



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 31 AUGUST 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 Neil Pilling
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 31 August 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 - NIL

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.

- Cr Esakoff - Item Number 8.2 Part B – Heritage Amendment C204glen - Elsternwick, Carnegie and Bentleigh

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 1 September 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 Cade****Seconded: Cr Magee**

That the minutes of the Ordinary Council Meeting held on 10 August 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

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Community Engagement Advisory Committee Meeting Minutes – 18 July 2021;
2. CEO Performance Advisory Committee Meeting Minutes – 26 July 2021;
3. Community Grants Advisory Committee Meeting Minutes – 3 August 2021;
4. Arts and Culture Advisory Committee Meeting Minutes – 10 August 2021; and
5. Youth Advisory Committee Meeting Minutes – 12 August 2021.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 27 July 2021 Assembly;
2. 3 August 2021 Assembly;
3. 10 August 2021 Pre-meeting; and
4. 17 August 2021 Assembly.

CARRIED UNANIMOUSLY

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

That Council changes the order of business to bring forward Item 10.5 Written public questions to Council to be considered before Item 8.1 at this stage of the meeting.

CARRIED UNANIMOUSLY**10.5 Written public questions to Council****1. Helen Fischer - Bentleigh**

My query relates to the light towers used to light sporting fields in Glen Eira.

Glen Eira residents have reported that lights have been on at 4.30pm and after 10pm, well after players have finished their training. Residents have seen lights on all night at EE Gunn Reserve. Light levels, brightness, timing, colour spectrum and shielding of neighbouring homes varies.

The monitoring and management of lighting is important to reduce the health effects on residents and wildlife from light pollution. Council must manage lighting to meet community, health, sports, wildlife and safe climate concerns.

- a) Are all the lights on timers or are they switched on/off manually and who is responsible for doing this, the clubs or Council staff?
- b) What are the costs to the community of the lights in terms of Greenhouse gas emissions and electricity charges?

Thank you for your comments on this health, environmental and costing issue.

Response:

Sportsground lighting has traditionally been installed for use by community sports clubs. This is still generally the case, with clubs utilising lights for training or games until 9pm – consistent with our Sportsground Lighting Policy. Sports clubs are responsible for the running costs for lighting as well as their operation. However, as a preventative measure, we have timers for lighting to automatically be turned off at 9:30pm if clubs fail to do so.

In 2019, we implemented the 'lighting up open space' initiative in response to community requests to utilise public open space at night-time, particularly during winter. This initiative sees lighting automatically turned on at three sportsgrounds throughout Glen Eira, including EE Gunn Reserve in Ormond, and has received significant positive feedback from residents who don't play sport, but still want to be active. These identified sites see lighting operational from 5pm-9pm Monday to Friday.

With regard to the lighting infrastructure itself:

- All lighting is located and designed with regard to the local amenity, ensuring that light spill into neighbouring properties is minimised. This is supported by the specific times in which lighting can be used.
- Any upgrades or new lighting installations see LED light fittings installed.

- Upgrading our sports lighting to LED can save between 40 – 60 % electricity. We are committed to upgrading all of our lighting to LED overtime.

Council is purchasing 100% renewable electricity and so emissions associated with our electricity usage is 0.

The Sportsground Lighting Policy details how lighting is managed. However, sometimes projects do experience, power outages or electrical problems that impact on the operation of lights. In these cases, we respond quickly to any reports of lighting issues.

2. Ross Campbell - Elsternwick

All councillors voted to refuse the Selwyn St Woolworth's application. Given that Mr Torres stated that development is not possible until May Street is discontinued as a road, shouldn't council rapidly request the City Futures Department to immediately produce a design and development plan for the transfer of this area (May St West) to public open space in order to enhance the Cultural precinct and to bolster its unanimous decision of refusal and prevent the current Woolworth plans from eventuating?

Response:

Council has conducted investigations into the May Street West land and has determined it may be public land. However this complex legal question must be fully resolved before Council is in a position to contemplate its future use or any amended planning controls.

In such matters Council must follow transparent processes that offer fairness and natural justice to all parties. Should there be any proposed change to the status of this land in the future, it would be subject to a statutory process which will include community consultation.

When it comes to the creation of new open spaces in Elsternwick, any proposal would be guided by the Open Space Strategy Refresh and the Elsternwick Structure Plan, which propose a range of future open space opportunities within the broader precinct.

A single response is provided for questions 3, 4 and 5 for Mr Denmead, Mr Dugdale and Mr Del Monaco

3. John Denmead – Elsternwick

Dear Councillor Zyngier When the Woolworth's application was refused unanimously by councillors, part of the rationale was that council's objective was to create a pedestrian friendly cultural centre. Cr Zyngier, you spoke eloquently regarding the inevitable impact that a massive increase in traffic would have on this vision.

If the objective is therefore to create a safe pedestrian precinct, do you accept that the addition of May Street West as accessible public open space would enhance this vision and go some way to ameliorating the lack of public open space in Elsternwick?

4. Sam Dugdale – Elsternwick

There are currently over 1100 signatures on a change.org petition requesting that council convert May Street West into public open space (<https://www.change.org/NewParkforElsternwick>). Could each councillor please provide their current thinking on this request?

