



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 20 JULY 2021
MINUTES

**Meeting was held remotely and streamed live
via Council's website at 7:30pm**

Present

The Mayor, Councillor Margaret Esakoff
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Jim Magee
Councillor Sam Parasol
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

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The Mayor welcomed Councillors, Council officers, Glen Eira residents and other community members to the 20 July 2021 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 Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

2. **APOLOGIES**

Apology

Moved: Cr Magee

Seconded: Cr Cade

That the apology from Cr Neil Pilling be received and noted.

CARRIED UNANIMOUSLY

3. **REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA**

Councillors were reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or any item that was considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors were then invited to indicate any such conflict of interest.

No conflicts of interest were declared by Councillors.

PROCEDURAL MOTION**Moved: Cr Magee****Seconded: Cr Parasol**

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 in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Wednesday 21 July 2021 at 7.30pm via livestreaming; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Magee****Seconded: Cr Cade**

That the minutes of the Ordinary Council Meeting held on 29 June 2021 be confirmed.

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

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Athanasopoulos reported on a recent Metropolitan Transport Forum (MTF) meeting.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1 ADVISORY COMMITTEE MINUTES**Moved: Cr Zmood****Seconded: Cr Zyngier**

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 – 26 May 2021; and
2. Community Engagement Advisory Committee Meeting Minutes – 16 June 2021.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That the Records of the Assemblies as shown below be received and noted with the Assembly on 5 July 2021 to reflect the meeting finished at 11.45am.

1. 15 June 2021 Assembly
2. 15 June 2021 Pre-meeting – Special Council Meeting
3. 23 June 2021 Assembly
4. 29 June 2021 Pre-meeting
5. 5 July 2021 CEO Employment Matters Advisory Committee Assembly.

CARRIED UNANIMOUSLY

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

That Council changes the order of business to deal with Item 10.5 Written public questions to Council at this stage of the meeting.

CARRIED UNANIMOUSLY**10.5 Written public questions to Council****1. Peter Vadiveloo**

Dear Councillors,

I applaud your production of the 'Our Climate Emergency Response Strategy 2021–2025' and its 6 clear goals. CO2 emissions will ultimately have terrible effects on the health and quality of life of GE residents.

Many residents look forward to seeing its immediate and swift implementation so we can avoid the horrors of what is currently happening in Northern America now, and a repeat of our bushfires in 2019/20.

My question relates to the expression 'net zero emissions'. In order to determine this value, one has to calculate both 'total CO2 emission' and 'total CO2 absorption'. When these two values are equal, then you have 'net zero emissions'.

So my question is, how is the Council planning to calculate 'total CO2 emissions' and 'total CO2 absorption' (by trees, grass etc) in order to determine if it has reached its target of 'net zero emission'?

Response:

For our Council operations, we plan to seek Climate Active certification from the federal government for reaching our net zero emissions goal in 2024-25. The certification process requires the residual emissions to be offset using eligible offset units that have been verified through a government, private or international standard. These standards ensure that the offset projects are implemented, run and managed properly and the offsets they generate represent real and actual emissions sequestered or avoided. They give confidence that the projects are genuine and credible.

Council has not included an action in *Our Climate Emergency Response Strategy 2021–2025* to calculate the amount of carbon stored in our trees to use towards meeting our net zero emissions target. However, we agree that our trees also play an important role in drawing down carbon from the atmosphere. Unfortunately, there is no recognised methodology or standard for measuring and verifying the carbon sequestration from urban forests that can be used as part of the Climate Active certification process. We therefore cannot use these sequestered emissions as part of our net zero emissions or 'carbon neutral' claim.

There are other councils exploring local carbon sequestration opportunities to offset residual emissions, however they are generally located in regional or outer metropolitan areas, where there is greater access to land and opportunity to increase tree planting for sequestration purposes. We will be watching their progress closely, and if their approach can be replicated in a more urban environment we will consider this in future years, for measuring both council and community emissions.

2. Leila Cusack – Caulfield

A few of the expected impacts of climate change include increased heat, drought and floods, which can, in turn, impact on our health and wellbeing, and affect fundamental city aspects, such as infrastructure, including electricity and transport networks.

Trained environmental specialists could provide useful guidance specifically tailored to the situation in Glen Eira, which is somewhat different to other Metropolitan municipalities, given that Glen Eira has the greatest deficit of open/green spaces and tree canopy, despite being the most densely populated, with an expected population expansion (often in high-rise apartments), which will enhance our need for appropriate environmental considerations. It would seem imperative to be guided by the advice of qualified specialists, utilising evidence, to ensure Glen Eira can be resistant and resilient to future challenges.

