



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 19 MAY 2020

MINUTES

**Meeting Streamed Live Via Council's website
at 7.30pm**

Present via electronic means of communication

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

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The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 5 May 2020 first virtual council meeting. Cr Esakoff advised of the process that would be followed should Council encounter technical difficulties livestreaming the meeting.

The Mayor then confirmed that the Councillors could be recorded as present by ensuring they met the following three criteria:

- They can hear proceedings;
- They can see other members in attendance and can be seen by other members; and
- They can be heard (to speak).

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**

Apology

Moved: Cr Sztrajt

Seconded: Cr Magee

That the apologies from Cr Tony Athanasopoulos and Cr Clare 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

The Mayor read the Reminder of Declaration by Members of any Direct and Indirect Conflict of Interest or Personal Interest in any items on the agenda.

Councillors are 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.

Procedural Motion

Moved: Cr Esakoff

Seconded: Cr Silver

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting to be reconvened on Wednesday 20 May at 7.30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.
3. notes that the Deputy Mayor, Cr Sztrajt will chair the meeting in accordance with section 21(a) of the Local Government Act 2020 and clause 21(3)(a) of the Council Meeting Procedure Local Law if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting. The Mayor, Cr Esakoff will resume as Chair of the meeting upon return, unless a vote is being taken at the time the Mayor returns to the meeting, then the Mayor will resume as Chair of the meeting after the vote is declared by the Deputy Mayor.

CARRIED UNANIMOUSLY

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS**Moved: Cr Hyams****Seconded: Cr Silver**

That the minutes of the Ordinary Council Meeting held on 28 April 2020 and the Special Council Meeting held on 5 May 2020 be confirmed.

CARRIED**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 Sztrajt****Seconded: Cr Cade**

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

1. Community Grants Advisory Committee Meeting Minutes – 28 April 2020

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Delahunty****Seconded: Cr Sztrajt**

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

1. 16 April 2020
2. 21 April 2020
3. 28 April 2020
4. 28 April 2020 Pre-meeting
5. 5 May 2020
6. 5 May 2020 Pre-meeting

CARRIED UNANIMOUSLY**Procedural Motion****Moved: Cr Esakoff****Seconded: Cr Sztrajt**That Council changes the order of business to deal with item 10.4
Written public questions to Council at this stage of the meeting.**CARRIED UNANIMOUSLY**

10.4 Written public questions to Council

1. Bernadette Pierce – Caulfield South

Could Council outline the contracts that were current for the past financial year and the forecast for the coming financial year including:

1. The name of the service provider
2. The brief of the tender and
3. The cost of the tender

We as residents should be able to understand the scale of the outside agencies employed by Council.

Response:

Council enters into hundreds of commercial contracts each year for a variety of tasks and functions. The information that you are seeking is therefore voluminous and will include information that is commercial in confidence. The most appropriate route for you to use if you wish to access information regarding Council's commercial contracts would be through the Freedom of Information process. Our officers can assist you in understanding how the process works, and in refining the scope of your request to ensure that it is targeted to the information that you are seeking. Please contact John Vastianos to discuss tendering/contract matters, or Tienyi Long for FOI matters (both can be contacted on 9524-3333).

Alternatively, contracts that are tendered, and have a value of over \$500,000 for Goods & Services and \$1,000,000 for Roads and Drains, require approval by Council resolution and are reported in the minutes of relevant Council Meetings.

2. David Margetts – Caulfield South

The proposed budget has an increased allocation of fulltime employees. Will these employees be allocated to provide the long awaited structure plans for neighbourhood centres?

Response:

The proposed two additional City Futures staff included within the 2020-21 budget would support the delivery of the endorsed Work Plan outlined in the Glen Eira Planning Scheme Review 2018. This contains a number of different strategic planning projects including preparation of Neighbourhood Centres policy and local area framework plans specific to Council's Neighbourhood Activity Centres. A Neighbourhood Centres policy and local area framework plans are important components of the work needed to commence a planning scheme amendment for new planning provisions in our neighbourhood centres.

8. OFFICER REPORTS (AS LISTED)

It is recorded Cr Silver declared an Direct Conflict of Interest given he lives in close proximity to the development property.

Cr Silver was removed from the virtual meeting by a council officer at 7.45pm prior to consideration of Item 8.1.

