



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**

**WEDNESDAY 19 MAY 2021**

**MINUTES**

**Meeting was held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
at 7:30pm**

Present

The Mayor, Councillor Margaret Esakoff  
Councillor Tony Athanasopoulos  
Councillor Sam Parasol  
Councillor Neil Pilling  
Councillor Li Zhang  
Councillor Simone Zmood  
Councillor David Zyngier

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## 1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land..

## 2. APOLOGIES

### Apology

**Moved: Cr Pilling**

**Seconded: Cr Zmood**

That the apologies from Cr Magee and Cr Cade 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.

## 4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

**Moved: Cr Parasol**

**Seconded: Cr Athanasopoulos**

That the minutes of the Ordinary Council Meeting held on 27 April 2021 and the Special Council Meeting held on 4 May 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 Zyngier – Eastern Alliance for Greenhouse Action (EAGA)

Cr Athanasopoulos – Metropolitan Transport Forum (MTF)

**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY**

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**7.1 Advisory Committees**

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**7.1.1 ADVISORY COMMITTEE MINUTES**

**Moved: Cr Zhang**

**Seconded: Cr Parasol**

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. Local Law Advisory Committee Minutes - 17 March 2021;
2. Arts and Culture Advisory Committee Minutes – 13 April 2021;
3. Strategic Transport Advisory Committee Minutes – 19 April 2021; and
4. Elsternwick Cultural Precinct Advisory Committee - 21 April 2021.

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

**Moved: Cr Zmood**

**Seconded: Cr Parasol**

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

1. 13 April 2021
2. 20 April 2021
3. 27 April 2021 pre-meeting

**CARRIED UNANIMOUSLY**

## Public Participation

The Mayor advised that at this stage of the meeting, 15 minutes is allowed for public participation in accordance with section 30 of the Glen Eira City Council Governance Rules and the Public Participation Guidelines.

## Procedural Motion

**Moved: Cr Parasol                      Seconded: Cr Pilling**

That Council changes the order of business to bring forward Item 10.5 Written Public Questions to Council to be dealt with at this stage of the meeting.

**CARRIED UNANIMOUSLY**

## Item 10.5 – Written Public Questions to Council

### 1. Bernadette Pierce – Caulfield South

Council has repeatedly stated that mandatory height controls for its activity centres are only accepted in ‘exceptional circumstances’. In order to establish these ‘exceptional circumstances’ council would surely need a housing strategy that documents clearly what is happening as well as up to date population and dwelling analyses.

How can council therefore proceed with any strategic planning prior to the completion of a current and evidence based housing strategy?

#### **Response:**

The Housing Strategy will certainly assess current and future population data, housing demand and housing diversity. It will also include a neighbourhood character assessment which will further assist in defining the housing directions for Glen Eira. The matter of mandatory heights is detailed in the State Government’s Planning Practice Note 59 which states that the circumstances where mandatory heights could be considered “may include areas of high heritage value, strong and consistent character themes, or sensitive environmental locations”.

The circumstances around the use of mandatory controls are most often considered through Structure Plans and Built Form Frameworks. The Housing Strategy is a separate document which will examine land capacity within the municipality and plan for our future housing and growth needs — it does not make recommendations on mandatory heights. Officers will continue to be guided by the State Government Planning Practice Notes and when the Housing Strategy is completed, it will be used to support Council’s structure plans through future planning scheme amendments. The early work, particularly the demographic assessments including population data and housing demand, can be used to progress structure planning in the interim.

Council refers to State Government Planning Practice Notes for ongoing guidance on a range of planning processes. A full list of Planning Practice Notes can be found on the Department of Environment, Land, Water and Planning website. Two relevant Practice Notes will be sent to you following the 19 May Council Meeting (PPN59 and PPN60). These notes relate to the role of mandatory provisions in planning schemes and the height and setback controls for activity centres.

