



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 7 APRIL 2020

MINUTES

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

Present

Deputy Mayor, Councillor Dan Sztrajt
Councillor Tony Athanasopoulos
Councillor Mary Delahunty
Councillor Jamie Hyams
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

Apologies were received from Cr Esakoff, Cr Cade and Cr Davey.

Moved: Cr Silver

Seconded: Cr Delahunty

That apologies from Cr Esakoff, Cr Cade and Cr Davey be received and noted.

CARRIED UNANIMOUSLY

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 17 March 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

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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. Sustainability Advisory Committee Meeting Minutes – 6 February 2020;
2. Recreation and Leisure Advisory Committee Meeting Minutes – 18 February 2020; and
3. Community Grants Advisory Committee Meeting Minutes – 24 March 2020.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 3 March 2020;
2. 10 March 2020; and
3. 17 March 2020 Pre-meeting.

CARRIED UNANIMOUSLY

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

That Council changes the order of business to bring forward the report for Item 8.5 Written public questions to Council at this stage of the meeting.

CARRIED UNANIMOUSLY

8.5 WRITTEN PUBLIC QUESTIONS TO COUNCIL

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

That Council endorses the revised Written Public Questions to Council Guidelines attached to this report and confirms that public participation at Council meetings has been cancelled until further notice.

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

That Council changes the order of business to bring forward Item 10.4 Written public questions to Council (public questions submitted to this meeting) to be dealt with at this stage of the meeting.

CARRIED UNANIMOUSLY**10.4 Written public questions to Council****1. David Marget**

The Council meeting of 27th Feb (cont. on 6th March) 2018 passed a motion that the Quality Design outlines be accepted as policy. These guidelines included a 5 storey height limit of buildings in the commercial areas of neighbourhood centres.

The Glen Eira City Plan 2020 reflects these guidelines. And yet, we continually see the Planning Department agreeing to developments in excess of 5 storeys.

Why is this happening?"

Response:

The Glen Eira Planning Scheme contains planning policies, controls, and guidelines for every property in the municipality. Currently, the Quality Design Guidelines are not contained in the Glen Eira Planning Scheme. Any proposed development or land use that requires planning permission needs to be assessed by Council officers against the provisions contained in the Glen Eira Planning Scheme.

Any policy or guideline that sits outside the Glen Eira Planning Scheme carries little to no statutory weight when considering planning permit applications. This is the current status of Council's Quality Design Guidelines and the Glen Eira City Plan 2020. In order for Council officers to be able to make planning recommendations that are based on the Quality Design Guidelines and the Glen Eira City Plan 2020, these documents must be embedded in the Glen Eira Planning Scheme.

The only exception to this is that the Quality Design Guidelines are referenced in the interim planning controls for our major activity centres of Bentleigh, Carnegie and Elsternwick, where they have informed the building height, setback and building design interim controls for these centres. The Glen Eira City Plan is not yet incorporated anywhere in the Planning Scheme.

Work is currently underway to embed both the Quality Design Guidelines and the Glen Eira City Plan into the Glen Eira Planning Scheme. We would be happy to update you further on how this process works if it would be helpful to you.

2. Robyn Lenga – Caulfield North

Are you going to consider reversing the motion passed on 4th February in regard to the next elections? Why aren't they postal ? Why accept the additional expense at this point in time. The minutes gave NO REASON why ALL COUNCILLORS AGREED. PLEASE CONSIDER AND REVERT BACK TO POSTAL

Response:

The new Local Government Act 2020 received Royal Assent on 24 March 2020. The sections providing that the Minister for Local Government is now the decision maker with regards to the method of voting in any local government election, became operational on 6 April 2020. It anticipates that the Minister for Local Government will determine a consistent method to be applied across the State (postal or attendance).

It is understood that the Minister for Local Government is currently considering whether the next Local Government Election currently scheduled for October 2020 should be postponed given the impact of COVID-19 on councils and local communities.

The Deputy Mayor invited Cr Hyams to make a further comment.

Cr Hyams - Part of the question that Ms Lenga asked was why we went for attendance voting in the first place.