5. Anthony Del Monaco – Elsternwick

I would appreciate Cr Athanasopoulos' views on the response he received from Mr Torres at last council meeting (Tuesday 10th August), regarding the issue of turning May Street West into public open space. Mr Torres stated that the discontinuance of the road and pursuant conversion to open space, is 'totally separate to this application'. Does Cr Athanasopoulos support the idea of converting May Street into public open space? If so, what is council doing to explore this option to progress this in a timely manner?

Response to questions 3, 4 and 5:

Thank you Mr Denmead, Dugdale, and Del Monaco for your questions and to the community members advocating that the western end of May Street, Elsternwick is converted to public open space to complement the future Selwyn Street cultural precinct. Each of these submitted public questions seeks an opinion or position from individual councillors on this advocacy point.

Should there be any proposed change to the status of this land in future, it would need to be subject to a statutory process and ultimately a decision of the Council. From a good governance perspective, it is important that Councillors do not form a view on a matter until they have all of the information to inform their decision. This is not currently the case.

In this, and all decision-making processes, Councillors must be impartial and fair in their consideration of a matter. Therefore Councillors will refrain from expressing an opinion or position in response to the public questions this evening.

I would like to assure you that the views that you have expressed in the public questions are acknowledged and will be considered as part of any future process on the change to the status of this land.

6. Warren Green – Bentleigh

- a) Can the CEO please provide advice on the actual number of responses and/or consultations conducted as part of the Stage 1 Housing Strategy consultation process for the following: a) The number of Idea responses provided through the online Ideas forum. b) The number of completed online community member surveys.
- b) As a regular user of the Bentleigh library, it was noted that single work desks were at capacity on a very regular basis prior to Covid. I provided this feedback as part of the Bentleigh Library development consultation process including meeting with staff on-site to highlight this. It is assumed that this was also identified as part of the project scoping research.

Can Council please provide advice on the number of single work desks (for drop in) to be provided as part of the Library redevelopment and how this compares to the previous provision?

Response:

- (a) Community consultation closed on 26 August 2021. Officers are now compiling and considering the responses received in the development of the draft Housing Strategy. An engagement summary and associated data from this first stage of community consultation will be included when the draft Housing Strategy is presented to Council later this year. The draft will be made available for a further round of community consultation early 2022.

- (b) A priority during the design phase of the project was the provision of sufficient independent study/workspaces. The independent study area will be located upstairs in a quieter area of the building and can accommodate 26 people at built-in desks along the walls (an increase from 16) plus a further 16 at freestanding tables for group study, an increase from 12 at the old Bentleigh Library.
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8. OFFICER REPORTS (AS LISTED)

8.1 AMENDMENT TO WASTE CHARGES FOR 2021-22 BUDGET

Moved: Cr Zmood**Seconded: Cr Parasol**

That Council:

1. endorses the rate of the additional 120L Red Bin for 2021-22 at \$282;
2. endorses the rate of the additional 240L Red Bin for 2021-22 at \$564; and
3. delays the introduction of two new waste charges for additional 120L Red Bin and additional 240L Red Bin until at least 1 July 2022.

CARRIED UNANIMOUSLY

8.2 HERITAGE AMENDMENT C204GLEN - ELSTERNWICK, CARNEGIE AND BENTLEIGH

Moved: Cr Zhang**Seconded: Cr Zmood****Part A**

That Council:

1. considers submissions received;
2. notes the summary of submissions received during the exhibition period and up until 5 August 2021 for Amendment C204 and endorses the planning officer and heritage consultant's comments and recommendations (Attachment 3 to the report) for the purpose of advocacy before the Planning Panel;
3. notes minor changes required to Amendment documentation detailed in this report (track change versions to be provided to Panel); and
4. requests the Minister for Planning to appoint a Planning Panel to consider submissions received during the exhibition period for Amendment C204 in accordance with section 23 of the *Planning and Environment Act 1987*.
5. excluding all references to the submissions and Amendment C204 to Hopetoun Gardens HO196, in parts 1 to 4 of this resolution.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff declared a General Conflict of Interest in Item 8.2 Part B, given she has an interest in a property near to Hopetoun Gardens.

It is recorded that Cr Esakoff left the virtual meeting at 8.04pm prior to any discussion on this matter.

The Deputy Mayor, Cr Magee took the Chair for consideration of this item.

Moved: Cr Athanasopoulos**Seconded: Cr Zmood****Part B**

That Council:

1. considers submissions received;
2. notes the summary of submissions received during the exhibition period and up until 5 August 2021 for Amendment C204 and endorses the planning officer and heritage consultant's comments and recommendations (Attachment 3 to the report) for the purpose of advocacy before the Planning Panel;
3. notes minor changes required to Amendment documentation detailed in this report (track change versions to be provided to Panel); and
4. requests the Minister for Planning to appoint a Planning Panel to consider submissions received during the exhibition period for Amendment C204 in accordance with section 23 of the *Planning and Environment Act 1987*.