**2. Beverly Dillon – Elsternwick (Question taken on notice at the 27 April 2021 Ordinary Council Meeting)**

Could council please list all the projects that have currently been either abandoned or put-on hold over the past 2 financial years, plus the envisaged savings as a result of this?

These projects include things like constructions like pavilions, toilets, bike paths, street scapes, and very importantly car parks, not approving developments with Zero parking.

**Response:**

Thank-you for your time on 5 May in clarifying the question you submitted to the 27 April Ordinary Council Meeting.

As discussed with officers, the draft Budget and Financial Plan was endorsed by Council on 4 May 2021. These documents are now available on Council's *'Have Your Say'* website for feedback and comment. We understand that you will be reviewing these documents and may seek further clarification on specific items through either the public submission process, or the budget information sessions.

Included in the Budget is a full listing of the draft Capital Works Program for 2021-22 with a description of each project, locations and funding. Council's draft program totals \$66m for 2021-22 and details can be found in 'Appendix C' commencing on page 73 of the Budget document.

In addition to this, Council's 10 Year Financial Plan specifies the major projects and strategic work scheduled for the next 10 years. Details of Council's 10-year plan capital works projects are included in the Financial Plan in pages 11, 12 and 13.

In terms of next steps with the budget process, you are welcome to attend the Information sessions on the Budget and the Financial Plan on Monday 24 May 2021 at Glen Eira Town Hall — Caulfield Cup Room and Monday 31 May 2021 via Zoom both from 6pm to 7pm. You may also write a submission and speak to it at the Special Council Meeting on Tuesday 15 June 2021.

If you have any further queries, please do not hesitate to contact John Vastianos, Chief Financial Officer on 9524 3333.

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**3. Warren Green – Bentleigh**

Can Council please advise if it has received any external funding contribution commitments for the Carnegie Swim Centre and, if so, provide details from who, through what funding program and the amount?

**Response:**

Council has approached both the State and Federal governments, inviting them to partner with Council in delivering this project. This is Council's key advocacy priority and discussions regarding potential funding contributions are still underway.

Council's budget does anticipate some borrowings for this project. Council has applied for a \$10 million low interest community infrastructure loan from the State Government to help meet the funding shortfall. Council is committed to commencing construction of the redeveloped swim centre by early 2022, even if applications for government funding are unsuccessful.

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**4. Mary Delahunty – Elsternwick**

Noting the "for sale" signs back in place on the ABC site at 8 Gordon Street that tempt large scale property developers are absent any mention of the heritage protection council and the state government have imposed, can council help the residents by committing all or portion of the \$27m of open space levy to the purchase of the site to provide community facilities for an area suffocating under the weight of high rise apartments?

**Response:**

Council has long advocated that 8 Gordon Street should be secured for future community use including developing arts and creative industries, local open space provision, and in facilitation of community outcomes far stronger than could be achieved should the property pass into the hands of private developers.

The need for additional open space in Elsternwick and across Camden Ward is well understood. Unfortunately meeting the cost of purchase and redevelopment of 8 Gordon Street is unachievable for Council on our own, without significant financial contribution from either State or Federal Government, or both.

Council has written to local MPs across both tiers of Government seeking their action to help retain the property in public ownership. While the response has been encouraging, we have to date been unable to secure a commitment to make this happen.



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**8. OFFICER REPORTS (AS LISTED)**

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**8.1 7-15 HORNE STREET, ELSTERNWICK**

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**Moved: Cr Zmood****Seconded: Cr Zyngier**

1. That Council resolves to support the amended plans and changes to the planning permit preamble and conditions that are the subject of Application for Review P38/2021 at the Victorian Civil and Administrative Tribunal (VCAT) in relation to Planning Permit GE/DP-32409/2018 for the land at 7-15 Horne Street, Elsternwick, subject to the conditions set out below.
2. That Council resolves to authorise officers to support any minor variations to the permit and plans that do not change the intent of the resolved position, so as to enable a settlement to be reached at the VCAT Compulsory Conference scheduled for 15 June 2021:

That the Planning Permit preamble be amended as follows:

Construction of a multi storey mixed use building comprising dwellings, community care accommodation (specialist disability accommodation) and shops, use of the land for the purpose of dwellings and community care accommodation (specialist disability accommodation) and a reduction in car parking requirements for shops in accordance with the endorsed plans.

