



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 30 JUNE 2020

MINUTES

**Meeting was streamed live stream via
Council's website
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 Joel Silver
Councillor Dan Sztrajt

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The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 30 June 2020 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**

Moved: Cr Sztrajt

Seconded: Cr Silver

That the apology from Cr Magee 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.

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

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 1 July 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 will resume as Chair of the meeting upon return, unless a vote is being taken at the time. The Mayor to resume as Chair after the Deputy Mayor declares the result of the vote.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS****Moved: Cr Delahunty****Seconded: Cr Sztrajt**

That the minutes of the Ordinary Council Meeting held on 16 June 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 Cade****Seconded: Cr Hyams**

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. Arts and Culture Committee Meeting Minutes – 19 May 2020
2. Community Engagement Committee Meeting Minutes – 27 May 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. 26 May 2020
2. 9 June 2020 Pre-meeting
3. 16 June 2020
4. 16 June 2020 Pre-meeting
5. 17 June 2020

CARRIED UNANIMOUSLY

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

That Council brings forward item 10.4 Written public questions to Council to be considered at this stage of the meeting.

CARRIED UNANIMOUSLY**10.4 Written public questions to Council****1. Bette Hatfield – Caulfield North**

At the 9/6/2020 Ordinary Council Meeting, Director Ron Torres indicated that amending the Height Limits contained in the Draft Glen Huntly Structure Plan could be undertaken reasonably quickly. Could Council please quantify how long this would take (eg number of days, weeks, months) ?

Response

The context behind Mr Torres' answer was a deliberation amongst Councillors on the draft structure plan proposed for public consultation. More specifically, a point around the appropriateness of the building heights contained in the draft structure plan was made. This led to a question around how quickly this detail could be altered in the document prior to consultation, in the event that Council resolved to alter it. In response, Mr Torres advised that this could be undertaken reasonably quickly.

The agenda item deliberation can be viewed on Council's website.

Ms Hatfield, a link to the 9 June 2020 meeting will be provided in the letter I will send to you after this meeting.

Once the community and stakeholder consultation stage is completed, submissions will then be presented to Council together with officer recommendations in response to the feedback.

8. OFFICER REPORTS (AS LISTED)

8.1 2020-21 ANNUAL BUDGET

Moved: Cr Esakoff**Seconded: Cr Sztrajt**

That:

1. Council, having prepared and published its *2020-21 Draft Budget* and having considered any submissions received in accordance with section 223 of the Act, hereby resolves to adopt the *2020-21 Draft Budget* as attached, and following Council's decision on 5 May to declare a climate emergency and commitment to new carbon emission reduction targets, include additional funding of \$150,000 in the *2020-21 Draft Annual Budget* for climate emergency initiatives.
2. a public notice be given of the decision to adopt the Budget, in accordance with section 130(2) of the Act; and
3. Council submits a copy of the Budget to the Minister in accordance with section 130(4) of the Act.

It is recorded that Cr Silver vacated the Chamber at 7:50pm and re-entered at 7.51pm.

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

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

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

8.2 DECLARATION OF RATES & CHARGES 1 JULY 2020 TO 30 JUNE 2021

Moved: Cr Esakoff**Seconded: Cr Sztrajt**

That:

1. the Chief Executive Officer be authorised to levy and recover the general rates, annual service charges and any other amounts described in the report in accordance with the *Local Government Act 1989*; and
2. Council does not charge interest on outstanding or overdue rates and charges from 1 July 2020 to 30 June 2021.

CARRIED UNANIMOUSLY

8.3 COUNCIL AND COMMUNITY PLAN COMMITMENTS 2020-2021 AND STRATEGIC RESOURCE PLAN 2020-2021 TO 2029-2030

Moved: Cr Esakoff**Seconded: Cr Sztrajt**

That Council:

1. having prepared and published its *Draft Council and Community Plan Commitments 2020-2021* and *Draft Strategic Resource Plan 2020-2021 to 2029-2030* and having considered any submissions received in accordance with section 223 of the *Local Government Act 1989* hereby resolves to adopt the *Council and Community Plan Commitments 2020-2021* and *Strategic Resource Plan 2020-2021 to 2029-2030*; and
2. submit a copy of the *Council and Community Plan Commitments 2020-2021* and *Strategic Resource Plan 2020-2021 to 2029-2030* to the Minister for Local Government in accordance with section 125(5) of the Local Government Act.

CARRIED UNANIMOUSLY

8.4 VCAT WATCH

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

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

CARRIED UNANIMOUSLY

8.5 CARNEGIE SWIM CENTRE - CONCEPT DESIGN AND PLANNED COMMUNITY CONSULTATION

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

That Council endorses a phase of community consultation to run from 1 July 2020 to 12 August 2020 to seek feedback in relation to the proposed concept design for Carnegie Swim Centre before the concept can be finalised.