We face considerable potential risks. Will plans for Glen Eira be developed based on guidance provided by a professional environmental sustainability organisation?

Response:

Council is committed to ensuring all decisions it makes are informed by evidence, data and contemporary expertise. While we ensure our own staff have the appropriate skills and knowledge for their areas of accountability, we often engage specialist experts to ensure we have access to the best information and expertise available.

This approach is taken across Council, not only for strategies and plans related to environmental sustainability. This is evident in the development of two recent strategies; *Our Climate Emergency Response Strategy 2021-2025* and *Urban Forest Strategy*.

3. Warren Green – Bentleigh

- a) After extensive representation from residents and a lack of action from Council, in 2015, the Planning Minister directed Council to undertake its statutory requirement and complete a Planning Scheme Review. At the time, the Minister advised that (quote), "I am concerned that Glen Eira's strategic planning policy framework may not be providing adequate guidance in relation to development within Glen Eira's activity centres" (unquote) and (quote) "I would like to see this review focus heavily on the adequacy of the planning provisions for its activity centres" (unquote). Some six years later, unlike surrounding municipalities, Glen Eira still doesn't have any structure plans, permanent height controls in activity centres or a housing strategy. Given this history, including well in-excess of six years of advocacy, this is just not good enough.

Can the CEO please explain why these fundamental planning controls have not yet been implemented in Glen Eira?

- b) Over the last six years, myself and others have been strongly advocating for the implementation of appropriate planning controls in Glen Eira. We have been seeking what is reasonable with outcomes that are consistent with a balanced approach between growth, sustainability and liveability. It's fair to say we have been surprised by the lack of support, advocacy, collaboration and genuine engagement by Council on this topic. Unsure why this is the case as Glen Eira is a unique municipality with evidence indicating a relatively high population density, an abundant amount of future new dwelling opportunities, very low provision of open space, low tree canopy cover and poor planning controls. It has also been pulling its weight with population growth.

Can the CEO please advise how and where this evidence about Glen Eira is being represented as background to the development of the long-overdue Housing Strategy?

Responses:

- a) Thank you for your question. Council has three Structure Plans for its major activity centres in Bentleigh, Carnegie and Elsternwick with two more underway for Glen Huntly and Caulfield. The Structure Plans help guide land use outcomes and set the policy direction for housing, jobs and our activity centres. Structure plans present more than just planning controls, they present opportunities for public realm and open space improvements, some of which are currently being realised with the imminent construction of Eat Street in Bentleigh.

Securing planning controls is a planning objective of any Structure Plan but this takes time and can often require additional work to support the technical changes to the planning scheme. With adoption of Council's three structure plans, it allowed us to secure interim height controls which protect these centres while detailed permanent controls are being prepared.

The focus now is to develop a robust housing strategy to support the implementation of our current and future structure plans. This will result in securing the planning controls you desire.

- b) Evidence to support the new draft housing strategy will include a demographic analysis and projections, land capacity analysis and likely uptake and neighbourhood character assessments which will consider landscape considerations in addition to built character.

The housing strategy is being prepared in accordance with the relevant Planning Practice Notes as required by State Government. The supporting information gained through the analysis and community consultation will be released with the draft housing strategy so it will be clear how the research has informed the recommendations

The community will be invited to review and comment on the draft before Council formally considers the strategy in June next year. We encourage you to participate in this first round of consultation to provide any further thoughts on future housing in Glen Eira.

8. OFFICER REPORTS (AS LISTED)

8.1 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Magee**

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY

8.2 ACTIVE RECREATION ACTION PLAN

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

That Council:

1. endorses the draft Active Recreation Action Plan (Plan) (Attachment 1 to this report); and
2. receives and notes the supporting documents (State of Play report; Community Engagement Summary; and Gap and Opportunity Analysis) (Attachments 2 and 3 to this report).

CARRIED UNANIMOUSLY

8.3 EAST VILLAGE CHANGES TO PLANNING SCHEME AMENDMENT DOCUMENTATION FROM INCEPTION TO ADOPTION

Moved: Cr Zhang**Seconded: Cr Cade**

That Council notes this report.

It is recorded that Cr Magee vacated the virtual meeting at 8:11pm and re-entered at 8:12pm.