That the conditions of the Planning Permit be amended and deleted as follows:

*Amend Condition 1 (b) as follows:*

- (b) The building height to be reduced to not more than 9 storeys (maximum roof height of 44.0m to AHD excluding lift overrun, services and parapets), achieved through the deletion of 5 levels that contain apartments and with no part of the building exceeding the maximum overall height of the building envelope that was approved under the original permit.

*Amend Condition 1(e) as follows:*

- (e) The on-site car parking allocation reconfigured to include:
  - (i) Not less than one car space for each one or two bedroom apartment;
  - (ii) Not less than two car spaces for each three or more bedroom apartment;
  - (iii) Not less than 1.5 car spaces to each 100sqm of leasable floor area for the shops; and
  - (iv) Not less than ten car spaces for the Community Care Accommodation (Specialist Disability Accommodation) units, with six spaces available for residents and four spaces for staff providing care.

*Amend Condition 1(g) as follows:*

- (g) The first and second floor habitable room windows and balconies of apartments, as well as the third floor terrace facing the rear laneway to be screened to limit downward views to residential properties within 9 metres. The screening technique employed to the first and second floor habitable room windows and balconies can however allow passive surveillance of the adjacent laneway.

*Delete Condition 1(l).*

*Insert a new Condition 1 (u) as follows:*

- (u) Further 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 Section 87A amended application (identified as Drawing No's. TP-098F to TP109F and TP200-F, TP201-F, TP211-F, TP220-F, TP-221F, TP600-F to TP-608-F, prepared by CBG Architects & Interior Designers and dated 22 December 2020, but modified to show
  - (i) Screening measures to limit overlooking from the communal open space areas to the balconies of apartments 3.01 and 3.02, with these measures integrated into the building;
  - (ii) Screening measures to limit overlooking and noise impacts between the secluded private open space areas of the Level 3 apartments;
  - (iii) The circulation area in the adaptable bathrooms for apartment types 2D, 2E, 2J and 2P modified to remove any encroachments from any objects;
  - (iv) The balconies for apartments 7.01, 7.04, 8.01 and 8.04 increased in size to at least 12m<sup>2</sup> with minimum dimension of 2.4m. With this changed absorbed within the approved building envelope;
  - (v) The internal storage for Apartment Type 2N increased to at least 9m<sup>3</sup>;
  - (vi) Apartment 2.07 marked as an SDA apartment;
  - (vii) An amended landscape plan showing the changes included in the amended plans and in accordance with Condition 5;
  - (viii) An updated material finishes schedule;

- (ix) The car parking allocation notes on the plans amended to reflect that required by Condition 1 (e);
- (x) Convex mirrors provided for the basement ramps to increase visibility of oncoming motorists; and
- (xi) Deletion of the dome mirror in the north-west corner of the site and a 2.0m by 2.0m splay provided to the north-west corner of the substation.

*Amend Condition 8 to read as follows:*

8. Before the development starts, the permit holder must prepare and have approved in writing by the Responsible Authority an amended Waste Management Plan (WMP) for the site, generally in accordance with the Waste Management Plan prepared by Ratio Consultants and dated 22 December 2020, but further modified to include the following:

- (a) Provisions for food organic recycling.

Once approved the amended 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.

*Amend Condition 10 to read as follows:*

10. No fewer than ten car spaces for the Community Care Accommodation (Specialist Disability Accommodation) units (six car spaces for the residents and four car spaces for the staff providing care) must be provided on the land to the satisfaction of the Responsible Authority.

