



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**

**TUESDAY 17 MARCH 2020**

**MINUTES**

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

Present

The Mayor, Councillor Margaret Esakoff  
Councillor Tony Athanasopoulos  
Councillor Anne-Marie Cade  
Councillor Clare Davey  
Councillor Mary Delahunty  
Councillor Jamie Hyams  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt

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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. REMINDER OF DECLARATION BY MEMBERS OF ANY DIRECT AND INDIRECT CONFLICT OF INTEREST OR PERSONAL INTEREST IN ANY ITEMS ON THE AGENDA**

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 MEETING OR MEETINGS**

**Moved: Cr Silver**

**Seconded: Cr Delahunty**

That the minutes of the Ordinary Council Meeting held on 25 February 2020 be confirmed.

**CARRIED UNANIMOUSLY**

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

Nil

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

Nil

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

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**7.1 Advisory Committees**

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**7.1.1 ADVISORY COMMITTEE MINUTES****Moved: Cr Athanasopoulos****Seconded: Cr Cade**

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

1. Strategic Transport Advisory Committee Minutes – 20 February 2020
2. Arts and Culture Advisory Committee Minutes – 25 February 2020
3. Audit and Risk Advisory Committee Minutes – 28 February 2020

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS****Moved: Cr Hyams****Seconded: Cr Silver**

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

1. 11 February 2020
2. 18 February 2020
3. 25 February 2020 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 35 of the Council Meeting Procedure Local Law. At the Mayor's discretion 25 minutes was allowed for public participation.

*One of the speakers who approached the microphone to speak to item 8.4 of the agenda, triggered Cr Silver to immediately declare a perceived Indirect Conflict of Interest because of conflicting duties. Cr Silver vacated the Chamber at 7.52pm prior to the speaker addressing Council.*

*Cr Silver in his role as a barrister has accepted briefs from the applicants solicitor and his firm on other matters.*

Whilst it does not fit the definition in the Local Government Act as an Indirect Interest because of conflicting duties, it could be perceived as such by the community.

*It is recorded that Cr Silver re-entered the Chamber at 8:03pm.*

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

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**8.1 HEATHER ROAD - ROAD DISCONTINUANCE SUBMISSION HEARING**

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Judy Kras was not present in the Chamber to speak to her submission.

The Mayor invited Frank Greco to speak to his submission.

Mr Greco spoke to his submission and was thanked by the Mayor.

The Mayor then invited anyone in the gallery to speak to this item. Sandy Toggias spoke on this item.

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**Moved: Cr Silver**

**Seconded: Cr Delahunty**

That Council:

1. notes the four submissions received in relation to a proposal to discontinue part of Heather Road Caulfield South, as shown on the attached plan as Attachment 1 pursuant to section 206 and Schedule 10(3) of the Local Government Act, 1989;
2. hears the submitter who has requested to be heard; and
3. notes that a further report be presented to the Council meeting of 7 April 2020 to determine if part of Heather Road will be discontinued.

**CARRIED UNANIMOUSLY**

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**8.2 VCAT WATCH**

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**Moved: Cr Silver**

**Seconded: Cr Hyams**

That Council notes the applications currently before the Victorian Civil and Administrative Tribunal.

**CARRIED UNANIMOUSLY**

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**8.3 PARKING POLICY**

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**Moved: Cr Davey****Seconded: Cr Athanasopoulos**

That Council:

1. adopts the Glen Eira City Council *Parking Policy 2020 (Parking Policy)* as identified in Attachment 1 to this report;
2. authorises the amendment of the Glen Eira City Council Residential Parking Permit System Policy (the Residential Parking Permit System Policy) as identified in Attachment 2 to this report; and
3. authorises the Chief Executive Officer to publish notice of Council's amendment to the Residential Parking Permit System Policy in the Victoria Government Gazette, in accordance with section 112(2) of the *Local Government Act 1989*.
4. revokes Glen Eira City Council Parking Restriction Policy (number 13.3) adopted on 12 August 2002 as identified in Attachment 6 of this report;
5. revokes the Glen Eira City Council Painting of Roadside Parking Lines ('Hockey Sticks') Policy (number 8.16) adopted on 2 November 2005 as identified in Attachment 7 of this report;
6. revokes the Glen Eira City Council Exclusion of Specific Developments from the Residential Parking Permit Scheme Policy (number 13.12) adopted on 26 May 2003 as identified in Attachment 8 of this report.

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

That Council grants Cr Hyams a 2 minute extension of speaking time.

**CARRIED UNANIMOUSLY****Procedural Motion****Moved: Cr Sztrajt****Seconded Cr Hyams**

That Council grants Cr Silver a 2 minute extension of speaking time.

