



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

WEDNESDAY 3 NOVEMBER 2021

MINUTES

**Meeting was held remotely and streamed live
via Council's website at 7:32pm**

Present

The Mayor, Councillor Jim Magee
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Margaret Esakoff
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 3 November 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 Zhang – Item Number 8.5 – 187 Koornang Road, Carnegie
- Cr Pilling – Item Number 8.6 – 31 Weeroona Road, Murrumbeena

Procedural motion**Moved: Cr Magee****Seconded: Cr Zmood**

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 Thursday 4 November 2021 at 7.30pm via livestreaming; and
3. the meeting will be chaired in accordance with Rule 13 of the Governance Rules.

CARRIED UNANIMOUSLY**Procedural motion****Moved: Cr Zyngier****Seconded: Cr Parasol**

That Council changes the order of business to bring forward:

1. Item 8.1 - Term of Office for the Mayor and Deputy Mayor,
2. Item 8.2 - Election of the Mayor; and
3. Item 8.3 - Election of the Deputy Mayor

to be considered at this stage of the meeting.

CARRIED UNANIMOUSLY

The outgoing Mayor, Cr Margaret Esakoff made a speech recognising the resilience and acts of kindness of the Glen Eira community. Cr Esakoff thanked Councillors, Council officers and the community for the support she has received as Mayor for the first year of this Council's term.

8.1 TERM OF OFFICE FOR THE MAYOR AND DEPUTY MAYOR

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

That Council determines the Office of Mayor and Deputy Mayor to be for a 1 year term.

CARRIED UNANIMOUSLY

Cr Esakoff invited the Chief Executive Officer to Chair Item 8.2 - Election of the Mayor and Item 8.3 - Election of the Deputy Mayor.

The Chief Executive Officer, Rebecca McKenzie took the Chair for Items 8.2 and 8.3 in accordance with the *Local Government Act 2020* and the *Glen Eira City Council Governance Rules*.

8.2 ELECTION OF THE MAYOR 2021

The CEO called for nominations for the role of Mayor for the 2021/22 Council year in accordance with section 25 of the *Local Government Act 2020* and Rule 9 of the *Glen Eira City Council Governance Rules*.

Nominations

Cr Athanasopoulos nominated Cr Magee for the role of Mayor

Cr Magee accepted the nomination

Cr Parasol nominated Cr Cade

Cr Cade accepted the nomination

In the order in which they were nominated, the Councillors spoke in support of their nomination.

Cr Magee spoke in support of his nomination.

Cr Cade spoke in support of her nomination.

In the order the nominations were received the CEO asked for a show of hands, those Councillors voting for Cr Jim Magee as Mayor. Five Councillors raised their hands.

The CEO then asked for a show of hands, those Councillors voting for Cr Anne-Marie Cade. Four Councillors raised their hands.

There being a majority of votes obtained, the Chief Executive Officer declared Cr Jim Magee, Mayor of Glen Eira City Council for the 2021/22 Council year.

8.3 ELECTION OF THE DEPUTY MAYOR 2021

The Chief Executive Officer called for nominations for the role of Deputy Mayor for the 2021/22 Council year in accordance with section 27 of the *Local Government Act 2020* and Rule 10 of the *Glen Eira City Council Governance Rules*.

Nominations

Cr Pilling nominated Cr Zhang for the role of Deputy Mayor

Cr Zhang accepted the nomination

Cr Parasol nominated Cr Cade for the role of Deputy Mayor

Cr Cade accepted the nomination

In the order in which they were nominated, the Councillors spoke in support of their nomination.

Cr Zhang spoke in support of her nomination.

Cr Cade spoke in support of her nomination.

In the order the nominations were received the CEO asked for a show of hands, those Councillors voting for Cr Li Zhang as Deputy Mayor. Five Councillors raised their hands.

The CEO then asked for a show of hands, those Councillors voting for Cr Anne-Marie Cade. Four Councillors raised their hands.

There being a majority of votes obtained, the Chief Executive Officer declared Cr Li Zhang, Deputy Mayor of Glen Eira City Council for the 2021/22 Council year.

The Mayor, Cr Jim Magee took the Chair for the remainder of this meeting.

Cr Magee, Mayor of Glen Eira City Council then made an acceptance speech.

He acknowledged the leadership of the outgoing Mayor Cr Esakoff over the past 2 years through the pandemic. He spoke of the exciting major capital works projects, the work to be done to support the local businesses moving forward, Council's finances, open space and looking forward to events being held once again for the community.

It is recorded that Cr Pilling vacated the virtual meeting at 7:58pm and re-entered at 8.01pm.

The Deputy Mayor, Cr Zhang said that she is grateful to be part of this Councillor group and being able to work together and support the community over the coming year.

Councillors were invited to and made a speech also acknowledging the outgoing Mayor and congratulating the new Mayor and Deputy Mayor.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**Moved: Cr Athanasopoulos****Seconded: Cr Parasol**

That the minutes of the Ordinary Council Meeting held on 12 October 2021, the Special Council Meeting held at 7.15pm on 26 October 2021 and the Special Council Meeting held at 7.30pm on 26 October 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 provided a report on recent meetings he attended for the two external committees below:

- Eastern Alliance for Greenhouse Action (EAGA)
- Metro Waste and Resource Recovery Group

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. Youth Advisory Committee Meeting Minutes – 23 September 2021; and
2. Community Grants Advisory Committee Meeting Minutes – 5 October 2021

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Esakoff****Seconded: Cr Zyngier**

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

1. 30 September 2021 Assembly;
2. 5 October 2021 Assembly; and
3. 12 October 2021 Pre-meeting

CARRIED UNANIMOUSLY

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

That Council changes the order of business to bring forward Item 10.5 Written public questions to Council to be considered at this stage of the meeting, prior to Item 8.4.

