



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 23 NOVEMBER 2021

MINUTES

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

Present

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

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The Mayor welcomed Councillors, Council officers, Glen Eira residents and other community members to the 23 November 2021 virtual Council Meeting. Cr Magee 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**

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council:

1. receives and notes the apology from Cr Athanasopoulos for the 23 November 2021 Council meeting; and
2. receives and notes the request for leave from Cr Pilling from 18 November 2021 to 26 January 2022.

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.

There were no conflicts of interest submitted to the meeting.

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

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Wednesday 24 November 2021 at 7.30pm via livestreaming; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

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

That the minutes of the Ordinary Council Meeting held on 3 November 2021 and the Special Council Meeting held on 16 November 2021 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: MULTIDECK CARPARK - ELSTERNWICK**

A petition containing 17 signatures was submitted to the Council Meeting.

The petition read as follows:

'We the undersigned residents request that Council:

- *Significant impact to surrounding residential area and sensitive interfaces*
- *Significantly increased traffic congestion in residential streets of Riddell Pde, Stanley St and Carre St*
- *It's incongruent with Council's neighbourhood character overlays in the immediate area and heritage homes in Stanley St*
- *Excessive bulk and height of the proposed structure*
- *Inappropriate use of scarce open space*
- *Significant increase in noise and pollution*
- *Significantly reduced amenity to the properties on Stanley St and surrounds, including impacted solar access to properties on the southside of Stanley St West*
- *The potential to attract vagrants and undesirables to a residential area and increase in criminal activity*
- *Proposed development requires the removal of established gum trees. Glen Eira has a diminishing tree canopy*
- *The immediate vicinity has experienced degradation of the heritage of the precinct with obsessive & inappropriate multi story development. Essentially the corner of Riddell Pde & Stanley St will become a concrete jungle*
- *There is already a designated commuter multideck carpark at Elsternwick Train Station eliminating the need for another*
- *The existing carpark at Stanley St West adequately meets the community needs.'*

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council receives and notes the petition and considers it as part of the Multi Deck Commuter Carparks item when presented to an Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Zyngier reported on a recent November meeting of the Executive of EAGA

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Community Engagement Advisory Committee Minutes – 14 October 2021;
2. Arts and Culture Advisory Committee Meeting Minutes – 19 October 2021;
and
3. Community Grants Advisory Committee Minutes – 3 November 2021.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 19 October 2021 Assembly;
2. 21 and 22 October 2021 Workshop;
3. 26 October 2021 Assembly;
4. 28 October 2021 Assembly;
5. 1 November 2021 Assembly; and
6. 3 November 2021 Pre-meeting

CARRIED UNANIMOUSLY

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

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 8.1.

CARRIED UNANIMOUSLY

10.5 Written public questions to Council**1. Helen Fischer – Bentleigh**

- a) What are Council's plans for Spurway Nursing Home now that residents have been moved to Warrawee Nursing Home?
- b) Will Council renovate the building to allow for it to continue to be used as a nursing home in Glen Eira in the future?

Responses:

- a) The Spurway site is currently occupied by Connect Health and Community, a not-for-profit community health service for the purposes of providing a COVID-19 vaccination hub with a focus on supporting vulnerable members of the Glen Eira community.

Council is currently exploring future options for the Spurway site that best support future aspirations of the community and Council service delivery outcomes as identified in the Community Vision 2040 and the new Glen Eira Council Plan 2021-2025 adopted in October. Any future decision in relation to the site will be informed by a community engagement process to ensure its future use is in the best interests of both Council and the community.

- b) It is unlikely that the Spurway site will be used for a nursing home in the future. The Royal Commission into Aged Care Quality and Safety and the COVID-19 pandemic has changed the aged care landscape, impacting occupancy rates and operating models, forcing Council to explore more sustainable options for aged care into the future.

Spurway's small size (30 bed facility), layout and design, including shared bathrooms and small rooms, limit its ability to meet residents' needs into the future and its long-term viability as a residential aged care facility. Shared bathrooms at the facility also presented a major risk of transmission of infection which was highlighted during the COVID-19 pandemic and as such were a high risk to our vulnerable residents.