**CARRIED UNANIMOUSLY**

The Motion Moved by Cr Davey and Seconded by Cr Athanasopoulos was

**CARRIED**

*It is recorded that Cr Silver declared a perceived Indirect Conflict of Interest in item 8.4 because of conflicting duties and vacated the Chamber at 9:04pm. He was not present when this item was considered.*

*At the Public Participation section of this meeting, a speaker approached the microphone to speak on item 8.4 of the agenda. Prior to the speaker addressing Council, Cr Silver declared a perceived Indirect Conflict of Interest because of conflicting duties and left the Chamber. Cr Silver in his role as a barrister has accepted briefs from the applicants solicitor and his firm on other matters.*

*Whilst it does not fit the definition in the Local Government Act as an Indirect Interest because of conflicting duties, it could be perceived as such by the community.*

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#### 8.4 HERITAGE REVIEW OF 380 DANDENONG ROAD, CAULFIELD NORTH

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**Moved: Cr Delahunty**

**Seconded: Cr Athanasopoulos**

That Council:

1. endorses the heritage citation for 'Hurlock' 380 Dandenong Road, Caulfield North;
2. seeks authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to include the subject property within the Schedule to the Heritage Overlay;
3. authorises the Manager City Futures or Manager Urban Planning 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
4. subject to receiving authorisation from the Minister of Planning, places the Amendment on public exhibition for a period of at least one month.

**CARRIED**

**Division:** The Motion was PUT and a **DIVISION** was called:

**FOR:** Crs Athanasopoulos, Davey, Delahunty, Hyams and Magee (5)

**AGAINST:** Crs Esakoff, Sztrajt and Cade (3)

**CARRIED**

*It is recorded that Cr Silver vacated the Chamber prior to Item 8.4 and was not present when this item was considered. Cr Silver entered the Chamber at 9.29pm.*



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**8.5 FOUNDATION FOR YOUTH EXCELLENCE APPLICATIONS COUNCIL  
RECOMMENDATIONS QUARTER 1, 2020**

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**Moved: Cr Hyams****Seconded: Cr Davey**

That Council:

1. approves the following Foundation for Youth Excellence grants for the 1<sup>st</sup> quarter 2020:
  - \$1,200 to Jordan Giusti to compete at the Berlin International Film Festival in Berlinale Palast, Germany held 23<sup>rd</sup> - 29<sup>th</sup> February 2020.
  - \$1,200 to Luisa David to attend the B'nai B'rith Youth Organisation International Convention (Dallas Texas) held 6<sup>th</sup> – 17<sup>th</sup> February 2020.
2. does not approve the following Foundation for Youth Excellence grants as unfortunately these major events have been cancelled due to the rapidly evolving response to the COVID-19 outbreak. Council encourages these applicants to re-apply for the Foundation for Youth Excellence grants to showcase their talents, when it is safe to do so.
  - \$1,200 to Catalina Kotsandis to compete at the All-Star Federation World Dance Championships in Orlando, Florida, USA.
  - \$600 to William Wong to compete at the 2020 Australian Athletics Championship in Sydney NSW.

**CARRIED UNANIMOUSLY**

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**8.6 BLUESTONE LANEWAY AND KERB AND CHANNEL RECONSTRUCTION  
POLICY**

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**Moved: Cr Silver****Seconded: Cr Davey**

That Council:

1. notes the draft Bluestone Laneway and Kerb and Channel Reconstruction Policy;
2. notes the intention for the existing Street and Laneway Design and Construction Policy 2013 to be revoked;
3. authorises officers to proceed with community consultation; and
4. receives a report after the conclusion of public consultation.

**CARRIED UNANIMOUSLY**

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**8.7 AUTHORISATIONS UNDER THE PLANNING AND ENVIRONMENT ACT**

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**Moved: Cr Silver****Seconded: Cr Cade**

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 of Appointment and Authorisation (**Attachment 1**) 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 Instrument of Revocation (**Attachment 2**) be revoked; and
3. the Instruments described in parts 1 and 2 above be signed and sealed.

*It is recorded that Cr Davey vacated the Chamber at 9:38pm.*

**CARRIED UNANIMOUSLY**

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**8.8 DELEGATIONS BY COUNCIL TO COUNCIL STAFF**

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**Moved: Cr Delahunty****Seconded: Cr Hyams**

That Council resolves as follows:

1. There be delegated to the specified Council staff the powers, duties and functions set out in the attached Instrument of Delegation in attachment 2 (**Instrument**).
2. That the powers, duties and functions delegated be exercised subject to any conditions and limitations specified in the Instrument.
3. That the Instrument be sealed.
4. That the Instrument come into force immediately when the Council seal is affixed to it, and remain in force until Council determines to vary or revoke it.
5. On the coming of force of the Instrument, the previous S6 Instrument of Delegation to Council Staff dated 19 December 2018 be revoked.

**CARRIED UNANIMOUSLY**

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**8.9 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2020**

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

That Council notes the Financial Management Report for the period ending 29 February 2020.