8.1 244-246 ALMA ROAD CAULFIELD NORTH

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

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-26989/2014/A at 244-246 Alma Road, Caulfield North in accordance with the following conditions:

1. The permit preamble would be modified to read:

*“Construction of a three storey building comprising **14 dwellings with associated basement car parking**”*

2. Deletion of condition 1d as it is no longer relevant and 1g which required an intercom for visitor spaces
3. Further changes to conditions on including modification to the existing conditions and addition of new conditions:

Changes to existing condition 1 requirements

- (b) The side setback of ~~Unit 6~~ **Apartment 202** to be in accordance with Standard B17 for that part of the building that would extend past the rear wall of the dwelling at 248 Alma Road;
- (c) The provision of screening for the first and second floor windows of Bedroom 1 of Unit 4 and Bedroom 2 of Unit 6, **and 2 of Apartments 102 and bedroom 2 of 201**, respectively, either in the form of fixed obscure glass or fixed external screens (maximum 25% transparent) to a height of not less than 1.7m above floor level and the height of the screens on the eastern side of the front balconies of Units 4 and 6 to be not less than 1.7m;

Additional condition1 requirements

- 1j) A ramp apex, 150mm above the level of the laneway, to prevent flooding in the basement;
- 1k) Any changes required by the Waste Management Plan (required at condition 15);
- 1l) Addition of an opening in the western wall of the balcony of dwelling 204 for improved solar access;

1m) A ground clearance diagram demonstrating that no vehicle scraping will occur along the ramp.

4. Other changes to the conditions

Changes to condition 9

The car parking allocation for the approved development must be:

- Not less than one (1) car space per one or two bedroom apartment;
- Not less than two (2) car spaces per three (3) or more bedroom apartment;
- ~~Visitor spaces one (1) marked accordingly.~~

5. Additional requirement for a Waste Management Plan to be included at condition 15.

For clarity the full conditions on an amended permit would read as follows:

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 submitted with the application (identified as TP02-TP06, revision A, dated 17th December 2019, produced by Terry Harper Architects) but modified to show:
 - (a) A landscape plan in accordance with Condition 2;
 - (b) The side setback of apartment 202 to be in accordance with Standard B17 for that part of the building that would extend past the rear wall of the dwelling at 248 Alma Road;
 - (c) The provision of screening for the first and second floor windows of Bedroom 1 and 2 of Apartments 102 and bedroom 2 of 201, respectively, either in the form of fixed obscure glass or fixed external screens (maximum 25% transparent) to a height of not less than 1.7m above floor level and the height of the screens on the eastern side of the front balconies of Units 4 and 6 to be not less than 1.7m;
 - (d) *...deleted...*
 - (e) The columns within the car park to be located no less than 250mm and extend no more than 1.0m from the car park aisle and be dimensioned on the plans;
 - (f) Dimensions of all the car spaces and widths of the car park aisles to be shown on the plans in accordance with Clause 52.06 of the Glen Eira Planning Scheme or otherwise to the satisfaction of the Responsible Authority;
 - (g) *...deleted...*
 - (h) Notes stating that the bicycle storage facilities (eg, racks, hooks, etc)

will be provided in accordance with AS2890.3;

- (i) A 3 metre x 3 metre ground level splay to be provided on the south-west corner of the site at the same level as the footpath. The dimensions of the splay must be noted on the plans and a note must be provided to ensure this section is to be at the same level as the footpath and kept clear of obstructions.
- (j) A ramp apex, 150mm above the level of the laneway, to prevent flooding in the basement
- (k) Any changes required by the Waste Management Plan (required at condition 15).
- (l) Addition of an opening in the western wall of the balcony of dwelling 204 for improved solar access
- (m) A ground clearance diagram demonstrating that no vehicle scraping will occur along the ramp

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

- 2. A detailed Landscape Plan must be submitted to Council, to the satisfaction of 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 the following:
 - (a) A survey, including botanical names, of all existing vegetation to be retained.
 - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - (c) 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.
 - (d) Landscaping and planting within all open space areas of the site.
 - (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) Two (2) trees within the front setback;
 - (ii) Two (2) trees within the rear private open space;or four (4) trees in locations to the satisfaction of the Responsible Authority. Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.
- 3. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 10.5

metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.

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. 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.
7. Prior to the commencement of any site works including 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.
8. Areas set aside for the parking of vehicles and access lanes as shown on the

endorsed plan(s) must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all weather sealcoat;
- (d) drained;
- (e) line-marked to indicate each car space and all access lanes;

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

9. The car parking allocation for the approved development must be:
 - Not less than one (1) car space per one or two bedroom apartment;
 - Not less than two (2) car spaces per three (3) or more bedroom apartment;
10. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
11. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note A.
12. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
13. 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. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
14. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit;or
 - The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

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 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.

Conditions End

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

- A. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. 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.

- C. 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.
- D. 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 200mm 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.
- E. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.