Future development of the small site to improve the existing amenity and provide additional beds to make the facility financially viable through appropriate economies of scale (i.e. 90 beds) is not feasible.

Council will undertake an engagement process with the community to ensure our aged care and independent living services remain responsive to Commonwealth aged care reforms and meet current and future community needs. This commitment is outlined in the Glen Eira Council Plan Action Plan 2021-2022.

2. Bruce Dowel – Ormond

My question is in relation to footpath trading and red line areas for bars (with an existing liquor license).

- a) Is the consumption of alcohol permitted within 1.8 m of the building ie. on the pedestrian footpath?
- b) Is the consumption of alcohol permitted outside the existing red line area or does the footpath trading permit extend the red line area?

Responses:

- a) The red line plan is a defined area which indicates where liquor can be supplied and consumed and is shown by a red line drawn on a plan of the premises. Supply and consumption of liquor is permitted only within the red line area. Red line plans are required to be approved by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) so any enquiries about specific premises and their liquor licence should be directed to the VCGLR.
 - b) The red line area defines the area permitted for alcohol to be supplied and consumed and can include a footpath trading area depending on the approval. Any alcohol supplied or consumed outside of the red line area would be in breach of a liquor licence.
-

3. Barbara Orzlowski – Ormond

- a) My question is whether smoking is permitted in footpath trading areas where food is consumed? It came to my attention that a bar located at 483 North Road (On Top Bar) have got tables with ashtrays and patrons smoking when food is being served and consumed.
- b) Also, is the Glen Eira Council working towards creating smoke free zones in our shopping precincts and surrounds in Ormond, which we are 100% behind.

Responses:

- a) Under State Government legislation commercial outdoor dining areas are required to be smoke-free. However, the law provides flexibility for venues to determine the use of the outdoor area meaning that it can be either an outdoor dining area or an outdoor drinking area. Under certain circumstances smoking is permitted in an outdoor drinking area.

Council environmental health officers are authorised under the Tobacco Act 1987 and provide education on, and when necessary, enforce State Government smoke free laws. An environmental health officer will investigate the food business located at 483 North Road, Ormond in response to your smoking concerns to ensure they comply with the legislation as required.

- b) Item 8.1 in tonight's Agenda shows that Council is committed to implementing smoke free zones in our shopping precincts. In July 2020, Council endorsed a *Smoke-Free Outdoor Policy*, with an action to create smoke-free zones in Glen Eira Activity Centres. After successfully implementing voluntary smoke-free zones in Elsternwick, Carnegie and Bentleigh, we sought feedback from the community between 2 August and 23 August on other proposed smoke free zones throughout our busy Activity Centres across the municipality.

On 12 October 2021, Council endorsed a proposed Smoke-Free Zones Local Law (proposed Local Law) for public exhibition and called for public submissions. The proposed Local Law will provide mechanisms for Council to prescribe zones within the municipality to be smoke-free. This consultation included locations across the municipality, including Ormond. Public consultation on the proposed Local Law commenced on 13 October 2021 and concluded on 3 November 2021. Council received 13 written submissions on the proposed Local Law and will consider those submissions at Item 8.1 tonight.

A further report on the proposed Smoke-Free Zones Local Law will be presented at the Ordinary Council Meeting on 14 December 2021.

4. Warren Green – Bentleigh

- a) In a recent question to you, I asked why is it that Glen Eira will be close to 20 years behind some surrounding LGA's in the implementation of structure plan controls and permanent height controls in activity centres? The response provided was that every Council is different and comparisons between Councils does not fairly represent the historical, political, social challenges faced by each. As a resident, this does not adequately explain why these fundamental and critical planning policies and strategies, also including a Housing Strategy, have not been implemented in Glen Eira.

Can you please explain why, in 2021, and after being directed to undertake a Planning Scheme Review by the Minister some five years ago, it should be acceptable to residents that Glen Eira has a void in these fundamental planning policies and strategies?

- b) This question is to the CEO. In response to a recent question to you, you advised that Council endorsed the preparation of a Housing Strategy on 16 March 2021.