*Remaining conditions to remain unaltered.*

**CARRIED UNANIMOUSLY**

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**8.2 342-346 CENTRE ROAD, BENTLEIGH**

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**Moved: Cr Pilling****Seconded: Cr Parasol**

That Council approves an extension of time for planning permit GE/PP-28786/2015/A at 342-346 Centre Road, Bentleigh, allowing the development to be commenced no later than 1 November 2021 and to be completed by 1 November 2023.

**CARRIED UNANIMOUSLY**

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**8.3 VCAT WATCH**

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

That Council notes the update on VCAT matters.

**CARRIED UNANIMOUSLY**

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**8.4 EXTENSION OF INTERIM HERITAGE OVERLAYS FOR ELSTERNWICK**

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

That Council requests the Minister for Planning to prepare, adopt and approve Amendment C226 in accordance with Section 20(4) of the *Planning and Environment Act 1987*. The amendment proposes to extend the expiry date of the following interim heritage overlays by 12 months (until 30 July 2022) to allow these places and precincts to be protected while the planning scheme amendment for permanent heritage controls (known as C204) is processed:

1. HO179 Beemery Park Precinct
2. HO180 Elsternwick Commercial and Public Precinct
3. HO183 2 Miller Street, Elsternwick (10th Caulfield Scout Hall)
4. HO184 12 Hartington Street, Elsternwick (Former Grocery)
5. HO191 21-23 Nepean Highway, Elsternwick
6. HO185 205 Glenhuntly Road, Elsternwick (St Clements Anglican Church)
7. HO186 226 Hotham Street, Elsternwick (Lumeah)
8. HO193 13 Seymour Road, Elsternwick (Edelstein Residence)
9. HO194 23 Seymour Road, Elsternwick (Elevated Townhouses)
10. HO195 38 Prahran Grove, Elsternwick (Three "Usonian" Units)
11. HO196 520 Glenhuntly Road, Elsternwick (Hopetoun Gardens)
12. HO201 6 Downshire Road, Elsternwick (contributory dwelling in Elsternwick South)
13. HO202 22 Grafton Street, Elsternwick (contributory dwelling in Elsternwick North)
14. HO203 19 Hopetoun Street, Elsternwick (contributory dwelling in Elsternwick North)

**CARRIED UNANIMOUSLY**

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**8.5 INCREASING TRANSPARENCY IN COUNCIL**

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**Moved: Cr Pilling****Seconded: Cr Zhang**

That Council:

1. notes this report; and
2. includes as part of a future review of the Councillor Code of Conduct, details of the established processes for dealing with developers and other parties as part of planning processes.

**FOR:** Crs Esakoff, Parasol, Pilling, Zhang and Zmood (5)**AGAINST:** Crs Athanasopoulos and Zyngier (2)**CARRIED**

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**8.6 NAMING OF THE NEW PARK IN CAULFIELD SOUTH (AILEEN AVE)**

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

That Council:

1. endorses the proposed name *Aileen Avenue Park* for the new open space being created in Caulfield South; and
2. authorises officers to apply to register the name with the Office of Geographic Names.

**CARRIED UNANIMOUSLY**

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**8.7 REPORT FOR INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER**

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**Moved: Cr Zmood****Seconded: Cr Zhang**

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) River Red Gum (*Eucalyptus camaldulensis*) located at 2 Woorneck Rd, Carnegie – 15/CTR/2020;
  - b) English Oak (*Quercus robur*) located at 90 Daley St, Bentleigh – 26/CTR/2020;
  - c) Sugar Gum (*Eucalyptus cladocalyx*) located at 724 Glen Huntly Rd, Caulfield South 32/CTR/2020;
  - d) Himalayan Cedar (*Cedrus deodara*) located at 61 Wright St, McKinnon – 38/CTR/2020;
  - e) Pinoak (*Quercus palustris*) located at 16 Carlton St, McKinnon – 54/CTR/2020;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in his report in the Classified Tree Register.