CARRIED UNANIMOUSLY

10.5 Written public questions to Council

1. Alexandra Kocksch – Carnegie

- a) I would like to ask, why Glen Eira has no “heritage register nomination form”? It stands to reason, that Council needs contributions of the community to assess property heritage significance. Alas, no such form exists. Coincidentally, Glen Eira will lose not only 1 but 3 Federation houses built between 1910 and 1920 in one fell swoop.

One property is a brilliant example of middle-class Federation style. Despite its modest exterior - it is no mansion built for important people – the inside is a haven of Edwardian elegance with a touch of Art Nouveaux. Lovingly preserved by a previous owner, delightful features of the Edwardian era are maintained in wonderful condition. Yet this property, including 4 others, is earmarked for demolition, wiping out at least 2 “hidden gems” in Carnegie. There are no means for a community member to alert Council to act and prevent such loss of heritage.

- b) No 2: The Heritage Overlay of Rosstown ward is sparse in comparison to other Glen Eira wards. Why is Rosstown ward not preserving more heritage properties? When it comes to protecting history - unique local history - I don't believe enough is done. Overall Glen Eira Council has hardly any Edwardian Federation houses under its HO. People yearn to own one, but they are hard to find, as they are demolished if they are no big mansions and consequently warrant no “heritage protection”. Being built along the expanding railway lines, they carried the “Australian spirit” out to an ever-expanding Melbourne. They are a picture of beauty compared to the ordinary houses that usually replace them. Thus, when is Glen Eira council getting serious in protecting, preserving, and respecting these little gems in all its wards, before they are pulled down and all their history is lost for ever?

Response:

- a) Council called for heritage nominations prior to commencement of the Post-War and Hidden Gems Review. The idea behind this was to capture important places throughout the whole municipality for potential inclusion within the heritage overlay prior to Council commencing a comprehensive suburb by suburb review of the whole municipality, which is likely to take a number of years to complete.

This was not a self-nomination process but a chance for Glen Eira residents to participate in putting forward places within their neighbourhood that they considered important. Nominations for over 100 places were received. The Glen Eira Historical Society also nominated a significant number of places as part of the process. The list was refined by Council's heritage adviser and a final list of 56 places was provided to the heritage consultant to assess as part of the Post-War and Hidden Gems Heritage Review.

Heritage protection is a complex process. Council is committed to continue its program of heritage reviews and wants to see heritage protection of properties that contribute to the valued character of Glen Eira's suburbs. It is not something that will be undertaken on a property by property basis due to the complexity and lengthy amendment process to apply a heritage overlay.

- b) The Rosstown Ward has been the subject of a number of a recent heritage approvals and current planning scheme amendments, this includes:

Murrumbeena Village Precinct - Amendment C201 was approved in 2020 to protect premises in the Murrumbeena Shopping Centre.

Post-War and Hidden Gems Heritage Review – one of Murrumbreena’s oldest homes at 475 Neerim Road is included within this amendment which will be considered by Council tonight.

The Carnegie Structure Plan Area Heritage Review which includes both commercial and residential premises) has been adopted by Council with the amendment currently awaiting approval from the Minister for Planning. This amendment proposes to include seven individual places (including the Rosstown Hotel), two commercial precincts and two residential precincts within Carnegie into the Heritage Overlay. In excess of 300 buildings in Carnegie will be added to the heritage overlay once the amendment is approved, including many Federation cottages in Munster Avenue, Holywood Grove and surrounding streets.

The *Glen Huntly and Caulfield East Heritage Review* is another heritage review currently underway that covers the Rosstown Ward. Council will consider this review in 2022.

Over the coming years, Council will be undertaking heritage reviews of remaining suburbs within the Rosstown, Camden and Tucker Wards.

2. Warren Green – Bentleigh

My question is to the CEO. In 2016 as part of the Planning Scheme Review, the development of a Structure Plan controls for Bentleigh was noted as a high priority. In early 2021, a Council Officer advised that these controls would be completed in 2024. Just recently, Councillor Jim Magee advised in writing that a date for the completion of controls for the Bentleigh Structure Plan could not be confirmed at this stage. Given this different messaging, can you please provide advice on the timeframes, status and plans?

Response:

It is always difficult to give an exact date for securing permanent controls when the process is lengthy and complex. Cr Magee is correct in that a date often cannot be confirmed. However, the officer advice already provided to you is an estimate of the fair and reasonable timeframe required on the project.

Officers are currently working on the Glen Eira Housing Strategy which provides a key part of the strategic underpinning for the Bentleigh Structure Plan. As such, revisions to the structure plan are likely and will require consultation and Council adoption. Following this, a planning scheme amendment would be pursued including exhibition and likely panel hearing. Officers estimate that it will be 2024 before the statutory process is complete and the controls are in the planning scheme. There are parts of the planning scheme amendment process that Council doesn’t have direct control over that can impact on timeframes. There will be significant work done on the Bentleigh Structure Plan in the intervening period.

3. Mark Nicoll – Murrumbreena

Noting the planning officer report recommends grant of a Planning Permit for 6 x 2-storey dwellings for consideration at the 3Nov21 meeting:

a) Given the current application is (a) for a very small reduction in the size of the development, compared to the previously refused application, and (b) this application represents a development at least 50% higher than all other recent developments on or near the edge of the Activity Centre, I wish to know if the Councillors consider sufficient weight has been given to these factors in the planning officer assessment and conclusions reached in that report?