Can you please advise when Council Officers first became aware of the need or requirement for a Housing Strategy?

Responses:

- a) In 2016, Council began a program of structure planning for its major activity centres commencing with Bentleigh, Carnegie and Elsternwick. These structure plans were subsequently adopted by Council. It was decided to defer the implementation of planning controls to ensure a housing strategy could be completed and help support further planning scheme amendments to secure these controls. The draft Housing Strategy is scheduled to be presented to Council in February 2022, closely followed by the draft Caulfield Structure Plan, which has benefited from the development of the draft Housing Strategy. The technical and strategic justification and along with the formal statutory process in implementing planning controls is a lengthy process. Council acknowledges the challenges associated with an extensive structure planning program but shares a different view in that Council considers this program is actively progressing these critical strategies in a way that will secure planning certainty for the community.
- b) A written response on this same matter was issued to you on 22 March 2021 following your public question time request at the 16 March 2021 Ordinary Council Meeting.
-

5. Anne Kilpatrick on behalf of Glen Eira Historical Society

Whilst Council has endorsed the Lovell Chen Conservation Management Plan 2019 and Incorporated Plan – Caulfield Racecourse Reserve: Conservation Policy and Permit Exemptions July 2021 and is seeking authorisation to progress Planning Scheme Amendment C227, there does seem to be a discrepancy with the level of heritage protection sought. The Lovell Chen report clearly states that "... Caulfield Racecourse as a whole is of historical, social and aesthetic/architectural significance to the state of Victoria." Yet the protection sought by Council is solely at the local level.

- a) Why has Council not nominated Caulfield Racecourse for State-heritage protection via the Victorian Heritage Register?
- b) Does Council plan to do this nomination to the Victorian Heritage Register in the future?

Response:

- a) Council has not formally considered the issue of whether to nominate the Caulfield Racecourse for State heritage protection. At present we are pursuing local heritage controls however this does not prevent either Council or any member of the public nominating the site to Heritage Victoria to review for state heritage protection in the future.
- b) For the time being, Council will proceed with pursuing local heritage protection for Caulfield Racecourse and will consider any future Panel recommendations prior to making a decision in relation to the nomination process for state heritage listing through Heritage Victoria.

End of questions

8. OFFICER REPORTS (AS LISTED)

8.1 SMOKE-FREE ZONES LOCAL LAW - OUTCOMES OF THE STATUTORY PUBLIC NOTICE AND SUBMISSION PROCESS

The Mayor invited Ms Paige Preston to the meeting to speak in support of her submission.

Ms Preston addressed Council.

The Mayor thanked all submitters and advised that the item will be considered at the 14 December 2021 Ordinary Council Meeting.

Moved: Cr Esakoff

Seconded: Cr Zmood

That Council:

1. notes that under Council's resolution of 12 October 2021, the proposed Smoke-Free Zones Local Law has been on public exhibition for written submissions for at least 21 days;
2. receives, hears and considers the written submissions made regarding the proposed Smoke-Free Zones Local Law; and
3. notes that a further report on the proposed Smoke-Free Zones Local Law will be presented at the Council meeting on 14 December 2021.

CARRIED UNANIMOUSLY

8.2 342-346 CENTRE ROAD, BENTLEIGH

Moved: Cr Zhang

Seconded: Cr Cade

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 2022 and to be completed by 1 November 2024.

CARRIED UNANIMOUSLY

8.3 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Esakoff**

That Council notes the update on VCAT matters.

It is recorded that Cr Zhang vacated the virtual meeting at 8:19pm and re-entered at 8.20pm.

CARRIED UNANIMOUSLY

8.4 FINANCIAL MANAGEMENT REPORT (31 OCTOBER 2021)

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

That Council notes the Financial Management Report for the period ending 31 October 2021 in Attachment 1 to this report.

It is recorded that Cr Cade vacated the virtual meeting at 8:25pm and re-entered at 8.26pm.