CARRIED UNANIMOUSLY

8.4 TENDER 2021.138 PROVISION OF DRAIN CLEANING SERVICES

Moved: Cr Cade**Seconded: Cr Magee**

That Council having reviewed and considered the attached confidential Tender Evaluation report:

1. appoints CSA Specialised Services Pty Ltd, A.C.N. 126 327 697 as the trustee for CSA Specialised Services Unit Trust (A.B.N. 11 757 908 807) as panel contractor under Tender number 2021.138 in accordance with the schedule of rates submitted;
2. appoints Environmental Services Group Pty Ltd, A.C.N. 145 149 971 as panel contractor under Tender number 2021.138 in accordance with the schedule of rates submitted;
3. appoints Plumbtrax Pty Ltd, A.C.N. 142 872 491 as panel contractor under Tender number 2021.138 in accordance with the schedule of rates submitted;
4. appoints Rangedale Drainage Services Pty Ltd, A.C.N. 079 133 832 as panel contractor under Tender number 2021.138 in accordance with the schedule of rates submitted;
5. prepares the contracts in accordance with the Conditions of Contract included in the tender.
6. authorises the CEO to execute the contracts on Council behalf;
7. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
8. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.5 TENDER 2021.190 ROSANNA STREET RESERVE - PLAYGROUND AND LANDSCAPE ENHANCEMENT WORKS (STAGE 2)

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

That Council

1. appoints Planned Constructions Group Pty Ltd, A.C.N. 638 036 423 as the contractor under Tender number 2021.90 for an amount of \$654,522.00 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;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.6 CONTRACT 2021.79 PROVISION OF RECRUITMENT, TRAINING AND ASSOCIATED SERVICES

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

That Council:

1. appoints the panel of providers as recommended. A full listing is provided in the Confidential Attachment 1 to this report;
2. authorises the Chief Executive Officer to advise Procurement Australia;
3. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
4. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.7 CEO EMPLOYMENT MATTERS ADVISORY COMMITTEE - APPOINTMENT OF INDEPENDENT CHAIR

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

That Council:

1. endorses the CEO Employment Matters Advisory Committee recommendation to engage Dr Kathy Alexander as its Independent Chair based on the terms set out in the confidential Attachment 2 to this report;
2. notes the attachments to the report remain confidential in accordance with section 3(1)(f) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
3. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY**9. URGENT BUSINESS - NIL**

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff****10.1.1 New Dwellings Comparison****Moved: Cr Zmood****Seconded: Cr Zyngier**

That Council Officers prepare a report that as best as possible compares the number of new dwellings approved under a planning permit to the number of new dwellings that are ultimately constructed. The report should cover a four year period and include single dwellings, dual occupancy dwellings and multi-dwelling developments. The report should be presented to a Council meeting before the end of October 2021.

CARRIED UNANIMOUSLY

10.2 Right of reply - Nil**10.3 Notice of Motion - Nil****10.4 Councillor questions - Nil****10.5 Written public questions to Council**

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

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

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

11.1 Tender 2021.45 Provision of Loan Facilities

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- This paper and the supporting evaluation report contains confidential commercial market and financial data. It is recommended that the discussion of this paper and the evaluation report be in-camera under section 3(1)(g) of the Local Government Act 2020

CARRIED UNANIMOUSLY

The Mayor advised that after consideration of the confidential item, the meeting would be closed.

11.1 TENDER 2021.45 PROVISION OF LOAN FACILITIES

Moved: Cr Magee**Seconded: Cr Zmood**

That Council:

1. appoints Commonwealth Bank of Australia, A.C.N. 123 123 124 as the preferred tenderer under Tender number 2021.45;
2. authorises the Chief Executive Officer to:
 - (a) negotiate the final terms of the loan facility of up to \$55 million with Commonwealth Bank of Australia, A.C.N. 123 123 124, repayable over the term of 15 years, including relevant variations (following consultation with Councillors) to terms and conditions and interest arrangements over that period provided no increase in the capital amount of the loan is made;
 - (b) accept the final terms negotiated so as to enter into a binding contract on Council's behalf; and
 - (c) draw down and/or transfer or allocate funds in accordance with agreed terms.
3. allows contracts to be prepared in accordance with the conditions agreed by negotiation;
4. authorises the CEO to execute the contracts on Council's behalf;
5. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise;
6. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution; and
7. incorporates this resolution in the public minutes of this meeting.

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting closed at 8.40pm.

Confirmed this 10 day of August 2021

Chairperson.....