5. including all references to the submissions and Amendment C204 to Hopetoun Gardens HO196, in parts 1 to 4 of this resolution

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff left the virtual meeting prior to item 8.2 Part B and was not present when this item was considered. It is further recorded that Cr Esakoff re-entered the virtual meeting at 8.09pm and resumed as Chair for the remainder of the meeting.

8.3 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Pilling**

That Council notes the update on VCAT matters.

It is recorded that Cr Pilling left the virtual meeting at 8:13pm and re-entered at 8.14pm

CARRIED UNANIMOUSLY

8.4 QUARTERLY SERVICE PERFORMANCE REPORT

Moved: Cr Zmood**Seconded: Cr Athanasopoulos**

That Council notes the Quarterly Service Performance Report for the period ending 30 June 2021, as attached to this report (as amended with minor editorial changes).

CARRIED UNANIMOUSLY

8.5 FINANCIAL MANAGEMENT REPORT (JULY 2021)

Moved: Cr Athanasopoulos**Seconded: Cr Cade**

That Council notes the Financial Management Report for the period ending 31 July 2021.

CARRIED UNANIMOUSLY

8.6 ADOPTION OF 2020-21 FINANCIAL REPORT

Moved: Cr Zmood**Seconded: Cr Athanasopoulos**

That Council:

1. adopts the 2020-21 Financial Statements and Performance Statement 'in principle', subject to no significant changes by the Auditor-General; and
2. notes that the Mayor (Cr Margaret Esakoff) and Deputy Mayor (Cr Jim Magee) have been appointed to sign the Financial Statements and Performance Statement once they have been returned by the Victorian Auditor-General.

CARRIED UNANIMOUSLY

8.7 AUDIT & RISK COMMITTEE BIENNIAL REPORT (MAR-AUG 2021)

Moved: Cr Zmood**Seconded: Cr Pilling**

That Council note the Audit and Risk Committee's Biennial Report for the period March 2021 to August 2021 in accordance with the provisions of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

8.8 AUDIT & RISK COMMITTEE - EXTENSION OF INDEPENDENT MEMBER TERMS

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

That Council reappoints:

1. Ms Lisa Woolmer, Independent Member, for a further one-year extension until 1 January 2023;
2. Ms Lisa Woolmer as Chairperson of Council's Audit and Risk Committee (effective 1 January 2022);
3. Mr Craig Geddes, Independent Member, for a further one-year extension until 1 January 2025; and
4. Mr Menchi Schneier, Independent Member, for a further one-year extension until 1 January 2024.

CARRIED UNANIMOUSLY

8.9 AUDIT & RISK COMMITTEE MINUTES (13 AUGUST 2021)

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

That the minutes of the Audit & Risk Committee meeting held on 13 August 2021 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS**Moved: Cr Esakoff****Seconded: Cr Magee**

That Council accepts the matter of the Victorian Government's proposed significant planning reform as an item of urgent business.

CARRIED UNANIMOUSLY

Moved: Cr Esakoff**Seconded: Cr Zmood**

That Council:

1. notes that the Victorian government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform.
2. strongly voices its concern that:
 - a) consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced.
 - b) the community's voice must remain an integral consideration for planning decisions
 - c) strong community consultation must be a core part of major planning decisions
 - d) community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies
3. urgently calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made.
4. urgently writes to the Minister for Planning, and the shadow Minister for Planning to advocate Council's position.
5. requests the Chief Executive Officer or delegate coordinate with other local governments in regards to advocacy.

CARRIED UNANIMOUSLY

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff****10.1.1 Review of various urban congestion reduction measures****Moved: Cr Zyngier****Seconded: Cr Zhang**

That the officers prepare a report that provides the evidence of the relative effectiveness for urban “congestion busting” measures in cities like Glen Eira including commuter car parks, buses, protected bike paths.

CARRIED UNANIMOUSLY

10.2 Right of reply - Nil**10.3 Notice of Motion - Nil****10.4 Councillor questions****Question from the Mayor, Cr Esakoff to the Chief Executive Officer**

Following the last Ordinary Council Meeting, there was a media report regarding the proposed multi-deck commuter car parks following the last Council meeting that contained conflicting statements regarding whether Council had initiated a proposal with the Federal Government to secure the funding. Could you please provide some clarity regarding what Council applied for and when?

Response by the Chief Executive Officer

Council did not initiate a funding request with the Federal Government for commuter car parking under the Urban Congestion Fund before funding announcements of \$4m for Bentleigh and \$6.5m for Elsternwick were made in early 2019;

Council did make a successful application to the Federal Government in early 2020 for an increase in the total funding allocation from \$10.5m to \$18.1m.

Council also made a successful application to the Federal Government for \$1m in scoping and feasibility funding for the proposed car parks in early 2021. This funding is reflected in Council’s 2021/22 Budget.

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 Parasol**

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 Employment Matter

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); and
- Relates to a personnel matter.

CARRIED UNANIMOUSLY

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

11.1 EMPLOYMENT MATTER

Confidential item

12. CLOSURE OF MEETING

The meeting closed at 9.06pm.

Confirmed this 23 day of September 2021

Chairperson.....