CARRIED UNANIMOUSLY

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

Moved: Cr Zmood

Seconded: Cr Cade

That Council :

1. notes the recommendations of the Independent Panel in relation to Planning Scheme Amendment C214;
2. resolves to split Amendment C214 into three parts being:

Part 1 which:

- Amends the Municipal Strategic Statement at Clause 21.10 (Heritage) and
- Amends the Heritage Policy at Clause 21.01-6 to:
 - remove reference to the Heritage Management Plan Volume 1 and
 - include the following documents as reference documents to these clauses:
 - *City of Glen Eira Thematic Environmental History (Refresh) 2020* and
 - *City of Glen Eira Post-war and Hidden Gems Heritage Review 2020, Stage 2: Citations;* and
 - remove reference to superseded heritage studies.
- Amends the Schedule to Clause 43.01 (Heritage Overlay) and
- Amends Planning Scheme Maps 1HO, 2HO and 3HO to apply the Heritage Overlay to the following new places and precincts:

HO Number	Description of Place	Properties included in HO
HO204	Duplex	325/325a Bambra Road, Caulfield South
HO205	Olgita - flats	440 Dandenong Road, Caulfield North
HO206 External paint controls applied	Shops	158-166 Hawthorn Road, Caulfield North
HO208	Linden Flats	575 Inkerman Road, Caulfield North
HO209	Meldrum House (former)	35 Labassa Grove, Caulfield North
HO210	Flats	1 Lockerbie Court, St Kilda East
HO211	Bundara - house	475 Neerim Road, Murrumbeena
HO213	Orrong Court - flats	213 Orrong Road, St Kilda East

HO214	Craigellachie Flats	273 Orrong Road, St Kilda East
HO215	St Elmo - house	133 Tucker Road, Bentleigh
HO217	House	386 Alma Road, Caulfield North
HO222	House	16 Cantala Avenue, Caulfield North
HO224	House	14-16 Clee Street, McKinnon
HO225	House	2 Edinburgh Avenue, Caulfield
HO226	House	23 Edinburgh Avenue, Caulfield
HO229	St Margaret's Presbyterian Church	106 Hotham Street, St Kilda East
HO230	House	6 Keeron Street, Caulfield South
HO231	Robert Lodge - flats	218 Kooyong Road, Caulfield
HO232	House	6 Labassa Grove, Caulfield North
HO236	Fountain Court - flats	70 Orrong Crescent, Caulfield North
HO238	Aroona Road Modernist Precinct	Aroona Road, Caulfield North: 43, 45, 47, 49

- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for the proposed 20 individual heritage places and 1 heritage precinct.
- Amends the Schedule to Clause 72.08 (Background Documents) to add the *City of Glen Eira Thematic Environmental History (Refresh) 2020* and *City of Glen Eira Post-war and Hidden Gems Heritage Review 2020, Stage 2: Citations* as background documents.

Part 2 which:

- Amends the Schedule to Clause 43.01 (Heritage Overlay); and
- Amends Planning Scheme Maps 1HO and 3HO to apply the Heritage Overlay to the following new places and precincts:

HO Number	Description of Place	Properties included in HO
HO212	Clarence Lodge - house	58 Norwood Road, Caulfield North
HO219	Greyfriars - flats	53 Balaclava Road, Caulfield North
HO220	House	64 Balaclava Road, Caulfield North
HO223 Internal alteration controls applied	St John's Anglican Church	624 Centre Road, Bentleigh East
HO227	Popper House & Gordonlea Flats	61-63 Gordon Street, Elsternwick
HO239	Wimbledon Estate Precinct	Alexandra Street, St Kilda East: 1/8, 2/8 Bickhams Court, St Kilda East: 1, 1a, 3, 4, 9 Wimbledon Court, St Kilda East: 2

HO240	Findon Avenue Precinct	Findon Avenue, Caulfield North: 2, 4, 6, 8, 10, 12, 14, 16
HO241	Grimwade Court Precinct	Grimwade Court, Caulfield North: 1-6

- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for the proposed 5 individual heritage places and 3 heritage precincts.
- Amends the Schedule to Clause 72.08 (Background Documents) to add the *City of Glen Eira Post-war and Hidden Gems Heritage Review 2020, Stage 2: Citations as a background document*.