- b) Do the Councillors consider a development of 4 dwellings for this site being on the very edge of the Activity Centre would have been more appropriate?

If so, I request Councillors vote to refuse this Application.

Response:

The recommendation for this item will be considered by Council this evening and therefore it would be inappropriate for Council to respond to this before it has deliberated on the item.

Councillors will no doubt comment on these and other aspects of the application as part of tonight's debate. If you are currently watching via the livestream, I encourage you to stay on-line to watch the debate.

4. Michaela Hill – Murrumbeena

As social connectivity is the most significant aspect of a meaningful life, could councillors please comment on the re-development of this solid brick structure as student accommodation.

Already a local landmark in its historic context under state heritage legislation, much loved, why do Glen Eira Councillors wish to see an unexceptional landmark take its place? If this site were in Bendigo, Brunswick or Barcelona it would be coveted and kept - creatively re-purposed using regenerative design architectural principles.

Response:

The recommendation for this item will be considered by Council this evening and the suitability of the use of the land and the development will be considered as part of the deliberations.

End of questions

8. OFFICER REPORTS (AS LISTED)

Items 8.1, 8.2 and 8.3 were considered at an earlier stage of the meeting.

8.4 430-434 NEERIM ROAD, MURRUMBEENA

Moved: Cr Pilling**Seconded: Cr Esakoff**

That Council issues a Notice of Refusal to Grant a Planning Permit for application GE/DP-34345/2021 for the partial demolition of existing buildings and construction of a 7 storey mixed-use building with a basement, use of the land for accommodation (Student Housing) and reduction of the car parking requirements for the Student Housing on land affected by the Heritage Overlay, at 430-434 Neerim Road, Murrumbeena, in accordance with the following grounds:

1. The height, bulk, scale and form of the proposed development is excessive and will appear overly dominant from the immediate surrounding street and will not adequately respect the existing or preferred neighbourhood character contrary to Clause 15.01-1R (Urban design – Metropolitan Melbourne), Clause 15.01-1S (Building Design), Clause 15.-1-5S (Neighbourhood Character), Clause 22.07 (Housing Diversity Area Policy), Clause 22.09 (Student Housing Policy) and Clause 34.01 (Commercial 1 Zone) of the Glen Eira Planning Scheme.
2. The proposed upper level additions will appear overly dominant in relation to the retained heritage building and will adversely affect the significance of the heritage place contrary to Clause 22.01 (Heritage Policy) and Clause 43.01 (Heritage Overlay) of the Glen Eira Planning Scheme.

CARRIED UNANIMOUSLY

It is recorded that Cr Zhang declared a General Conflict of Interest in item 8.5 - 187 Koornang Road, Carnegie given a close friend has strong concerns with the application.

It is recorded that Cr Zhang left the virtual meeting at 8.53pm prior to any discussion on this matter.

8.5 187 KOORNANG ROAD, CARNEGIE

Moved: Cr Pilling

Seconded: Cr Zyngier

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-34572/2021 at 187 Koornang Road, Carnegie, for the construction and use of a two storey building for a child care centre and the installation of signage, in accordance with the following conditions:

Amended plans

1. Before the development or use starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as project number 21-09, dated 21 September 2021 and prepared by Terry Harper Architects, but further modified to show:
 - (a) The requirements of the Department of Transport in accordance with Condition's 3 to 8.
 - (b) A Tree Protection Management Plan in accordance with Condition 9.
 - (c) The requirements of the Acoustic Report in accordance with Condition 14.

Layout not to be altered

2. The layout of the use and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

Department of Transport (Conditions 3-8)

3. Prior to commencement of works, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the Ground Floor Plan TP04 dated 29/06/2021 but modified to show:
 - (a) The edges of the crossover angled at 60 degrees to the edge of the road at least for the first 3.0 metres with 3.0m metres radial turnouts.

4. Prior to commencement of the use, access arrangement and associated works as per the endorsed plan must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria, and the Responsible Authority.
5. Prior to occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
6. Vehicles must enter and exit the land in a forward direction at all times
7. The demolition and construction of the development must not disrupt bus operations on Koornang Road without the prior written consent of the Head, Transport for Victoria.
8. Any request for written consent to disrupt bus operations on Koornang Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Tree Protection Management Plan

9. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of Tree No.11 (as identified in the arborist report prepared by Glenn Waters and dated 20 August 2021) located within 189 Koornang Road, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Tree Management Plan (TMP) must show.
 - (a) The specification of tree protection zone (TPZ);
 - (b) The type, installation and maintenance of tree protection fencing;
 - (c) Vehicular or pedestrian access within a tree protection zone
 - (d) The protection of the canopies and trunks of the specified tree;
 - (e) Specific details of any works proposed in any TPZ and how impacts will be mitigated;
 - (f) How canopies will be managed, including pruning;
 - (g) Excavation within or near a tree protection zone;
 - (h) Maintenance, including mulching and watering, of tree protection zone;
 - (i) Schedule of Project Arborist inspections.

The TPMP must include a program to implement the proposed measures before, during and on completing construction (including demolition).

The tree protection measures set out in the TMP must be implemented to the satisfaction of the Responsible Authority.

The plan must not be revised without the consent of the Responsible Authority.

Completion of landscaping

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

11. The landscaping shown on the endorsed Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Hours of operation

12. The use must only operate between 7:00am and 6:30pm, Monday to Friday, except with the prior written consent of the Responsible Authority.

