2018-2019 financial year, with implementation and 'piloting' to occur in the 2019-2020 financial year, subject to the outcomes of the community consultation process.
3. Notes that as a result of the above, the *Council and Community Plan 2018-2019* commitment of "We will develop pilot projects in line with our new *Integrated Transport Strategy, with a focus on creating safer and walkable neighbourhoods*", will be reported as 'not achieved' in reporting against Council's published 2018/19 Council and Community Plan performance measures.
4. Notes the development of a *Parking Policy, Walking and Cycling Action Plans*, and the *Public Transport Gap Analysis Report*, as outlined in the *Council and Community Plan 2018-2019 Commitments*.

CARRIED UNANIMOUSLY

9.9 DOMESTIC ANIMAL MANAGEMENT PLAN (DAMP) ANNUAL REVIEW 2017-2018

Moved: Cr Esakoff**Seconded: Cr Delahunty**

It is recorded that Cr Athanasopoulos vacated the Chamber at 9:15pm.

That Council notes:

- a) The successful completion of the actions to date.
- b) The review of the Domestic Animal Management Plan against Performance Monitoring and Evaluation indicators and the objectives of the Action Plan.

CARRIED UNANIMOUSLY

9.10 AUDIT & RISK COMMITTEE 2017-18 ANNUAL REPORT

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

That Council note the Audit and Risk Committee's 2017-18 Annual Report.

It is recorded that Cr Athanasopoulos entered the Chamber at 9:22pm.

CARRIED UNANIMOUSLY

9.11 AUDIT & RISK COMMITTEE ANNUAL CHARTER REVIEW

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

That Council adopt the attached Charter for Council's Audit and Risk Committee.

CARRIED UNANIMOUSLY

9.12 OUTER CIRCLE RAILWAY MANAGEMENT PLAN

Moved: Cr Esakoff**Seconded: Cr Athanasopoulos**

That Council:

1. notes the feedback received during community consultation and officers comment; and
2. endorses the recommended changes to the Management Plan which will be updated and presented to a future Ordinary Council Meeting for adoption.

CARRIED UNANIMOUSLY

9.13 DELEGATIONS FOR APPROVAL

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

That Council resolves as follows:

1. In relation to Council delegations to the CEO and other staff

- (a) there be delegated to the specified Council staff the powers, duties and functions set out in the following instruments:
 - i) Instrument of Delegation to the Chief Executive Officer (*“Attachment 2”*)
 - ii) Instrument of Delegation under the *Planning and Environment Act 1987* (*“Attachment 4”*)
 - iii) Instrument of Delegation under various legislation (*“Attachment 6”*)
- (b) the powers, duties and functions delegated be exercised:
 - i) subject to any conditions and limitations specified in the Instruments of Delegation described in paragraph 1(a);
 - ii) in accordance with any policies or guidelines which Council may adopt from time to time;
- (c) the Instruments of Delegation be sealed;
- (d) the Instruments of Delegation come into force immediately when the Council seal is affixed to it, and remain in force until Council determines to vary or revoke it;
- (e) on the coming of force of the Instruments of Delegation described in paragraph 1(a), the following Instruments (which are currently in force) be revoked:
 - i) Instrument of Delegation to the Chief Executive Officer dated 25 October 2017;
 - ii) Instrument of Delegation to Members of Council staff under the *Planning and Environment Act 1987* dated 15 June 2018;
 - iii) S6 Instrument of Delegation to members of Council staff – *Food Act 1984* dated 25 October 2017;
 - iv) S6 Instrument of Delegation to members of Council staff – *Road Management Act 2004* dated 25 October 2017;
 - v) S6 Instrument of Delegation to members of Council staff under various legislation, authorised by resolution of Council passed on 2 May 2017; and
- (f) the Instrument of Delegation under the *Planning and Environment Act 1987* in Attachment 4 be reviewed before 31 December 2019.

2. In relation to guidelines for the administration of the Delegated Planning Forum

The guidelines for the administration of the Delegation Planning Forum, which are attached and marked *“Attachment 8”*, be noted and made publicly available.

CARRIED

9.14 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2018

Moved: Cr Athanasopoulos**Seconded: Cr Delahunty**

That Council notes the Financial Management Report for the period ending 30 November 2018.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS - NIL**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers - Nil****11.2 Right of reply - Nil****11.3 Councillor questions - Nil****11.4 Public questions to Council**

There were 2 questions received from Mr Warren Green for the 18 December 2018 Council Meeting.

Mr Warren Green was not present in the Chamber at this stage of the meeting and therefore his questions were not read at the meeting. A letter will be sent to Mr Green including his questions and the responses in accordance with the Local Law.

12. CONSIDERATION OF IN CAMERA ITEMS**Moved: Cr Silver****Seconded: Cr Magee**

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 2019.67 Distribution of Glen Eira News
Local Government Act 1989 - Section 89(2) (d)

12.2 Tender 2019.22 Joyce Park Sports Courts
Local Government Act 1989 - Section 89(2) (d)

12.3 Tender 2019.25 McKinnon Reserve Playspace
Local Government Act 1989 - Section 89(2) (d)

CARRIED UNANIMOUSLY

The Mayor advised that after consideration of the confidential items the meeting will be closed.

12.1 TENDER 2019.67 DISTRIBUTION OF GLEN EIRA NEWS

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

That Council:

1. appoints Blackwick Pty Ltd, A.C.N. 050 274 872 as the trustee for the Wall Family Trust, trading as Impact Leaflet Distributors (A.B.N 32 871 263 450) 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 CEO to execute the contract/s on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

12.2 TENDER 2019.22 JOYCE PARK SPORTS COURTS

Moved: Cr Esakoff**Seconded: Cr Silver**

That Council:

1. ACE Landscape Services Pty Ltd, ACN 131 093 500 as the contractor under Tender number 2019.22 Joyce Park Sports Courts 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 CEO to execute the contract/s on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

12.3 TENDER 2019.25 MCKINNON RESERVE PLAYSPLACE

Moved: Cr Athanasopoulos

Seconded: Cr Esakoff

That Council:

1. appoints Landstruct Landscape Construction Pty Ltd, ACN 094 104 337 as the contractor under Tender number 2019.25 McKinnon Reserve Playspace 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 CEO to execute the contract/s on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

13. CLOSURE OF MEETING

The meeting closed at 9.52pm

Confirmed this 5 day of February 2019

Chairperson.....