In a nutshell its that we find that attendance voting is more democratic. People have more of an opportunity to meet the candidates as they go to the polling booths to vote. In the postal vote, the VEC sends around a ballot paper with the candidates written information photo and potentially preferences. In an attendance election, the candidates have to go to the effort and expense of distributing that information themselves, so it's more democratic and it requires a more genuine effort from candidates and not to mention democracy sausages.

3. Warren Green – Bentleigh

It is noted in the Open Space Strategy Refresh that the total open space in Bentleigh has significantly reduced since 2014 and it is now down to a very low level 8sqm per person and only 2.8% of the suburb. In speaking to Ron Torres, he advised that new open space in the Bentleigh Activity Centre was to be delivered on the existing Coles site, a corridor to the north of Centre Road and also on Godfrey Street. Only the Godfrey Street space however is noted in the Open Space Strategy Refresh.

- a) Can clarification be provided on what new open space is to be provided in the Bentleigh Activity Centre,
- b) what size is the new Godfrey Street open space (as indicated in the Open Space Strategy Refresh), and
- c) what percentage of total Council owned land in the Bentleigh Activity Centre is the new Godfrey Street open space?

Response:

In the Bentleigh Structure Plan 2018-2031, new open space for the Bentleigh activity centre is detailed in the area of car parks found to the north of Centre Road, stretching essentially from the Frankston Train line across to Godfrey Street. A map is available on page 28 of the structure plan.

It is proposed to be a combination of pedestrian plaza, shared space (with vehicles), and green space. The larger section fronting Godfrey Street is proposed to be green space, while the longer section that runs at the back of the Centre Road shops would be the combination shared zone and pedestrian plaza. The two different types of open space would dictate different uses and benefits to the local community.

4. Warren Green – Bentleigh

It is noted that Council is seeking to engage the services of a Project Manager to assist with the development of a multi-deck car park in Bentleigh (based on the advice of Ron Torres) and that this is to be located on very scarce Council owned land. Of relevance, Stonnington spent \$60M on a similar project and created 10,000sqm of open space. Regarding the multi-deck project in Bentleigh, why haven't community been specifically consulted, what background research has been undertaken prior to appointing a Project Manager,

- a) what is the cost of the car park,
- b) will there be any cost to Council,
- c) what parking controls are proposed,
- d) who is the car park for,
- e) have any alternate site options been considered,
- f) what percentage of Council owned land in Bentleigh is this car park?

Response:

Council received an election commitment of \$4m through the Federal Government's *Urban Congestion Fund* to provide additional car parking for commuters, traders and visitors to the Bentleigh activity centre. Parking controls such as disabled and seniors parking and a mix of time restrictions to accommodate different users will be considered.

Over recent months we have been working to identify a potential site for the additional car parking that aligns with the intent of the Bentleigh Structure Plan. Our initial scoping indicates that to realise a project of this nature a more significant budget would be required. On this basis we have gone back to the Federal Government to seek an additional funding commitment that would substantially reduce the cost to Council. As of today, we are yet to receive confirmation of this funding and therefore the project is not yet viable. If additional funding is received and the project becomes viable, community consultation will be undertaken on the concept design.

COVID-19 has understandably disrupted the plans and priorities of all levels of Government. The viability of this project will be reviewed and considered by Council as part of the 2020/2021 budget process in coming weeks. Until then the recruitment of a Project Manager has been put in abeyance.

8. OFFICER REPORTS (AS LISTED)

8.1 SUPPORT FOR BUSINESS, RESIDENTS AND COMMUNITY GROUPS DURING COVID-19

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

That Council :

- Notes that Council officers have already commenced a number of initiatives aimed at supporting community and local businesses respond to COVID-19;
- Authorises the COVID-19 Response and Recovery Package of support initiatives as outlined in Appendix 1 to this report;
- Notes that the indicative value of initiatives outlined in the COVID-19 Response and Recovery Package is \$7.3m, comprising \$2.8m in 2019/2020 financial year and \$4.5m in the 2020/2021 financial year;
- Notes that Council's response to COVID-19 will require a reprioritisation of Council resources, workplan and budgets and that this work is currently underway by Council officers;
- Notes that an update will be provided to the 19 May 2020 Ordinary Council Meeting outlining the progress of the COVID-19 Response and Recovery Package and recommending any further initiatives for Council's consideration.