3. Part 3 which:

- Amends the Schedule to Clause 43.01 (Heritage Overlay); and
- Amends Planning Scheme Maps 1HO and 2HO to apply the Heritage Overlay to the following new places and precincts:

HO Number	Description of Place	Properties included in HO
HO207	Houses (pair)	195-197 Hawthorn Road, Caulfield North
HO216	House	335 Alma Road, Caulfield North
HO218	House	30 Aroona Road, Caulfield North
HO221	Flats	124 Balaclava Road, Caulfield North
HO228	House	30 Griffiths Street, Caulfield South
HO233 Internal alteration controls applied	House	40 Lumeah Road, Caulfield North
HO234 Internal alteration controls applied	House	82 Lumeah Road, Caulfield North
HO235	Murrumbeena Baptist Church	44 Murrumbeena Road, Murrumbeena
HO237	House	49 Rosemont Avenue, Caulfield North

- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for the proposed 9 individual heritage places.
 - Amends the Schedule to Clause 72.08 (Background Documents) to add the *City of Glen Eira Post-war and Hidden Gems Heritage Review 2020, Stage 2: Citations as a background document*.
4. adopts Planning Scheme Amendment C214 Part 1 in accordance with Section 29(1) of the *Planning and Environment Act 1987* as exhibited (noting that no recommendations were made by the Panel that affect Amendment C214 Part 1) and with one additional change and reasoning as follows:
- retain the *City of Glen Eira Post-War and Hidden Gems Heritage*

Review 2020, Stage 2: Citations as exhibited, but include on the front page of all citations relating to places affected by resolution 6 the following statement: "Council determined to remove this place from inclusion in the Heritage Overlay on 23 November 2021" to make clear to future readers the process undertaken by Council.

5. adopts Planning Scheme Amendment C214 Part 2 in accordance with Section 29(1) of the *Planning and Environment Act 1987* as exhibited but amended in accordance with Recommendation 3 and the 'Further Recommendation' of the Panel Report (in part and as it relates to C214 Part 2) as follows:

Amend the Statement of Significance for:

- 58 Norwood Road, Caulfield North (HO212) to note alterations identified by the owners;
- 64 Balaclava Road, Caulfield North (HO220) to identify the cantilevered overhang with altered fascia and potentially altered skylights;
- 624 Centre Road, Bentleigh East (HO223) to delete references to the organ, revise details about the altar wall to reflect actual materials and to correct the reference to the spire;
- 61-63 Gordon Street, Elsternwick (HO227) to delete reference to Criterion F;

'Further recommendation of the Panel': Amend the relevant heritage citations in the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* to make consequential changes resulting from recommendations in this report to Glen Eira Planning Scheme C214 as they relate for C214 Part 2.

6. abandons Planning Scheme Amendment C214 Part 3 in accordance with Section 28 of the *Planning and Environment Act 1987* for reasons outlined as follows:

- a. Abandon HO207 195-197 Hawthorn Road, Caulfield North - Council does not agree with Recommendation 3 of the Panel in this instance. Council agrees with the submitter that the Heritage Overlay should not apply to this place;
- b. Abandon HO216 335 Alma Road, Caulfield North - Council agrees with Panel Recommendation 1. The recommendation reflects this through the abandonment of the Heritage Overlay from 335 Alma Road, Caulfield North;
- c. Abandon HO218 30 Aroona Road, Caulfield North - Council does not agree with Panel Recommendation 3. Council agrees with the submitter that the Heritage Overlay should not apply to this place;
- d. Abandon HO221 124 Balaclava Road, Caulfield North - Council agrees with the submitter that the Heritage Overlay should not apply to this place;
- e. Abandon HO228 30 Griffiths Street, Caulfield South - Council agrees with Panel Recommendation 1. The recommendation reflects this through the abandonment of the Heritage Overlay from 30 Griffiths Street, Caulfield South;
- f. Abandon HO233 40 Lumeah Road, Caulfield North - Council agrees with Panel Recommendation 1.