**CARRIED UNANIMOUSLY**

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**8.8 CAULFIELD TO ROWVILLE TRACKLESS RAPID TRANSIT**

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

That Council:

1. notes the current progress of the Trackless Rapid Transit (TRT) option being developed and promoted by Vicinity Centres (Chadstone) and Monash University;
2. supports officer involvement in the ongoing discussions and development of the project; and
3. sends a letter of “in principle” support to the Minister for Public Transport seeking the development of a State Government led business case to test the feasibility of a Trackless Rapid Transit connecting Caulfield to Rowville (Attachment 1 to this report).

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Zmood vacated the Chamber at 8:43pm.*

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**8.9 ENDORSEMENT OF THE GLEN EIRA 2040 COMMUNITY VISION**

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**Moved: Cr Zhang****Seconded: Cr Pilling**

That Council:

1. endorses the Glen Eira 2040 Community Vision (Attachment 1 to this report); and
2. acknowledges the members of the Deliberative Citizens’ Panel for their excellent work and dedication to complete the Glen Eira 2040 Community Vision.

**CARRIED UNANIMOUSLY**

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**8.10 QUARTERLY SERVICE PERFORMANCE REPORT**

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**Moved: Cr Athanasopoulos****Seconded: Cr Pilling**

That Council notes the Quarterly Service Performance Report for the period ending 31 March 2021, as attached to this report.

*It is recorded that Cr Zmood entered the Chamber at 8:48pm.*

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Parasol vacated the Chamber at 8:50pm and did not return to the meeting.*

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**8.11 PROPERTY IDENTIFICATION - STREET NUMBERING POLICY**

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**Moved: Cr Zmood****Seconded: Cr Zyngier**

That Council approves the Street Numbering Policy as shown in Attachment 1 of this report.

**CARRIED UNANIMOUSLY**

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**8.12 APPOINTMENT OF SIGNATORIES FOR 2020-21 FINANCIAL REPORT**

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**Moved: Cr Pilling****Seconded: Cr Zhang**

That Council appoints the Mayor and Deputy Mayor to sign the 2020-21 Financial Statements and Performance Statement.

**CARRIED UNANIMOUSLY**

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**8.13 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

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

That Council appoints Mr Peter Swabey, Director Corporate Services to the role of Acting Chief Executive Officer for the period 5pm on Friday 4<sup>th</sup> June 2021 to 8am on Tuesday 15<sup>th</sup> June 2021 inclusive during the absence of the Chief Executive Officer. The temporary appointment is in accordance with section 44(4) of the *Local Government Act 2020 (Vic)*.

**CARRIED UNANIMOUSLY**

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**8.14 NATIONAL GENERAL ASSEMBLY JUNE 2021**

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**Moved: Cr Pilling****Seconded: Cr Athanasopoulos**

That Council authorises the attendance of the Mayor, Cr Margaret Esakoff to attend the Australian Local Government Association – 2021 National General Assembly of Local Government Conference from 20 to 23 June 2021 in Canberra.

**CARRIED UNANIMOUSLY**

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**8.15 TENDER 2021.44 CENTRE ROAD STREETScape WORKS (EAT STREET PRECINCT)**

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**Moved: Cr Zhang****Seconded: Cr Athanasopoulos**

That Council:

1. appoints Fercon Pty Ltd, A.C.N. 131 093 500 as the Contractor under Tender number 2021.44 for an amount of \$3,956,760.00 exclusive of GST.
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.
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**

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**8.16 LEASE - UNITED ENERGY SUBSTATION, GLEN EIRA SPORTS AND AQUATIC CENTRE**

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**Moved: Cr Athanasopoulos****Seconded: Cr Pilling**

That Council:

1. authorises officers to finalise a new lease with United Energy Distribution Pty Ltd for a term of 9 years; and
2. executes the lease with United Energy Distribution Pty Ltd in an appropriate manner by affixing the common seal of Council.