Engineering Services

- F. Laneway is not lit by Council. any / all public / private lighting in laneway is to be provided and maintained by the development.
- G. Engineering Services encourage the use of rainwater tanks for storage and reuse for toilet and irrigation purposes and or stormwater detention system.
- H. All stormwater runoff must be connected to the Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths is allowed.
- I. All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and or stormwater connection to Council's drainage network.
- J. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with Engineering Services prior to issuing a planning permit.

Building Department

- K. Protection Works notices to be assessed by the relevant building surveyor.
- L. Construction Management Plan required.
- M. Fire rating and sound insulation between units to be assessed by the relevant building surveyor.

- N. Light and ventilation to be assessed by the relevant building surveyor.
- O. Distances of travel to be assessed by the relevant building surveyor.
We anticipate the building will be subject to fire engineering verification with the performance requirements of the Building Code of Australia to permit the extended travel distance to exit (departure from the BCA prescriptive requirements)
- P. Access for people with a disability to be assessed by the relevant building surveyor.
The ends of the apartment corridors will need to allow for the space required for a wheelchair to turn (i.e. 180 degrees – 1540mm wide x 2070mm long). Circulation spaces at doorways (entry and to foyer) to comply with AS1428.1-2009.

CARRIED

It is recorded that Cr Silver left the virtual meeting prior to Item 8.1 and was not present when this item was considered. A council officer re-admitted Cr Silver into the virtual meeting at 8.01pm.

8.2 VCAT WATCH

Moved: Cr Hyams

Seconded: Cr Silver

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

CARRIED UNANIMOUSLY

8.3 AFTER-HOURS NOISE COMPLAINTS

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

That Council:

1. notes the findings of this report on Council officers conducting out of hours noise complaint investigations.
2. notes that officers will further explore streamlining Council operations and procedures for investigating noise complaints, including improvements with working across Council departments.
3. requests officers investigate the creation of a limited *After-Hours Noise Complaints Policy* specific for difficult and ongoing investigations where meaningful action has not been made and that can benefit from after-hours Council involvement, including how to identify such cases, as well as what benefits to the case could be made by doing this. This is to be reported to Council before September 2020.
4. requests officers investigate additional after-hours services that could assist with noise complaints and would act as the step between current procedures and the introduction of a limited *After-Hours Noise Complaints Policy*. The findings are to be reported to Council before September 2020.
5. requests officers investigate an enhanced working relationship with the local municipal Victoria Police branches and develop a procedure for working together to combat after hours noise complaints in Glen Eira.

CARRIED UNANIMOUSLY

8.4 AMENDMENT TO THE ORDER UNDER SECTION 26(2) OF THE DOMESTIC ANIMALS ACT - ADDITIONAL OFF-LEASH AREAS

Moved: Cr Hyams**Seconded: Cr Cade**

That Council:

1. resolves to make an Order under section 26(2) of the Domestic Animals Act 1994, as set out in Attachment 1, except with the following changes:
 - Clause 3 – first line ‘Clause 3’ should be ‘Clause 2’
 - Clause 3 – additional sub clause ‘f) Wattle Grove Reserve (McKinnon)’
 - Clause 4 d) subclause (v) should be changed to ‘barbecue’;to include additional off-leash areas identified in the Dog Off-leash Areas within Glen Eira report adopted 5 May 2020; and
2. authorises officers to undertake the necessary processes to formalise changes to the Order.

CARRIED UNANIMOUSLY

8.5 QUARTERLY SERVICE PERFORMANCE REPORT

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

That Council notes the Quarterly Service Performance Report for the period ending March 2020.

CARRIED UNANIMOUSLY

8.6 SUPPLEMENTARY COUNCIL MEETING 16 JUNE 2020

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

That Council incorporates as part of the 2020 Council Meeting cycle, a supplementary Ordinary Meeting of Council at 7.30pm on Tuesday 16 June 2020.

CARRIED UNANIMOUSLY

8.7 APPOINTMENT OF SIGNATORIES FOR 2019-20 FINANCIAL REPORT

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

That Council appoints the Mayor and Deputy Mayor to sign the 2019-20 Financial Statements and Performance Statement.

CARRIED UNANIMOUSLY

8.8 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 30 APRIL 2020

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

That Council notes the Financial Management Report for the period ending 30 April 2020.

CARRIED UNANIMOUSLY

8.9 LEASE OF 6 AILEEN AVENUE, CAULFIELD SOUTH

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

That Council:

1. approves the Council property at 6 Aileen Avenue, Caulfield South (the Property), being let under a residential lease on terms to be negotiated by Council officers;
2. notes that managing agent W24 Pty Ltd (trading as Woodards Elsternwick), has been appointed to manage the Property;
3. delegates to the CEO the power to determine the final terms of the lease for the Property and execute a lease by affixing the Council Seal; and
4. delegates to the CEO the power to execute any other documents required in connection with the lease of the Property.