Children numbers

13. No more than 149 children may be present on the land at any one time for the child care centre use, except with the prior written consent of the Responsible Authority.

Acoustic requirements

14. The acoustic report prepared by Waveform Acoustics and dated 8 July 2021 is to be endorsed as part of the permit. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
15. Before the development is completed, all acoustic screening and fencing shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans and acoustic report. The screening measures as shown on the endorsed plans and acoustic report are not to be altered or removed without the written consent of the Responsible Authority.
16. Noise levels to and from the development must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy.

17. Within two months of the use commencing, an updated acoustic report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 15 and that the required level of noise attenuation has been achieved in accordance with Condition 15 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation.

Management Plans

18. Before the development starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, including the following:
 - (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
20. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
 - (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;

- (g) Hours for construction activity must only occur within the following hours:
 - i. 7am to 6pm – Monday to Friday;
 - ii. 9am to 3pm – Saturdays;
 - iii. No construction on Sundays or public holidays;
 - (h) Measures to control noise, dust, water and sediment laden runoff;
 - (i) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
 - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
21. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Car parking

22. Before the building occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) fully constructed
 - (b) properly formed to such levels that may be used in accordance with the plans
 - (c) surfaced with an all weather surface or seal coat (as appropriate)
 - (d) drained and maintained in a continuously usable condition
 - (e) line marked to indicate each car space, loading bay and/or access lane
 - (f) clearly marked to show the direction of traffic along access lanes and driveways

all to the satisfaction of the Responsible Authority.

Vehicular crossings

23. Before the building is occupied, vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Public Services

24. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

Construction over an easement

25. No buildings are to be constructed over or works undertaken under any easement or other area of land where there is a restriction (including sewers, drains, pipes, wires or cables) under the control of a public authority, except with the prior written consent of the relevant authority.

General amenity

26. All security alarms or similar devices installed on the land must be of a silent type.
27. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
28. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
29. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.

Signage

30. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
31. The sign must not contain any flashing or moving light.
32. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
33. The sign may only be illuminated between the hours of 7am-9.30pm.

Permit expiry

34. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the date of this permit
 - (b) The development is not completed within five years of the date of this permit.
 - (c) The use is not started within five years of the date of this permit.
 - (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

35. The permit as it relates to the display of signage will expire fifteen years from the date of this permit at which stage all signs and their supporting structures must be permanently removed from the land.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- This planning permit represents the planning approval for the use and/or development of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities.
Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.

Engineering Services notes

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval before any works start.
- Engineering Services encourage the use of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties and footpaths. All stormwater runoff must be connected to the Council underground drainage network.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel.
- Any firefighting equipment for the building must be accommodated within title boundary. Council will not allow private fire equipment in the Road Reserve.
- The proposed vehicle crossing should be constructed as splayed vehicle crossing to Council standards.
- An Asset Protection Permit must be obtained from Council Engineering Services Department before the development starts.
- The footpath must be reconstructed to Council standards if it is damaged during the construction of the development. No alteration will be allowed to existing footpath levels and a detailed construction drawing must be submitted to Council's Engineering Services Department for approval before a footpath is replaced.
- All relevant Engineering Permits must be obtained before any development starts within the Road Reserve and or stormwater connection to Council drainage network.

Department of Transport notes

- The proposed development requires reinstatement of disused crossovers to kerb and channel and the construction of a crossover. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

CARRIED UNANIMOUSLY

It is recorded that Cr Zhang left the virtual meeting prior to item 8.5 and was not present when this item was considered. It is further recorded that Cr Zhang re-entered the virtual meeting at 9.07pm.

It is recorded that Cr Pilling declared a General Conflict of Interest in item 8.6 - 31 Weeroona Road, Murrumbeena given he currently owns a property in close proximity to the subject site.

It is recorded that Cr Pilling left the virtual meeting at 9.07pm prior to any discussion on this matter.

8.6 31 WEEROONA ROAD, MURRUMBEENA

Moved: Cr Athanasopoulos

Seconded: Cr Zhang

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-34555/2021 at 31 Weeroona Road, Murrumbeena, for the construction of six dwellings above a basement carpark, subject to the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application identified as Buildstruct, 5, 6, 7C, 7D, 7E, 8-10 (Revision E) June 2020 and Sheet 3, 4, 7, 7A, 7B, Revision G July 2021 but modified to show:
 - (a) The windows on bedroom 3 of Dwelling 2 to be screened in accordance with Standards B22 of Clause 55 of the Glen Eira Planning Scheme.
 - (b) Sheet 07, west elevation, corrected to refer to Dwelling 6

Layout not to be altered

2. The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Tree protection

3. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of Tree No.2 and 9 (as identified in the arborist report prepared by John Patricks) located within 29 Weeroona Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The TPMP must show.
 - (a) The specification of tree protection zone (TPZ);
 - (b) The type, installation and maintenance of tree protection fencing;
 - (c) Vehicular or pedestrian access within a tree protection zone
 - (d) The protection of the canopies and trunks of the specified tree;
 - (e) Specific details of any works proposed in any TPZ and how impacts will be mitigated;
 - (f) How canopies will be managed, including pruning;

- (g) Excavation within or near a tree protection zone;
- (h) Maintenance, including mulching and watering, of tree protection zone;
- (i) Schedule of Project Arborist inspections.

The TPMP must include a program to implement the proposed measures before, during and on completing construction (including demolition).

The tree protection measures set out in the TPMP must be implemented to the satisfaction of the Responsible Authority.

The plan must not be revised without the consent of the Responsible Authority.

