



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 21 MAY 2019

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 Anne-Marie Cade
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver

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1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

GLEN EIRA CITY COUNCIL RESPECTFULLY ACKNOWLEDGES THAT THE BOON WURRUNG PEOPLE OF THE KULIN NATION ARE THE TRADITIONAL OWNERS OF THE LAND NOW KNOWN AS GLEN EIRA. WE PAY OUR RESPECTS TO THEIR ELDERS PAST, PRESENT AND EMERGING AND ACKNOWLEDGE AND UPHOLD THEIR CONTINUING RELATIONSHIP TO AND RESPONSIBILITY FOR THIS LAND.

2. APOLOGIES NIL

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 30 April 2019 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 Silver

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. 10 April 2019 – Community Engagement Advisory Committee
- b. 16 April 2019 – Community Grants Advisory Committee

CARRIED UNANIMOUSLY

8.2 Records of Assembly

8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

Moved: Cr Silver

Seconded: Cr Esakoff

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

- a. 16 April 2019 Assembly
- b. 23 April 2019 Assembly
- c. 30 April 2019 (pre-meeting)

CARRIED UNANIMOUSLY

Public 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

9.1 285-287 NEERIM ROAD CARNEGIE - VCAT SECTION 87A AMENDMENT

It is recorded that Cr Silver vacated the Chamber at 8:02pm and re-entered at 8.03pm.

Moved: Cr Esakoff

Seconded: Cr Delahunty

1. That Council supports the proposal at the Victorian Civil and Administrative Tribunal for Amended Planning Permit Application GE/PP-28890/2015 at 285-287 Neerim Road, Carnegie, subject to the following conditions:

Condition 1 deleted and replaced with a new Condition 1 to read as follows:

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 by Ewert Leaf, drawing nos. TP-101.J, TP-110.J, TP-111.M, TP-112.M, TP-113.L, TP-114.E, TP-119.L, TP-400.J, TP-401.J, TP-402.L, TP-403.J, TP-501.F, TP-502.F and TP-503.D (all dated 5 February 2019), but modified to show:

- (a) Details of the overlooking screens PS/2 to be provided on the plans and to be of a material that will limit any overlooking to adjoining sensitive interfaces;
- (b) The dimension of the aisle width between the disabled car space and wall to be correctly annotated;
- (c) Screening provided to balconies to clearly demonstrate there will be no internal views to adjoining apartments on the fourth level;
- (d) The side and rear setbacks of the top floor in compliance with the setbacks specified in *Schedule 9 To Clause 43.02 Design and Development Overlay (DDO9)* of the Glen Eira Planning Scheme.

Condition 4 to read:

Car parking is to be provided at the following rates:

- (a) 1 and 2 bedroom dwellings – 1 car space per dwelling.
- (b) 3 or more bedroom dwellings – 2 car spaces per dwelling.
- (c) Retail/Food and Drink Premises - 16 car spaces including one (1) DDA compliant car parking space.

All other conditions of the permit to remain.

CARRIED UNANIMOUSLY

9.2 VCAT WATCH

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

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

9.3 GLEN EIRA ROOMING HOUSE STRATEGY

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

That Council:

1. acknowledges the feedback received during the community engagement process, and thanks all submitters.
2. endorses the *Glen Eira Rooming House Strategy*.

CARRIED UNANIMOUSLY

9.4 DIGITISATION OF HISTORIC RECORDS

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

That Council notes the priority digitisation projects planned for the next 12 months and that the 2019/20 budget has an allocation of \$10,000 to achieve these projects. That Officers prepare a Heritage Digitisation Strategy that aims to preserve material to capture and make accessible our local history. The Strategy should be comprehensive and long term in nature as well capturing immediate digitisation priorities.

In preparing the Strategy, Officers will explore potential material for digitisation held by local historical societies and Glen Eira City Council and consider other collaborative projects working with State agencies, historical societies and Local Governments.

CARRIED UNANIMOUSLY

9.5 LOCAL GOVERNMENT WOMEN'S CHARTER

Moved: Cr Delahunty**Seconded: Cr Cade**

That Council endorses the Victorian Local Government Women's Charter.