CARRIED UNANIMOUSLY

8.2 COVID-19 RATES FINANCIAL HARDSHIP POLICY

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

That Council approves the COVID-19 Rates Financial Hardship Policy.

CARRIED UNANIMOUSLY

8.3 INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER - COVID-19 CONTINGENCY PLANNING

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

That in order to allow for the efficient continuation of Council business should the Council not be able to achieve a quorum at Council meetings, Council delegates additional powers to the Chief Executive Officer conditional on a quorum not being achievable and for that purpose Council resolves as follows:

1. In relation to Council's Instrument of Delegation to the Chief Executive Officer:

- (a) there be delegated to the Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer ("*Attachment 2*") (the **Instrument of Delegation**);
- (b) the powers, duties and functions delegated to be exercised:
 - i) subject to any conditions and limitations specified in the Instrument of Delegation;
 - ii) in accordance with any policies or guidelines which Council may adopt from time to time;
- (c) the Instrument of Delegation be sealed;
- (d) the Instrument of Delegation and Schedule A comes into force immediately when the Council seal is affixed to the Instrument of Delegation;
- (e) the Instrument of Delegation remains in force until Council determines to vary or revoke it;
- (f) Schedule A of the Instrument of Delegation remains in force until Council determines to vary or revoke it or it is revoked by the coming into force of Schedule B;
- (g) Schedule B of the Instrument of Delegation comes into force when a quorum of Council cannot be formed or maintained at an ordinary council meeting or special council meeting due to the absence of Councillors and remains in force until Council determines to vary or revoke it;
- (h) on the coming into force of the Instrument of Delegation, the Instrument of Delegation to the Chief Executive Officer dated 19 December 2018 is revoked.

That Council notes:

- the changes will come into effect directly following the passing of the resolution by Council and the Council seal being affixed to the Instrument of Delegation;
- Council will make available (where practicable) on its website, a list of decisions that would have been dealt with by Council, but were made under delegation due to Council being unable to form a quorum due to illness of Councillors or the need to self-isolate by Councillors;
- the CEO will (where practicable) consider and take into account the views of Councillors in making the decisions that would have been dealt with by Council at an ordinary council meeting or special council meeting, but for the coming into operation of Schedule B of the Instrument of Delegation;

and

- the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.
2. That the Instrument of Delegation as amended be included in the minutes of this meeting.

CARRIED UNANIMOUSLY

**8.4 DELEGATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987-
NOVEL CORONAVIRUS CONTINGENCY PLANNING**

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

That in order to allow for the efficient continuation of Council business should the Council not be able to achieve a quorum at Council meetings, Council delegates additional powers to the Chief Executive Officer conditional on a quorum not being achievable and for that purpose Council resolves as follows:

- 1. In relation to Council's Instrument of Delegation to staff of powers, duties and functions under the *Planning and Environment Act 1987*:**
 - (a) there be delegated to the staff the powers, duties and functions set out in the Instrument of Delegation to staff under the *Planning and Environment Act 1987* ("*Attachment 2*") (the **Instrument of Delegation**);
 - (b) the powers, duties and functions delegated are to be exercised (as applicable):
 - i) subject to any conditions and limitations specified in the Instrument of Delegation;
 - ii) in accordance with any policies or guidelines which Council may adopt from time to time;
 - (c) the Instrument of Delegation be sealed;
 - (d) the Instrument of Delegation and Schedule A comes into force immediately when the Council seal is affixed to it and remains in force until Council determines to vary or revoke it;
 - (e) Schedule B of the Instrument of Delegation comes into force when a quorum of Council cannot be formed or maintained at an ordinary council meeting or special council meeting due to the absence of Councillors and remains in force until Council determines to vary or revoke it;
 - (f) on the coming into force of the Instrument of Delegation, the Instrument of Delegation to staff under the *Planning and Environment Act 1987* dated 23 December 2019 is revoked.