Completion of landscaping

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping maintenance

5. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (a) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (b) Replacing any dead, diseased, dying or damaged plants.

Car parking and access

6. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) fully constructed;
 - (b) properly formed to such levels that may be used in accordance with the plans;
 - (c) surfaced with an all weather surface or seal coat (as appropriate);
 - (d) drained and maintained in a continuously usable condition; and
 - (e) clearly marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

Vehicle crossing

7. Before the building is occupied, the vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Public services

8. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

Privacy screens

9. Before the building is occupied, all screening shown on the endorsed plans must be installed and permanently maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed except with the prior written consent of the Responsible Authority.

Construction management

10. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
- (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (g) Construction activity must only occur between the hours of 7.00 am and 6.00 pm, Monday to Friday, 9.00 am to 3.00 pm on Saturday and no construction on Sunday and Public Holidays.
 - (h) Measures to control noise, dust, water and sediment laden runoff;
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP; and
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land
11. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Waste management

12. The provisions, recommendations and requirements of the Waste Management Plan (prepared by Ratio Consultants and dated 19 May 2021) submitted with the application must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with

the prior written consent of the Responsible Authority.

Permit expiry

13. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- This planning permit represents the planning approval for the use and/or development of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

Engineering Services notes

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval before any works start.
- All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties and footpaths. All stormwater runoff must be connected to the Council underground drainage network.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel.

For the Motion: Crs Athanasopoulos, Magee, Zhang, Zmood and Zyngier (5)

Against the Motion: Crs Esakoff, Cade and Parasol (3)

CARRIED

It is recorded that Cr Pilling left the virtual meeting prior to item 8.6 and was not present when this item was considered. It is further recorded that Cr Pilling re-entered the virtual meeting at 9.23pm.

8.7 377 NEERIM ROAD, CARNEGIE

Moved: Cr Magee**Seconded: Cr Pilling**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33935/2020 for the construction of a three storey building containing three townhouses and alteration of access to a Road Zone Category 1, at 377 Neerim Road, Carnegie, subject to the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the the application identified as TP-007 & TP-008 (Revision 1) and TP-100 to TP-311 dated 22/04/2021 prepared by Planar Arc but further modified to show:
 - (a) A notation that pedestrian sight triangles to Neerim Road will be clear of all objects and planting greater than 900mm in height, with fencing adjusted accordingly.
 - (b) Pedestrian sight triangles provide for the Margaret Street accessway, with a notation stating that these areas will be clear of all objects and planting greater than 900mm in height.
 - (c) The eastern edge of the proposed crossover to Neerim Road angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3 metres radial turnout, in accordance with Condition 11.
 - (d) The eastern edge of the proposed crossover to Neerim Road shown perpendicular to the road, in accordance with Condition 11.
 - (e) Signage within the site to reinforce exit only to Neerim Road in accordance with Condition 11.
 - (f) A notation that the level of the footpath to Neerim Road will not be lowered or altered in any way to facilitate access to the site, in accordance with Condition 12.
 - (g) Delineation of Tree Protection Zones, Tree Protection Fencing, and any associated notes as required by the amended Tree Management Protection Plan to be submitted in accordance with Condition 6.
 - (h) Any site layout modifications required in accordance with the Sustainable Design Assessment required by Condition 17 along with the submission of the Sustainable Design Report as part of Condition 1.
 - (i) Deletion of planter boxes along the east elevation of second floor level and screening of east facing bedroom windows in accordance with standard B22 of Clause 55.04-6 of the Glen Eira Planning Scheme.
 - (j) Deletion of planter boxes along the southern elevation of the second floor level and screening of south-facing habitable room windows in accordance with Standard B22 of Clause 55.04-6 of the Glen Eira Planning Scheme.
 - (k) Swept path diagrams to demonstrate that all vehicles are able to leave the site in a forward direction, and safely enter and exit all parking spaces using the B85 design vehicle in accordance with

AS2890.1:2004.

- (l) A notation that the existing vehicle crossing to Margaret Street is to be removed and reconstructed as a 3m wide crossing to Council Standard.
- (m) An elevation of all proposed front fences, to scale and indicating materials and finishes.

Development not to be altered

- 2. The development and layout as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Landscaping plan

- 3. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The Landscape Plan must show:
 - (a) All existing retained vegetation to be identified.
 - (b) Buildings and trees (including botanical names of trees) on neighbouring properties within 3 metres of the boundary.
 - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways. Narrow/fastigate cultivars will not be considered adequate to meet landscape objectives.
 - (d) Details of any irrigation and maintenance measures for upper floor planter boxes.
 - (e) Landscaping and planting within all open space areas of the site.
 - (f) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - i. One large shade tree in the northern setback of Unit 1. This tree should attain a mature height of at least 10m, and mature crown spread of at least 6m; or
 - ii. Two medium canopy trees in the northern setback of Unit 1. These trees should attain mature heights of 8-9m and mature crown spread of at least 4m.