CARRIED UNANIMOUSLY**Procedural Motion****Moved: Cr Delahunty****Seconded: Cr Magee**

That item 9.6 be considered after item 9.8.

CARRIED UNANIMOUSLY*It is recorded that Cr Magee vacated the Chamber at 8:36pm.*

9.7 QUARTERLY SERVICE PERFORMANCE REPORT MARCH 2019

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

That Council notes the Quarterly Service Performance Report for the period ending March 2019.

CARRIED UNANIMOUSLY*It is recorded that Cr Magee entered the Chamber at 8:41pm.*

9.8 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 MARCH 2019

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

That Council notes the Financial Management Report for the period ending 31 March 2019.

CARRIED UNANIMOUSLY

9.6 LEASE AGREEMENT BETWEEN MELBOURNE RACING CLUB AND THE CAULFIELD RACECOURSE RESERVE TRUST

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

That Council:

1. notes the Report.
2. continues to advocate for :
 - a) The full implementation of the recommendations contained within the 21 August 2016 report of the Bi-Partisan Working Group;
 - b) Ongoing and prompt progress with the development of a Masterplan for the Reserve as a priority project for the Caulfield Racecourse Reserve Trust;
 - c) The negotiation of revised Lease conditions at the Trigger Point that better achieve the objective of financially self-sustaining open space community facilities that successfully co-exist with racing on the Reserve; and
 - d) Future funding commitments from both State and Federal Governments, in partnership with other key stakeholders, to ensure that the long term vision for Caulfield Racecourse Reserve as a regional sporting precinct and community asset is realised.

CARRIED UNANIMOUSLY

9.9 APPOINTMENT OF SIGNATORIES FOR 2018-19 FINANCIAL REPORT

Moved: Cr Esakoff**Seconded: Cr Davey**

That Council appoints the Mayor and Deputy Mayor to sign the 2018-19 Financial Statements and Performance Statement.

CARRIED UNANIMOUSLY

9.10 INSTRUMENTS FOR APPOINTMENT AND AUTHORISATION

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

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) and section 232 of the *Local Government Act 1989* (Vic) resolves that:

1. the staff members referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
2. any existing Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* to the staff members referred to in the attached Instruments be revoked effective immediately upon the Instruments referred to in the paragraph numbered 1 above coming into effect; and
3. the Instruments be signed and sealed.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS**Moved: Cr Delahunty****Seconded: Cr Magee**

That the matter pertaining to the Caulfield Racecourse vision be considered as an item of urgent business.

CARRIED UNANIMOUSLY

10.1 CAULFIELD RACECOURSE RESERVE**Moved: Cr Delahunty****Seconded: Cr Silver**

That given the article appearing in today's online edition of the Herald Sun has a quote from the MRC Chief Executive Josh Blanksby which states '*the MRC looks forward to continuing to work with the Caulfield Racecourse Reserve Trust, Glen Eira Council and the broader community to maximise the public value of the Caulfield Racecourse Reserve*,' Council seeks an urgent meeting with the MRC to discuss how this working relationship can be improved and to seek more information on the proposed vision which has been released to the media before it has been discussed with the community.

It is recorded that Cr Esakoff vacated the Chamber at 9:14pm and re-entered at 9:17pm.

CARRIED UNANIMOUSLY

11. ORDINARY BUSINESS**11.1 Requests for reports from Officers****11.1.1 Moonscaping****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That Council requests a report from officers that details the measures available to prevent developers from clearing sites of all vegetation prior to receiving development permission.

CARRIED UNANIMOUSLY

11.1.2 In-ground Parking Sensors

Moved: Cr Magee

Seconded: Cr Davey

I call for a report on the cost of installing in-ground parking sensors at the strip shopping centres at Mackie and Centre Road and Mackie Road shops in Bentleigh East.

CARRIED UNANIMOUSLY

11.2 Right of reply - NIL

11.3 Councillor questions

Question from Cr Silver to Mr Torres - Director Planning and Place re disabled parking permit renewals.