**CARRIED UNANIMOUSLY**

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**8.17 LEASE - GODFREY STREET COMMUNITY HOUSE, BENTLEIGH EAST**

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**Moved: Cr Zhang****Seconded: Cr Pilling**

That Council:

1. authorises officers to finalise a new lease with Godfrey Street Community House Inc for:
  - a) an initial term of 1 May 2021 to 30 June 2022; and
  - b) an Option for two further terms of 3 years each, subject to any renewal of Council's Service Level Agreement with Godfrey Street Community House Inc. (or any reiteration thereof); and
2. executes the lease with Godfrey Street Community House Inc in an appropriate manner by affixing the common seal of Council.

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

**10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1.1 Planning Scheme Amendment Process for East Village****Moved: Cr Zhang****Seconded: Cr Zmood**

Request that officers prepare a report for the 20 July 2021 Ordinary Council Meeting that details Council's requirements for East Village, as presented through the 2020 planning scheme amendment process and which outlines what was presented to the Independent Planning Panel, what the Panel recommended through the Panel Report and what the Minister for Planning ultimately approved.

**CARRIED UNANIMOUSLY**

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

That Council changes the order of business to bring forward Item 10.4 Councillor questions to be considered before Item 10.2 at this stage of the meeting.

**CARRIED UNANIMOUSLY**

**10.4 Councillor questions****1. Cr Pilling asked a question of the Chief Executive Officer****Cr Pilling**

A question for the CEO. There has been a lack of clarity over recent weeks regarding statements made during the debate on item 8.7 of the 27<sup>th</sup> April Ordinary Council Meeting (the Inkerman Road item) which referred to a cost of \$300k. Could you please clarify where that reference came from, and how much additional expenditure will be required in order to deliver the Council's resolution of 27<sup>th</sup> April ?

**CEO Response**

In the last budget cycle (2020-21) Council allocated \$80k and a further \$220k in the Strategic Resource Plan (to be allocated in future budgets) to develop and complete the design for a safe cycling corridor along Inkerman Road. This was adopted in June 2020 during the budget process by the previous Council. Together, this represents the \$300k figure that I believe Councillors were referring to through the discussions. This was an early estimate of the cost of completing the design phase of the project.

Since Council's resolution on 27 April officers have assessed the likely cost of finalising the design, taking into consideration what has already been expended and what actions were put on hold pending Council's further guidance. There currently remains \$89k in the 2020-2021 budget for this project, taking into consideration carry-forwards from the previous

year. The officer assessment is that a further allocation of \$100,000 (not the \$220k initially forecast) should be sufficient to complete the work.

Councillors will be aware that Council's draft 2021-22 budget and SRP issued recently for public consultation does not include a provision for this project. Now that Council's resolution to progress the design is clear we will make a provision in the final budget before it is adopted in June for the \$100,000 previously referred to. This is not a material change and can pragmatically be made at that time.

## **2. Cr Zmood asked a question of the Director Planning, Place and Sustainability**

### **Cr Zmood**

We've had numerous discussions and questions from our community about emissions and so I would like to ask Mr Torres if he could clarify the latest data that we have for our community transmissions for Glen Eira, the source of the data and in particular what proportion is due to transport?

### **Director Planning, Place and Sustainability**

The latest data we have is from a website called Snapshot Climate who provide this service across Local Government and the latest data for Glen Eira's emissions suggest that our total municipal emissions are in the order of 1,330,000 tonnes of carbon dioxide. That is broken down into a number of emission areas and for completeness, I will go through those.

Of that waste contributes 4%, transport 18% and transport is broken down into a number of modes with the greatest contributor being automotive or private motor vehicles. Another high source of emissions is the use of gas and that covers residential, commercial and industrial with residential being the highest contributor. The bulk of the emissions are actually from electricity at 57% and that too is broken down into residential, commercial and industrial, but in this case, commercial is the highest contributor to the electricity emissions.