Completion of landscaping

- 4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping maintenance

5. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Tree protection

6. Before the development starts, including any demolition and excavation, an amended Tree Protection Management Plan (TPMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The TPMP must show.
 - (a) All trees to be identified to be retained to be accurately shown on plans, labelled with numbers corresponding to the TPMP, with Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) depicted to scale.
 - (b) All TPZs are to be in accordance with AS 4970-2009 *Protection of Trees on Development Sites*, including updates to the following:
 - Tree 1 (TPZ radius 12.1m, SRZ radius 3.6m)
 - Tree 2 (TPZ radius 5.0m, SRZ radius 2.3m)
 - Tree 3 (TPZ radius 2.0m, SRZ radius 1.5m)
 - Tree 4 (TPZ radius 2.6m, SRZ radius 1.8m)
 - (c) Management and maintenance of all TPZs for trees to be retained is to conform to AS 4970-2009, including specification of activities restricted within the TPZ, and in regard to potential installation of underground services.
 - (d) Pruning of Tree 1 to be undertaken prior to the commencement of the demolition phase in respect of the western side of Tree 1.
 - (e) Confirmation that all works within the TPZ of Tree 1 is to be under the supervision of the project arborist, to ensure that any roots below and adjacent to demolition and construction excavations are not inadvertently damaged.
 - (f) Details of protection measures for Tree 1 following completion of the demolition phase.
 - (g) Specific tree management and protection requirements for Tree 1 must include:
 - Supervision for all works within the TPZ by the project arborist.
 - Removal of existing building foundations within the TPZ are to involve the least soil disturbance possible.

- Any uncovered or damaged minor roots will be required to be cleanly pruned by the project arborist.
 - Uncovering of significant roots will require the project arborist to advise whether manual excavation of building foundations is required for their protection.
 - Before any demolition starts, terminal branch reduction and crown uplift pruning is required to be carried out in accordance with AS 4373-2007 Pruning of Amenity Trees.
 - Pruning is to be completed by a qualified arborist (minimum qualification AQF5) and to the minimum extent necessary, as determined by the project arborist, to provide building clearance and ensure branches are not inadvertently damaged by machinery and equipment.
 - Immediately following demolition, the TPZ of Tree 1 is to be protected where this overlaps the subject site.
- (h) Specific tree management and protection requirements for Trees 3 and 4 must include:
- Tree Protection Fencing in accordance with AS 4970-2009 to enclose the TPZ of Street Trees, including appropriate signage.
 - Fencing must be installed prior to the demolition phase.
 - Fencing must remain in place until the development project is completed (including the landscaping phase).
 - The footpath adjacent to the street trees is required to remain open for public access throughout the development project. Fencing must be aligned to the footpath edge, aligned to the back of the kerb, and to cross the nature strip at least the distance of the calculated TPZ radius to the north and south side of the trees.
 - Details of all ground protection in accordance with AS 4970-2009, to be installed prior to the commencement of the construction phase. Ground protection must remain in place until removed entirely to facilitate construction of the shared driveway.

Car parking and access

7. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) fully constructed;
 - (b) properly formed to such levels that may be used in accordance with the plans;
 - (c) surfaced with an all weather surface or seal coat (as appropriate);
 - (d) drained and maintained in a continuously usable condition; and
 - (e) clearly marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

Vehicle crossing

8. Before the building is occupied, the vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Public Services

9. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

Privacy screens

10. Before the building is occupied, all screening shown on the endorsed plans must be installed and permanently maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed except with the prior written consent of the Responsible Authority.

Department of Transport requirements (Conditions 11-14)

11. Prior to the occupation of the development, the crossover and associated works onto Neerim Road must be completed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria that will have:
 - (a) The eastern edge of the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3 metres radial turnout.
 - (b) The eastern edge of the crossover perpendicular to the road.
 - (c) Signage within the site to reinforce exit only onto Neerim Road.
12. The level of the footpath must not be lowered or altered in any way to facilitate access to the site.
13. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
14. Vehicles must enter and exit the land in a forward direction at all times.

Construction management

15. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
- (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (g) Construction activity must only occur between the hours of 7.00am and 6.00pm, Monday to Friday, 7.00am to 3.00pm on Saturday and no construction on Sunday and Public Holidays;
 - (h) Measures to control noise, dust, water and sediment laden runoff;
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP; and
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
16. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Sustainable design

17. Concurrent with the endorsement of plans under condition 1 of this permit, a Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SDA will be endorsed and will form part of this permit. The SDA must demonstrate best practice environmentally sustainable design and be accompanied by report from an industry accepted performance measurement tool such as 'BESS' and address the following requirements:
- (a) How no net increase in peak stormwater runoff is to occur to the Council Drainage Network, with post-development peak stormwater discharge to the network maintained at the predevelopment level.
 - (b) How all uncontrolled stormwater is to be collected from the hard surface areas of the development and must not be allowed to flow uncontrolled onto adjoining properties and footpaths.
 - (c) How the on-site drainage system must prevent discharge from the driveway onto the footpath (this may include either a trench grate (150mm minimum internal width) located within the property and/or

shaping the driveway so that water is collected in a grated pit on the property).

18. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

General requirements

19. Before the building is occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

Permit expiry

20. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- This planning permit represents the planning approval for the use and/or development of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

Engineering Services notes

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval before any works start.

- All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties and footpaths. All stormwater runoff must be connected to the Council underground drainage network. Such a system may include either:
 - A trench grate (150mm minimum internal width) located within the proposed laneway/driveway and/or;
 - Shaping the laneway/driveway so that water is collected in a grated pit on the property and connect to internal drainage system.
- Any firefighting equipment for the building must be accommodated within title boundary. Council will not allow private fire equipment in the Road Reserve.
- An Asset Protection Permit must be obtained from Council's Engineering Services Department before the development starts.
- All relevant Engineering Permits must be obtained before any development starts within the Road Reserve and/or stormwater connection to the Council drainage network.

Department of Transport

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

It is recorded that Cr Athanasopoulos vacated the virtual meeting at 9:24pm and re-entered at 9:26pm.