CARRIED UNANIMOUSLY

8.6 REPORT OF THE INDEPENDENT PLANNING PANEL FOR MURRUMBEENA VILLAGE PRECINCT PLANNING SCHEME AMENDMENT C201GLEN

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

That Council:

1. notes the recommendations of the Panel in relation to Amendment C201glen;
2. adopts Amendment C201glen generally in accordance with the recommendations of the Panel and in accordance with the documents attached to the report;
3. submits the adopted Amendment C201glen to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*;
4. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning and the Department of Environment, Land, Water and Planning, where the changes do not affect the purpose or intent of the Amendment; and
5. advises all submitters to the Amendment of Council's determination in relation to Amendment C201glen.

CARRIED UNANIMOUSLY

8.7 HERITAGE PROJECTS PROCESS - INTERIM HERITAGE CONTROL REQUESTS

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

That Council resolves to:

1. formally amend its current position on interim heritage requests (being that resolved on 13 August 2019); and
2. authorise the Director Planning and Place, Manager City Futures and Manager Urban Planning to request interim controls in the following situations:
 - (a) Individual places - A building is under threat of demolition or substantial alteration through a Section 29A request or planning permit application proposing demolition or substantial alterations to buildings and/or works; and, there is a heritage citation; and, the officer considers an interim heritage control request is warranted; and, the citation and relevant amendment for permanent heritage controls will be reported to Council as soon as practicable.
 - (b) Blanket area controls - Council has adopted the relevant heritage review and has resolved to seek the Minister's authorisation to prepare the relevant amendment for permanent controls; and, there is robust justification for the blanket controls including strong evidence that shows the area is experiencing development pressure that is negatively impacting on the heritage significance of the area.

CARRIED UNANIMOUSLY

8.8 USE OF PUBLIC SPACES TO SUPPORT OUR LOCAL ECONOMY

Moved: Cr Delahunty**Seconded: Cr Davey**

That Council:

1. notes the proposals listed in this report and the *Case Study Examples Report* (attachment 1 to the report) which inform these proposals;
2. requests officers further explore proposal one – Repurposing space in front of businesses: by identifying one hotspot area (a high traffic area where social distancing may be difficult) in two activity centres to trial an intervention;
3. requests officers further explore proposal three – Council promotion and activation of activity centres; by identifying promotional activities that could be generally applied to activity centres to encourage local visitation.
4. requests officers further explore the feasibility of medium-term options including;
 - a) proposal two – repurpose road space;
 - b) proposal four – improve transport connections: and
 - c) proposal five – advocating to State Government on funding and support opportunities.
5. receives a further report on the feasibility of the medium-term options.

CARRIED UNANIMOUSLY

8.9 STREET TREE VANDALISM

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

That Council:

1. authorises officers to implement a program to install information signage adjacent to trees that have been identified as vandalised;
2. endorses the draft signage template; and
3. endorses the development of a street tree protection framework incorporating the collection of bonds for street trees adjacent to a construction site.

CARRIED UNANIMOUSLY

8.10 TREE PROTECTION IN GLEN EIRA - CLASSIFIED TREE LOCAL LAW

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

That Council resolves:

Part A

1. to endorse the proposed Classified Tree Local Law (**proposed Local Law**) (*Attachment 1*) for community consultation under Part 5 of the *Local Government Act 1989* (the **Act**);
2. to commence the statutory process, under Part 5 of the *Act*, for community consultation and give notice of its intention to make the proposed Local Law;
3. that the submission period for the proposed Local Law will be 28 days from the publication date of the last published notice.

Part B

4. to endorse the proposed Classified Tree Policy (**Policy**) (*Attachment 2*) and the proposed Classified Tree Assessment Guidelines (**Guidelines**) (*Attachment 3*) for community consultation;
5. to commence consultation on the proposed Policy and proposed Guidelines and give notice of its intention to adopt the proposed Policy and proposed Guidelines; and
6. that the submission period for the proposed Policy and proposed Guidelines will be 28 days from the publication date of the last published notice.

CARRIED UNANIMOUSLY

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

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

8.11 DRAFT GOVERNANCE RULES AND PUBLIC TRANSPARENCY POLICY FOR CONSULTATION

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

That Council notes that draft Governance Rules and Public Transparency Policy are currently available for community consultation until 5pm on Thursday 16 July 2020.

*It is recorded that Cr Delahunty vacated the Chamber at 9.55pm and re-entered at 9.56pm.***CARRIED UNANIMOUSLY**

8.12 EXTERNAL MEMBERSHIP TO SUSTAINABILITY ADVISORY COMMITTEE

Moved: Cr Sztrajt**Seconded: Cr Athanasopoulos**

That Council appoints the following as Community Representatives to Council's Sustainability Advisory Committee for a two-year period:

1. Lindsay Donde;
2. Judy Glick;
3. Diana Prapas; and
4. Sophie Vidinovski

CARRIED UNANIMOUSLY

8.13 CREATION OF EASEMENT - ABUTTING 42 LANGDON ROAD CAULFIELD NORTH

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

That Council authorises:

1. officers to finalise the creation of easement documentation associated with the land abutting 42 Langdon Road, Caulfield North; and
2. the execution of the creation of easement documentation in an appropriate manner.