- The recommendation reflects this through the abandonment of the Heritage Overlay from 40 Lumeah Road, Caulfield North;
- g. Abandon HO234 82 Lumeah Road, Caulfield North – Council agrees with Panel Recommendation 2 to delete internal controls from this heritage overlay. Council also agrees with the submitter’s verbal submission to Panel that the Heritage Overlay should not apply to this place;
 - h. Abandon HO235 44 Murrumbeena Road, Murrumbeena - Council agrees with Panel Recommendation 1. The recommendation reflects this through the abandonment of the Heritage Overlay from 44 Murrumbeena Road, Murrumbeena;
 - i. Abandon HO237 49 Rosemont Avenue, Caulfield North - Council does not agree with Panel Recommendation 3. Council agrees with the submitter that the Heritage Overlay should not apply to this place;
 - j. In relation to Amendment C214 Part 3, Council does not agree with the further recommendation of the Panel that the relevant heritage citations in the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* be amended to make consequential changes resulting from recommendations in the Panel Report given that the part of the Amendment that proposed to apply the Heritage Overlay to the above properties is abandoned.
7. authorises the Manager City Futures to undertake all changes to the amendment documentation in accordance with Council’s resolution and to make any administrative changes required where changes do not affect the purpose or intent of the adopted amendment;
 8. submits the adopted Amendment C214 Parts 1 and 2 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987* and notifies the Department of Environment, Land, Water and Planning of Council’s decision to abandon Amendment C214 Part 3;
 9. advises all submitters to the Amendment of Council’s determination in relation to Amendment C214.

Procedural motion**Moved: Cr Zyngier****Seconded: Cr Zhang**

That Council grants Cr Zmood a 3 minute extension of speaking time.

CARRIED UNANIMOUSLY

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

That Council grants Cr Zhang a 3 minute extension of speaking time.

CARRIED UNANIMOUSLY

For the Motion: Crs Esakoff, Cade, Parasol and Zmood (4)

Against the Motion: Crs Magee, Zhang and Zyngier (3)

The Motion Moved by Cr Zmood and Seconded by Cr Cade was
PUT and **CARRIED**

**8.6 NEIGHBOURHOOD ACTIVITY CENTRES
BUILT FORM FRAMEWORKS**

Moved: Cr Magee**Seconded: Cr Zhang**

That Council:

1. thanks the submitters for their participation and comments through the consultation period;
2. adopts the Caulfield Park Neighbourhood Activity Centre Built Form Framework, the Caulfield South Neighbourhood Activity Centre Built Form Framework and the Bentleigh East Neighbourhood Activity Centre Built Form Framework. (attachments 2, 3 and 4 to the report);
3. endorses the following documents as a basis for Amendment C231glen (Caulfield South Built Form Framework):
 - Built Form Framework for Caulfield South (attachment 3)
 - Statutory documents including Schedule 11 to Clause 43.02 the Design and Development Overlay. (attachment 5)
4. seeks authorisation from the Minister for Planning to prepare Amendment C231glen to the Glen Eira Planning Scheme in accordance with section 8A of the Planning and Environment Act 1987;
5. notes that officers will prepare separate reports at a future time to request that Council seeks authorisation for amendments to implement the Built Form Frameworks for Caulfield Park and Bentleigh East; and
6. notes that if authorisation is received from the Minister for Planning, Council exhibit Amendment C231glen in accordance with Section 19 of the Planning and Environment Act 1987 and would comprise:
 - public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environment Act 1987;
 - notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;
 - provision of fact sheets with information about the amendment and the statutory amendment process;
 - community consultation sessions facilitated by Council officers;
 - consideration of community submissions and any recommended changes through a further report provided to Council.

Procedural motion**Moved: Cr Zyngier Seconded: Cr Zhang**

That Council grants Cr Zmood a 3 minute extension of speaking time.

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

8.7 GLEN EIRA SUSTAINABILITY REPORT 2020-21

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

That Council notes the *Glen Eira Sustainability Report 2020-21* (attachment 1 to this report).