CARRIED UNANIMOUSLY

8.8 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Parasol**

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY**Procedural Motion****Moved: Cr Zmood****Seconded: Cr Athanasopoulos**

That Council extends the meeting to conclude at 11pm.

CARRIED UNANIMOUSLY

8.9 POST-WAR AND HIDDEN GEMS HERITAGE REVIEW AND THEMATIC ENVIRONMENTAL HISTORY (REFRESH) PLANNING PANEL REPORT PLANNING SCHEME AMENDMENT C214

Moved: Cr Athanasopoulos**Seconded: Cr Zyngier**

That Council defers Item 8.9 - Post-War and Hidden Gems Heritage Review and Thematic Environmental History (Refresh) Planning Panel Report – Planning Scheme Amendment C214, to be considered at the 23 November 2021 Ordinary Council Meeting, to allow for further deliberation.

CARRIED UNANIMOUSLY

8.10 SUBMISSION TO THE DRAFT INNER SOUTH EAST LAND USE FRAMEWORK PLAN (DELWP)

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

That Council endorses the Glen Eira Council submission to the draft Inner South East Land Use Framework Plan at Attachment 1 (to this report).

CARRIED UNANIMOUSLY

8.11 FINANCIAL MANAGEMENT REPORT (30 SEPTEMBER 2021)

Moved: Cr Zyngier**Seconded: Cr Pilling**

That Council notes the Financial Management Report for the period ending 30 September 2021 (attachment 1 to this report).

CARRIED UNANIMOUSLY

8.12 INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER

Moved: Cr Zyngier**Seconded: Cr Parasol**

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Moreton Bay Fig (*Ficus macrophylla*) located alongside 73 Neerim Rd, Caulfield – 17/CTR/2020;
 - b) Lemon Scented Gum (*Corymbia citriodora*) located at 222 Booran Rd, Ormond – 33/CTR/2020;
 - c) Sugar Gum (*Eucalyptus cladocalyx*) located at corner Redan Rd & Balaclava Rd, Caulfield North – 122/CTR/2021;
 - d) English Oak (*Quercus robur*) located at Springthorpe Gardens, Murrumbeena – 184/CTR/2021;
 - e) Blue Atlas Cedar (*Cedrus atlantica* 'Glauca') located at Riley Reserve, Murrumbeena – 187/CTR/2021;
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

8.13 BENTLEIGH SPECIAL RATE AGREEMENT

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

That Council:

1. enters into an agreement with Bentleigh Traders Association Inc (ABN 22 622 495 529) to assist it to administer the Special Rate Schemes; (Attachment 1 to this report)
2. notes that the attached agreement has been prepared in accordance with any obligations under the Local Government Act 2020 and in line with the declared Special Rate; and
3. seals the agreement in an appropriate manner by affixing of the Council Seal once signed by the Bentleigh Traders Association.

CARRIED UNANIMOUSLY

8.14 APPOINTMENT OF COUNCILLORS TO COMMITTEES AND REVIEW OF ADVISORY COMMITTEES TERMS OF REFERENCE

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

That Council:

1. appoints Councillors to the External Committees and Council's Advisory Committees listed below for the 2021/22 Council year; and

Committees	Councillor Representatives - November 20 to November 21	Councillor Representatives November 21 to November 22
External Committees		
Municipal Association of Victoria (MAV)	Cr Neil Pilling (Cr Esakoff – substitute)	Cr Neil Pilling (Cr Anne-Marie Cade - substitute)
Metropolitan Local Government Waste Forum	Cr David Zyngier (Cr Athanasopoulos – substitute)	Cr Simone Zmood (Cr David Zyngier – substitute)
Metropolitan Transport Forum (MTF)	Cr Tony Athanasopoulos (Cr Neil Pilling – substitute)	Cr Tony Athanasopoulos (Cr David Zyngier - substitute)
Eastern Alliance for Greenhouse Action (EAGA)	Cr David Zyngier	Cr David Zyngier (Cr Simone Zmood – substitute)
Other		
Audit & Risk Committee	Cr Simone Zmood Cr Neil Pilling (Cr Margaret Esakoff - Mayor – substitute) (Cr Jim Magee – substitute)	Cr Margaret Esakoff Cr Sam Parasol (Cr Neil Pilling – substitute) (Mayor – substitute)
Community Safety	Cr Jim Magee	Cr Margaret Esakoff

Committee	Cr Margaret Esakoff Cr Anne-Marie Cade	Cr Anne-Marie Cade Cr Sam Parasol
Advisory Committees		
Arts & Culture	Cr Li Zhang Cr Anne-Marie Cade Cr Neil Pilling Cr Sam Parasol	Cr Margaret Esakoff Cr Li Zhang Cr Sam Parasol Cr Anne-Marie Cade
CEO Employment Matters	Cr Jim Magee Cr Margaret Esakoff Cr Tony Athanasopoulos	Mayor Cr Margaret Esakoff Cr Simone Zmood Cr Tony Athanasopoulos
Citizen of the Year	Cr Jim Magee Cr Margaret Esakoff Cr Simone Zmood	Mayor Cr Anne-Marie Cade Cr Neil Pilling
Community Engagement	Cr Simone Zmood Cr Anne-Marie Cade Cr Tony Athanasopoulos	Cr Simone Zmood Cr David Zyngier Cr Tony Athanasopoulos
Community Grants	Cr Anne-Marie Cade Cr Sam Parasol Cr Margaret Esakoff	Cr Li Zhang Cr Sam Parasol Cr Neil Pilling
Elsternwick Cultural Precinct	Cr David Zyngier Cr Tony Athanasopoulos Cr Anne-Marie Cade Cr Sam Parasol	Cr David Zyngier Cr Tony Athanasopoulos Cr Anne-Marie Cade Cr Sam Parasol
Glen Eira Business & Economy	A minimum of 3 Councillors to be appointed	Cr Anne-Marie Cade Cr Sam Parasol Cr Margaret Esakoff Cr Tony Athanasopoulos
Glen Eira Youth Advisory Committee	Cr David Zyngier Cr Li Zhang	Cr David Zyngier Cr Li Zhang