### **10.2 Right of reply**

**Cr Tony Athanasopoulos** – Article in the Australian Jewish News – Titled 'Effectively assaulting the Jewish Community'. That's the first part of it. There are multiple parts of this story where certain people have been quoted, so I will refer to different people in different ways. The article did go through and for those who haven't seen it, please jump on line and you can have a read of it. It did name myself in that particular article and I want to start first by saying that I have already sent an apology but I would also like to apologise to the Australian Jewish News because I was unable to provide a response with our systems here at Council blocked the email effectively and therefore I was unable to respond to Zeddy Lawrence and the paper itself and therefore a response was not in that particular article. It is an unreserved apology and should be better and we as an organisation would want the ability to respond to those sorts of things so I apologise for my views at least. Council's views wasn't presented in this particular article and it ultimately falls within our responsibility and can't really point the finger anywhere else.

However, the paper itself mostly from due to a response from Mr Newbury who is the Member for Brighton decided to put the headline as 'Assaulting the Jewish Community' after that quote was received. I can only assume because they wanted to make sure that it got a reaction and people read it because of what it said there. Now anyone can jump online to google and assess what assault actually means and to use that type of language on a decision to go to detailed design on a bike path, one its pretty inflammatory, two, I think it doesn't actually give a lot of respect to those who actually go through assault and three, put people, I have actually spoken to people of the Jewish community who have gone through a whole lot of things in their history to be put into this pigeonhole for the cycling corridor, they have also found it to be quite irresponsible and very alarmist.

Now, for starters the person who attributed to the quote is the Member for Brighton and is not affected by this particular area. Interestingly though, that could explain his poor results. Maybe he doesn't actually quite understand his boundaries. The path doesn't exist there and I'm not actually understanding why someone needs to contribute to something that's not directly within their area. Certainly when it's not in a positive light and in such a negative way. Second and importantly I've offered this in case and this goes for anyone, in case our systems do fail us again, there is a mobile number you can contact me on and that you are more than welcome to text me on if you haven't received a response on something that is very sensitive or very important. Please feel free to do that, as well as sending through the email. I'd just like a little bit of calm. I'm okay with people not wanting me to make the decisions I make, people not being happy with the decisions I make. I'm comfortable with that, I was comfortable with that as an outcome before I was elected to Council. I knew that there was going to be tough decisions sometimes. I accept that, but to be painted in a certain light by anyone intentionally or otherwise I don't think is a fair thing. Judging by the responses I have received today after contacting the people responsible, it shows that they actually don't care. They don't care about the impact it may have. Yes, it affects me emotionally but I'm bigger than that. There are people within the Jewish Community who have come up to me and said, don't even worry about it, it's ridiculous, so I'm not concerned about that, but it needs to be better than this. We need to be better than this If we're going to have respectful and good dialogue when getting through very difficult subjects. To think I am referring to a cycle path in this instance is, in my opinion really amazing, considering the difficult things that we have to go through, as a people, as a community, that this is why I am giving this speech on a cycle path, just speaks to the gross over-reaction within that article.

It is very important, there are people who made quotes in that article who have absolute rights to make quotes and absolute rights to have concerns, people who own businesses, people that have Shules, people that have places of worship, people that have houses. They absolutely have a right to have concerns, they do and I absolutely must listen to them and we as a Council, if you look at the resolution it actually specifically says to go through, specifically. So to then turn around, knowing this, this is a public document of what we as a Council said that we were going to do and then saying it's an assault, saying that comment after knowing we are actually going to go out there and work with all the issues that were raised by people within that article and using that sort of language, is that really going to help? Is that really true accurate reporting of what's going on here? I don't think so.