CARRIED UNANIMOUSLY

8.14 LEASE WITH VICTRACK, PREMISES AT MCKINNON STATION

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

That Council resolves to:

1. enter a Heads of Agreement and Lease with Victorian Rail Track trading as VicTrack (ABN 55047316805) for the purposes of temporarily relocating Council's Bentleigh Library and Youth Services to premises at McKinnon Train Station; and
2. authorise officers to finalise the Lease with Victorian Rail Track trading as VicTrack for premises identified at Tenancy T1 and T2 at McKinnon Train Station; and
3. executes the Heads of Agreement and Lease in an appropriate manner by affixing the common seal of Council.

CARRIED UNANIMOUSLY

8.15 COUNCIL PROCUREMENT POLICY - ANNUAL REVIEW

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

That Council review and approve the updated Procurement Policy shown in Attachment 1 to this report.

CARRIED UNANIMOUSLY

8.16 DELEGATIONS

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

1. That Council, in the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020 (Vic) (Act)*, resolves that:
 - (a) the amendments to the Instrument of Delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report are approved and adopted;
 - (b) the amendments to the Instrument of Delegation under the *Planning and Environment Act 1987 (Vic) (planning delegations)* in Attachment 2 to the report are approved and adopted;
 - (c) relevant Council staff be delegated powers, duties and functions described in the CEO delegations and planning delegations (as amended), and such powers, duties and functions be exercised subject to any conditions and limitations specified in these instruments (as amended);
 - (d) officers prepare clean versions of the CEO delegations and planning delegations which reflect the amendments in Attachment 1 and 2 to the report, and arrange for the common seal to be affixed to the clean versions of these instruments;
 - (e) the instruments described in part 1(d) come into force immediately the common seal of Council is affixed to them;
 - (f) on the coming into force of the instruments described in parts 1(d), the Instrument of Delegation to the Chief Executive Officer and the Instrument of Delegation to Council staff under the *Planning and Environment Act 1987* approved by Council on 7 April 2020 are revoked.
2. That Council notes:
 - (a) the changes will come into effect directly following the passing of the resolution by Council and the Council seal being affixed to the instruments described in parts 1(a) and (b);
 - (b) that planning conferences can now be resumed (albeit virtually);
 - (c) that Council will make available on its website, where practicable, a list of decisions which would have been dealt with by Council but were made under delegation due to Council being unable to form a quorum because of the coronavirus pandemic;
 - (d) the CEO will, where practicable, consider and take into account the views of Councillors when making decisions which would otherwise have been dealt with by Council at a Council meeting, but for Council being unable to form a quorum because of the coronavirus pandemic;
 - (e) both the CEO delegations and planning delegations will be reviewed at least once every three months, and that Council will, at a Council meeting, resolve whether to vary, revoke or leave them in place.

CARRIED UNANIMOUSLY

8.17 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 MAY 2020

Moved: Cr Delahunty**Seconded: Cr Davey**

That Council notes the Financial Management Report for the period ending 31 May 2020.

CARRIED UNANIMOUSLY

8.18 SUPPLEMENTARY COUNCIL MEETING 7 JULY 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 7pm on Tuesday, 7 July 2020.

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 - Nil****10.4 Written public questions to Council**

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

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

- A. That pursuant to subsection 77(2)(b) of the *Local Government Act 1989*, Council resolves that the information contained in Items 11.1, 11.2 and 11.3 are designated as confidential because they are discussing contractual matters pursuant to subsection 89(2)(d) of the *Local Government Act 1989* (Items 11.1-11.3).
- 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 2020.168 LXRA Frankston Line Irrigation Works
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 Tender 2020.113 Cleaning of Council Barbecues
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.
- 11.3 Corporate Performance Reporting and Project Management System - Contract Number 2018.25
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.

11.1 TENDER 2020.168 LXRA FRANKSTON LINE IRRIGATION WORKS

Moved: Cr Hyams**Seconded: Cr Sztrajt**

That Council:

1. appoints Ecostream Pty Ltd, ACN 607 435 709 as the contractor under Tender number 2020.168 for an amount of \$503,225.34 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 Chief Executive Officer to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

11.2 TENDER 2020.113 CLEANING OF COUNCIL BARBECUES

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

That Council:

1. appoints Alpha Corporate Property Services Pty Ltd, ACN 123 574 658 as the contractor under Tender number 2020.113 for an amount of \$572,453.15 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 Chief Executive Officer to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

11.3 CORPORATE PERFORMANCE REPORTING AND PROJECT MANAGEMENT SYSTEM - CONTRACT NUMBER 2018.25

Moved: Cr Hyams

Seconded: Cr Silver

That Council:

1. notes and approves the revised value of contract number 2018.25 - Corporate Performance Reporting System and Project Management System, as this provides the best quality and value for money for Council.
2. authorises the CEO to execute any further variations on Council's behalf to an approximate total value of \$640,000 including GST.
3. incorporates this resolution in the public minutes of this meeting.

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting closed at 10.31pm.

Confirmed this 7 day of July 2020.

Chairperson.....