*It is recorded that Cr Davey entered the Chamber at 9:41pm.*

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS - NIL****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1.1 Out of Hours Noise Complaints****Moved: Cr Hyams****Seconded: Cr Athanasopoulos**

That officers prepare a report that explores the feasibility of Council officers investigating and collecting evidence for legitimate and ongoing noise complaints outside of business hours.

**CARRIED UNANIMOUSLY**

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

That Council extends the meeting to finish at 11pm.

**CARRIED UNANIMOUSLY**

## 10.2 Right of reply

Cr Athanasopoulos

Right of Reply to earlier comments made and I know they have been addressed by other councillors in this room but I personally want to address them myself. I know that there has been commentary about being careful about the language that we are using and the like, but I just want to give you three names that, that particular language is associated with, which everyone around this table knows. Now social engineering is associated with Stalin, is associated with Pol Pot and is associated with another person who I don't even want to mention in this room. When I vote on something in this Chamber and it gets referred to in that language, I don't particularly find it very comfortable, or very encouraging or very very nice and not a comfortable situation for me to be in. All I'll ask is that the leadership group get together and have a bit of a chat about what sort of language we should be using here and what sort of comfort we should have around this Chamber, when we are talking in this Chamber.

## 10.3 Councillor questions

**Cr Silver**

There are 2 questions which I believe are for our CEO Rebecca McKenzie.

Question 1 – There has been some community interest in a recent mailout distribution regarding the Safe Cycling Corridor in the City of Port Phillip and who paid for that mailout. Could you please clarify the facts around the distribution, which municipalities paid for it and why that has occurred?

*It is recorded that Cr Athanasopoulos vacated the Chamber at 9:54pm.*

CEO response

Thank you Cr Silver and through you Madam Mayor. I do appreciate the opportunity to provide some clarity on this and I do acknowledge that there has been some mixed messaging including with our community. Just to clarify on Friday 6 March, I did agree with Port Phillip City Council that we would actually split the cost of the mailout to their residents. That decision was made on the basis on three key points really. The first that while we hadn't actually agreed in advance to pay for their mailout, we do accept that there wasn't 100% of clarity in the communication between our officers of the respective organisations regarding those arrangements. The next point was really that the mailout only occurred because of a request from the City of Glen Eira. We wanted to close the loop with those people that we had consulted on as part of our consultation on the safe cycling corridor. That's courteous, it's good practice and that's something that we always try to do with people when we have undertaken significant consultations. The third point is that although it was initiated by the City of Glen Eira, Port Phillip actually did decide to add their own cover letter to the letter which added some value from Port Phillip's perspective and shared some messages regarding Port Phillip's own route and what their next stages would be in terms of their own consultation on this matter. So given all of that, in those circumstances I felt it was appropriate for us to actually split those costs and we are currently working the City of Port Phillip to finalise a memorandum of understanding so that there is no future misunderstandings around cost apportionment in relation to work that's ongoing with the safe cycling corridor consideration. Also to reassure Councillors, regardless we don't actually anticipate that we will need to do any further bulk mailouts to Port Phillip residents in the next phase of the project anyway.

#### Question 2

Obviously COVID-19 is having a significant impact on the city and indeed regardless of the virus it does seem that Victoria could be headed into a recession. Now obviously many residents may be affected by this and I imagine that basic needs such as keeping the power on, food bills, clothing and so forth will be a priority for some people may not have the hours they used to have and they might not even have their jobs going forward and some of them may be property owners. Now we're obviously not going to piff people out of their properties, but if residents are having difficulties in paying their rates or needs more time, what options are there to raise that issue with council.

#### CEO response:

Thank you Cr Silver and through you Mayor. It is early days yet in terms of COVID-19 and the implications that that might have in terms of whether that takes us into recession or the net result of the financial impact on our community, and no doubt we will continue to have conversations about the work that Council can and will do in terms of supporting our community and our businesses to resume to normal operating once the crisis is over. In the intervening period of time, Council already has a financial hardship policy that is in place. There is a copy of that available on our website. It provides the opportunity for Council to consider any financial cases of hardship on a case by case basis and implement payment plans and deferral processes and things like that where there are extraordinary circumstances. So if anybody is in a circumstance where they are experiencing hardship, I encourage them to contact us directly and have a conversation and we'll demonstrate empathy in relation to those requests.

### **10.4 Written public questions to Council**

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

Mr DW Marget submitted a question and was present at the meeting. Unfortunately due to a misunderstanding his question was not read at the meeting. The question and response will be read at the next Ordinary Council Meeting and will be included in the minutes of that meeting.

**11. CONFIDENTIAL ITEMS**

Nil

**12. CLOSURE OF MEETING**

The meeting closed at 10pm.

Confirmed this 7 day of April 2020.

**Chairperson**.....