My last point is that I wish I didn't have to do this up here by myself. I really wish that there would be more of a support for people that have been affected in this way and I have said it already privately and I will say it publicly that I will support people when there is absolute, when there is something like this presented and they are front and centre of it in this chamber or otherwise.

**Cr David Zyngier**

I want to reiterate Cr Athanasopoulos' position as one of the five Councillors, four who are in the Chamber today. We're all named in the outrageous article in the Australian Jewish News. As a member of the Jewish community, I was personally, I felt vilified and the lack of support from the official Council representative, the Mayor cut me to the quick. I believe that when a Council makes a decision whether it's a unanimous decision or a split decision 5/4 or 6/3, that the Mayor as our representative should be on the front foot defending those decisions whether she agreed or not. I was personally abused and publicly abused by members of our community because of the failure of our Council to stand up for the five members of Council who voted for that motion at our last meeting.

**Cr Esakoff**

I will take a right of reply seeing I have been named in the Rights of Reply by Cr Zyngier not Cr Athanasopoulos directly but indirectly.

On the 11 May when this blew up, I sent an email to all Councillors and I will read that email. I am quite happy to read that publicly at a public meeting.

It read:

I don't agree with you that the article in the AJN warrants an official Council response from the Mayor. Such a response will only give the issue more oxygen, make Council appear overly sensitive and defensive, and most likely provoke further attacks from those opposed to the Inkerman Road Cycling Corridor.

Also, a response from the Mayor should be reserved for circumstances where untrue claims are made about Council or Council's position. In this case, while the article is one-sided, I don't think it makes any claims about Council that are untrue, or that anyone is claiming that the views of the people quoted in the article were misrepresented.

I also have several concerns about your draft letter.

- I don't think it is helpful to refer to their article in such emotive and derogatory terms as you do in your first sentence, either for our relationship with the paper or for the public perception of Council.
- While the Council's Cycling Plan was, as you say, passed unanimously at the 17 December 2019 meeting, it was as part of a broader item on transport that also covered other important plans and strategies. The motion to actually proceed with a bike path on Inkerman Road only passed by a vote of 5 to 4, so to mention one without the other could be seen as misleading.
- You say that cars currently contribute to 35% of all resident emissions, which you also said in response to a councillor question and other email responses I have been copied in to. However, a pie chart in the Officer's Report on the bike path in our 27 April OCM Agenda shows that all transport, not just cars, makes up 23% of GE community emissions. *(and we heard further tonight aside from my letter that it's even less)*
- Council does not necessarily reject the claims by the people quoted in the article that the bike corridor would impact access to their premises - we would try to minimise that impact if the path does go ahead.
- It is reasonable for the article to quote the figure of \$300,000 for design, as that figure was mentioned at the meeting and has often been mentioned in discussions between us about the bike path. To put that in a letter would be implying that councillors who used that figure at the meeting were dishonest. This figure is also going to be clarified next week at our OCM explaining that it included the allocation in the SRP *(which has just taken place)*.



Of course, any councillor has the right to write a letter to the paper on their own behalf, as a Councillor, to put their position in relation to an issue, but it is important that they are accurate as to the facts, and don't speak for Council beyond what Council has already stated publicly itself.

Thank you

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**10.3 Notice of Motion - 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 Zmood****Seconded: Cr Pilling**

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 Lease - Artistic Culinaire Pty Ltd - Glen Eira Sports and Aquatic Centre**

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- Contractual - this ground applies because the agenda item concerns contractual negotiations that would, if released, potentially compromise the contractual arrangements between the service provider and Council

**CARRIED UNANIMOUSLY**

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

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**11.1 LEASE - ARTISTIC CULINAIRE PTY LTD - GLEN EIRA SPORTS AND AQUATIC CENTRE**

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Confidential Item

**12. CLOSURE OF MEETING**

The meeting closed at 9.23pm.

Confirmed this 8 day of June 2021

**Chairperson.....**