That Council notes:

- the changes will come into effect directly following the passing of the resolution by Council and the Council seal being affixed to the Instrument of Delegation;
- the suspension of Council's Planning Conferences;
- Council will make available (where practicable) on its website, a list of decisions that would have been dealt with by Council, but were made under delegation due to Council being unable to form a quorum due to illness of Councillors or the need to self-isolate by Councillors;
- the CEO will (where practicable) consider and take into account the views of Councillors in making the decisions that would have been dealt with by Council at an ordinary council meeting or special council meeting, but for the coming into operation of Schedule B of the Instrument of Delegation and

- the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.
- 2. New clause to be inserted into the Instrument of Delegation as 3.5.2 which reads as follows:

3.5.2 unless the issue, action, act or thing relates to:

- (1) a recommendation in a report by an officer in the agenda for an ordinary council meeting or a special council meeting;
and
- (2) a quorum at the ordinary council meeting or a special council meeting referred to in clause 3.5.2(1) did not form due to illness of Councillors or the need to self-isolate by Councillors;

CARRIED UNANIMOUSLY

8.5 WRITTEN PUBLIC QUESTIONS TO COUNCIL

This item was dealt with at an earlier stage of the meeting.

8.6 VCAT WATCH

Moved: Cr Silver

Seconded: Cr Hyams

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

CARRIED UNANIMOUSLY

8.7 ANALYSIS OF VCAT DECISIONS

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

That Council approves the 'Analysis of VCAT Decisions' report be presented at a future Ordinary Council Meeting.

CARRIED UNANIMOUSLY

8.8 HEATHER ROAD CAULFIELD SOUTH - ROAD DISCONTINUANCE

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

That Council, having considered both the written and verbal submissions received under Section 223 of the Local Government Act, 1989 to the proposed discontinuance of the section of Heather Road, Caulfield South, shown hatched on Attachment 1 and being of the opinion that the road is not reasonably required as a road for public use, hereby directs that:

- (a) the road be discontinued in accordance with the provisions of section 206 and Schedule 10, Cause 3 of the Local Government Act, 1989;
- (b) a notice be published in the Victoria Government Gazette;
- (c) the land from the road be retained by Council for municipal purposes for incorporation into a proposed park, and
- (d) the submitters be informed of the decision that Council considers the open space that can be delivered by the road discontinuance will benefit the local community.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS

Nil

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff - Nil****10.2 Right of reply - Nil****10.3 Councillor questions**

Cr Athanasopoulos

This question is directed to the Chief Executive Officer Ms McKenzie and has Mayor Esakoff provided you with an answer?

'Last council meeting I exercised a right of reply after the phrase 'Social Engineering' was used when describing our now approved parking policy. When I hear Social Engineering, based on my understanding and experience, I draw the correlation between the phrase and the awful regimes mentioned last meeting. I certainly don't wish to be placed in such vile company. I was aiming to issue a warning for all members of council to temper our language and not incite one another unfortunately I contributed to both those outcomes. In my reply it was implied that the Mayor used the phrase Social Engineering to compare our decision with decisions made by such regimes. I apologise for that connection and I also now understand that may not be the case. Ms McKenzie, I understand that Mayor Esakoff has provided you with a response and clarification. Has that response been received and can you share it with us?'

The Chief Executive Officer read the following response on behalf of the Mayor.

"You are correct, this was not my intention.

I thank you for your apology for comparing my use of the term "social engineering" to your interpretation of an historical use of the term.

If one puts it in to the context of the discussion at hand, which was Council's proposed Parking Policy, my use of the term 'social engineering' at the last Council Meeting was completely pertinent and entirely legitimate.

Its number one meaning as defined in the Oxford dictionary reads as follows - 'the use of centralised planning in an attempt to manage social change and regulate the future development and behaviour of a society' which is exactly what the Parking Policy seeks to do.

I do thank you again for your apology and clarification."

Cr Margaret Esakoff
Mayor

10.4 Written public questions to Council

This item was dealt with at an earlier stage of the meeting.

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 8.53pm.

Confirmed this 28 Day of April 2020

Chairperson.....