CARRIED**9. URGENT BUSINESS**

NIL

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff****10.1.1 Street Tree Vandalism****Moved: Cr Silver****Seconded: Cr Hyams**

That officers prepare a report to Council:

- (a) Outlining past and existing Council practices for addressing street tree vandalism and unauthorised street tree removals (including those associated with property developments), including recordkeeping; and
- (b) Outlining options for how Council can penalise and disincentivise such behaviour into the future.

The report should outline current practices and opportunities for strengthening Council's approach based on leading industry sector practice."

CARRIED UNANIMOUSLY

10.2 Right of reply - Nil**10.3 Councillor questions - Nil****10.4 Written public questions to Council**

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

The Mayor noted the impending departure of Samantha Krull, Director Environment and Infrastructure who has been with Council for 4 years, thanking her for her contribution to Glen Eira and wishing her well for the future. The Councillors also expressed their gratitude acknowledging her support, leadership and professionalism and the legacy she will leave being instrumental in delivering a number of our major infrastructure projects.

11. CONFIDENTIAL ITEMS**Moved: Cr Silver****Seconded: Cr Magee**

- A. That pursuant to subsection 77(2)(b) of the *Local Government Act 1989*, Council resolves that the information contained in Items 11.1 and 11.2 are designated as confidential because they are discussing contractual matters pursuant to subsection 89(2)(d) of the *Local Government Act 1989*.
- B. That pursuant to section 66(1) of the *Local Government Act 2020*, Council resolves to close the meeting to the public because a circumstance specified in subsection 66(2)(a) of the *Local Government Act 2020* applies namely that the meeting is to consider confidential information.
- C. That pursuant to subsection 66(5)(a) of the *Local Government Act 2020*, Council resolves to record in the minutes of the meeting that are available for public inspection that the grounds for determining to close the meeting to the public are that the meeting is to:
1. consider Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released; and
 2. consider information that is confidential information for the purposes of subsection 77(2)(b) of the *Local Government Act 1989* namely the information has been designated as confidential information by a resolution of Council which specifies the relevant ground or grounds applying under section 89(2) of the *Local Government Act 1989* and the Council has not passed a resolution that the information is not confidential.
- D. That pursuant to subsection 66(5)(b) of the *Local Government Act 2020*, Council resolves to record in the minutes of the meeting that are available for public inspection that the explanation of why the specified grounds of confidential information applies are that the meeting is discussing contractual matters and releasing the confidential information now may jeopardise effective negotiations in relation to this matter.
- 11.1 Tender 2020.131 Provision of Banking and Bill Payment Services
Local Government Act 1989 - Section 77(2)(b) together with 89(2)(d); and Local Government Act 2020 – Section 3(1) confidential information (a) and 66.
- 11.2 Supply of Electricity to Small Market Sites
Local Government Act 1989 - Section 77(2)(b) together with 89(2)(d); and Local Government Act 2020 – Section 3(1) confidential information (a) and 66.

CARRIED UNANIMOUSLY

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

It is recorded Cr Esakoff declared an Indirect Conflict of Interest that is an indirect financial interest given shares held in Westpac Bank.

It is recorded Cr Delahunty declared an Indirect Conflict of Interest because of conflicting duties as she is a Manager of a company with a direct interest.

Cr Esakoff and Cr Delahunty were removed from the virtual meeting by a council officer at 8.53pm prior to consideration of Item 11.1.

The Deputy Mayor Cr Sztrajt chaired item 11.1 of this meeting.

11.1 TENDER 2020.131 PROVISION OF BANKING AND BILL PAYMENT SERVICES

Moved: Cr Silver

Seconded: Cr Hyams

That Council:

1. appoints Westpac Banking Corporation, ACN 33 007 457 141 as the contractor under Tender number 2020.131 for an amount of \$3,584,824 inclusive 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 to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff and Cr Delahunty left the virtual meeting prior to Item 11.1 and were not present when this item was considered. A council officer re-admitted Cr Esakoff and Cr Delahunty into the virtual meeting at 8.56pm.

11.2 SUPPLY OF ELECTRICITY TO SMALL MARKET SITES

Moved: Cr Hyams

Seconded: Cr Cade

That Council:

1. appoints ERM Power Retail Pty Ltd, ABN 87 126 175 460 for the supply of electricity to small metered sites as per the terms and conditions of the Procurement Australia Contract No PA 2206/0640 – Retail Energy;
2. authorises the CEO to execute the contract on Council’s behalf; and
3. incorporates this resolution in the public minutes of this meeting.

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting closed at 9pm.

Confirmed this 9 day of June 2020

Chairperson.....