	Cr Tony Athanasopoulos	Cr Tony Athanasopoulos
Local Laws	Cr Anne-Marie Cade Cr Margaret Esakoff Cr Neil Pilling	Cr Anne-Marie Cade Cr Neil Pilling Cr Margaret Esakoff
Open Space, Sport & Recreation	Cr Li Zhang Cr Sam Parasol Cr Tony Athanasopoulos	Cr Simone Zmood Cr Sam Parasol Cr Jim Magee Cr Tony Athanasopoulos
Strategic Transport	Cr Simone Zmood Cr David Zyngier Cr Jim Magee Cr Tony Athanasopoulos	Cr David Zyngier Cr Simone Zmood Cr Tony Athanasopoulos Cr Jim Magee
Sustainability	Cr Simone Zmood Cr Sam Parasol Cr Li Zhang Cr David Zyngier	Cr Simone Zmood Cr Li Zhang Cr David Zyngier

2. endorses the reviewed Terms of Reference attached to this report for each of the Council's Advisory Committees.

CARRIED UNANIMOUSLY

8.15 COUNCILLOR CODE OF CONDUCT AND COUNCILLOR COMMUNICATIONS AND MEDIA PROTOCOL

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

It is recorded that Cr Pilling vacated the virtual meeting at 10:01pm and re-entered at 10:03pm.

That Council:

1. endorses the Councillor Code of Conduct (Attachment 2 to this report); and
2. adopts the Councillor Communications and Media Protocol (Attachment 3 to this report).

CARRIED UNANIMOUSLY

8.16 PROCUREMENT POLICY

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

That Council adopts the Glen Eira Procurement Policy as shown in Attachment 1 of this report.

CARRIED UNANIMOUSLY

8.17 TENDER 2022.39 PROVISION OF AGENCY NURSING AND CARE STAFF - RESIDENTIAL CARE SERVICES

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

That Council:

1. appoints the panel contractor under Tender number 2022.39 in accordance with the Schedule of Rates submitted by the following contractors:
 - C4U Nursing Agency Pty Ltd trading as Caring For You Nursing Agency, A.C.N 628 295 134
 - Victorian Nurse Specialist Pty Ltd, A.C.N. 094 751 130
 - Healthcare Australia Pty Ltd, A.C.N. 108 180 589
 - Care Relief, A.C.N. 147 920 232, as the trustee for the Care Alliance Services Trust (ABN 68 312 043 466)
2. prepares the contract for in accordance to the Conditions of Contract as negotiated and agreed to by Council for the following contractors:
 - C4U Nursing Agency Pty Ltd trading as Caring For You Nursing Agency, A.C.N 628 295 134
 - Victorian Nurse Specialist Pty Ltd, A.C.N. 094 751 130
 - Healthcare Australia Pty Ltd, A.C.N. 108 180 589
3. prepares the contract for Care Relief, A.C.N. 147 920 232, as the trustee for the Care Alliance Services Trust (ABN 68 312 043 466) in accordance with the Conditions of Contract included in the tender;
4. authorises the Chief Executive Officer 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; and
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.

CARRIED UNANIMOUSLY

8.18 TENDER 2022.1 INFORMATION SYSTEMS SUPPORT SERVICES

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

That Council:

1. appoints Interleave Australia Pty Ltd, A.C.N. 071 273 973 as the contractor under Tender number 2022.1 for an amount of \$6,429,570.00 exclusive of GST;
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

8.19 DELEGATIONS BY COUNCIL TO CEO AND COUNCIL STAFF

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

That Council resolves that:

1. the amendments to the instrument of delegation to the Chief Executive Officer (CEO delegations) in Attachment 1 to the report are approved;
2. in exercise of the power conferred by s11(1)(b) of the *Local Government Act 2020* (Vic) there be delegated to the person holding the position, or acting in or performing the duties of Chief Executive Officer, the powers duties and functions set out in the CEO delegations (as amended), subject to the conditions and limitations specified in that instrument;
3. the amendments to the Instrument of Delegation under the *Planning and Environment Act 1987* (Vic) (planning delegations) in Attachment 2 to this report are approved and adopted;
4. the amendments to the Instrument of Delegation under other legislation (other delegations) in Attachment 3 to this report are approved and adopted;
5. relevant Council staff be delegated the powers, duties and functions, as set out in the attached amended instruments, subject to the specified conditions and limitations;
6. the Chief Executive Officer delegations, planning delegations and other delegations (as amended) come into effect immediately after the passing of this Council resolution;
7. clean versions of the instruments of delegation be published on Council's website; and
8. on the coming into force of the delegations, the Instrument of Delegation to the Chief Executive Officer approved on 24 November 2020, the Instrument of Delegation to Council staff under the Planning and Environment Act 1987 approved on 24 November 2020, and the Instrument of Delegation to Council staff under various legislation approved on 8 June 2020 are revoked.

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 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

Nil

12. CLOSURE OF MEETING

The meeting closed at 10.13pm

Confirmed this 23 day of November 2021

Chairperson.....