Cr Silver: I have had a number of requests from residents who have been in the unfortunate position that having come into possession of a disabled parking permit, their permits have expired and they haven't received a reminder notice. Are we now sending out reminder notices as a matter of policy? Why do the Disabled Parking Permits expire and can Council do anything to change that?

Mr Torres: We have updated our processes to send out reminder notices. Recently we sent out 400 reminders to people whose permits were expiring over the next 3 or 4 months and on a pleasing note, we received a thank you letter saying thank you for the reminder as that gave the person enough time to see their doctor and receive the necessary documentation to renew their disabled parking permit.

Cr Silver: We know that Disabled Permits expire and obviously if someone is elderly and gets frail we don't know how to reverse the aging of the person with the disability, they generally lose it. Does Council decide when permits expire or is that somebody else? Can we change that?

Mr Torres: I believe it's the State Government system where an expiry date is required but I am not totally sure about that. What I can tell you is VicRoads is looking at centralising this function so that it's more consistent across the State. There are improvements afoot.

11.4 Public questions to Council

Questions were received from Herschel Landes, Belinda Smith-Arbuthnot and Ruth Frydman for this Council meeting. The submitters were not present in the Chamber at this stage of the meeting and in accordance with the Local Law, their questions were not read at the meeting. A letter will be sent to the submitters including their questions and the responses.

Robyn Lenga – Caulfield North

Question relates to Inkerman Rd cycle pilot - Question I have asked on “have your say “ on May 1st which I still have had no reply. So once again I ask 'When do you think your report will be finished at meeting last night was only mention in the future. So is there a date?' The meeting I was referring to was the last council meeting on 30th April.

Response:

The aim is to have the comprehensive study of the four routes, as well as the outcomes of the discussions with the Department of Transport and neighbouring Councils complete and presented to Council at the 3 September 2019 Council Meeting.

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

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 2019.127 Selwyn Street Cultural Precinct - Concept and Detailed Consultancy
Local Government Act 1989 - Section 89(2) (d)

12.2 Tender 2019.126 Integration Platform
Local Government Act 1989 - Section 89(2) (d)

12.3 Tender 2019.23 Duncan MacKinnon Reserve Civil and Landscape Works Stage 1
Local Government Act 1989 - Section 89(2) (d)

12.4 Extension of Short-Term Processing Deed 2019.2 for Short Term Recycling
Local Government Act 1989 - Section 89(2) (d)

CARRIED UNANIMOUSLY

It is recorded that Cr Delahunty vacated the Chamber at 9:37pm.

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

12.1 TENDER 2019.127 SELWYN STREET CULTURAL PRECINCT - CONCEPT AND DETAILED CONSULTANCY

Moved: Cr Silver**Seconded: Cr Athanasopoulos***It is recorded that Cr Delahunty entered the Chamber at 9:40pm.*

That Council:

1. appoints **Rush Wright Associates Pty Ltd, ACN 118 309 452** as the Trustee for The Rush Wright Family Trust, trading as Rusk Wright Associates (ABN 96 070 886 682) **as the contractor under Tender number 2019.127** 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 on Council's behalf.
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

12.2 TENDER 2019.126 INTEGRATION PLATFORM

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

That Council:

1. appoints **Dell Australia Pty Ltd, ACN 003 855 561** as the contractor under **Tender number 2019.126** for an amount of \$676,807 exclusive of GST.
2. prepares the contract in accordance with the Conditions of Contract included in the tender as negotiated and agreed to by Council's Corporate Counsel.
3. authorises the CEO to execute the contract/s on Council's behalf.
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

12.3 TENDER 2019.23 DUNCAN MACKINNON RESERVE CIVIL AND LANDSCAPE WORKS STAGE 1

Moved: Cr Esakoff

Seconded: Cr Athanasopoulos

That Council:

1. appoints **Bitu-mill (Civil) Pty Ltd, trading as Bitu-mill Landscapes, CAN 099 996 344** as the contractor under Tender number 2019.23 for an amount of \$769,413.71 (exclusive of GST) 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 executes the contract 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 9.45pm.

Confirmed this 11 day of June 2019

Chairperson.....