CARRIED UNANIMOUSLY

8.8 ENVIRONMENTAL UPGRADE AGREEMENTS FOR BUSINESSES

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

That Council:

1. supports Environmental Upgrade Agreements and proceeds to establish a program;
2. appoints Sustainable Australia Fund to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements, trading as Better Building Finance; and
3. notes, by virtue of the Instrument of Delegation from Council to the Chief Executive Officer dated 3 November 2021, the Chief Executive Officer is delegated the power to:
 - a) enter into an Environmental Upgrade Agreement on behalf of Council; and
 - b) declare and levy an environmental upgrade charge.

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

Against the Motion: Crs Esakoff and Parasol (2)

CARRIED

8.9 TENDER 2022.56 PRINCES PARK PLAYSPACE UPGRADE

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

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

1. appoints Warrandale Industries Pty Ltd ACN 005 238 479, as the trustee for the Buruma Family Trust trading as Warrandale Industries (ABN 45 132 425 361) as the contractor under Tender number 2022.56 for an amount of \$1,039,947.00 exclusive of GST in accordance with the Schedule of Rates submitted;
2. allocates a 10% contingency amount of \$103,995.00 (exclusive of GST) to this contract;
3. prepares the contract in accordance with the Conditions of Contract included in the tender;
4. authorises the Chief Executive Officer to execute the contract 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

8.10 INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Canary Island Date Palm (*Phoenix canariensis*) located at Murrumbeena Train Station, Murrumbeena – 180/CTR/2021;
 - b) English Oak (*Quercus robur*) located at Murrumbeena Train Station, Murrumbeena – 182/CTR/2021;
 - c) Spotted Gum (*Corymbia maculata*) located at Kambrook Rd & Neerim Rd, Caulfield – 210/CTR/2021;
 - d) Scrub Cherry (*Syzygium australe*) located at Allnutt Park, Wheatley Rd, McKinnon – 227/CTR/2021;
 - e) Spotted Gum (*Corymbia maculata*) located at 144 Sycamore St, Caulfield South – 255/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

It is recorded that Cr Esakoff vacated the virtual meeting at 9:32pm.

8.11 GLEN EIRA SOCIAL AND AFFORDABLE HOUSING STRATEGY IMPLEMENTATION PLAN YEAR THREE 2021-2022

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

That Council endorses the *Glen Eira Social and Affordable Housing Strategy Implementation Plan Year Three 2021-2022* (attachment 1 to the report).

It is recorded that Cr Esakoff re-entered the virtual meeting at 9:35pm.

CARRIED UNANIMOUSLY

8.12 ANNUAL REVIEW OF 2017-2021 DOMESTIC ANIMAL MANAGEMENT PLAN

Moved: Cr Esakoff**Seconded: Cr Magee**

That Council:

1. notes the completion of the actions to date of the Domestic Animal Management Plan 2017-2021; and
2. notes that a copy of this report be provided to the Secretary to the Department of Jobs, Precincts and Regions as required under S68A(3)(b) of the *Domestic Animals Act 1994*.

CARRIED UNANIMOUSLY

8.13 DOMESTIC ANIMAL MANAGEMENT PLAN

Moved: Cr Esakoff**Seconded: Cr Magee**

That Council:

1. adopts the Domestic Animal Management Plan 2022-26 as presented (Attachment 1) to the report with the following change:
 - under the heading Domestic Animal Management Performance Indicators, replace the table shown in Attachment 1 of the agenda with the table below;

INDICATOR	TARGET (%)	2016-17 (%)	2017-18 (%)	2018-19 (%)	2019-20 (%)	2020-21 (%)	2020-21 FIGURES
Dog registration rate: (per cent dogs registered/ estimated dog population)	85	92	89	91	97	92	12941 / 14000
Cat registration rate: (per cent cats registered/ estimated cat population)	85	86	80	78.5	82	77	4620 / 6000
Enforcement success rates: (per cent successful prosecutions/ total prosecutions)	100	100	100	100	100	100	19
Dog return/reclaim rate: (per cent total dogs reclaimed-returned/total dogs impounded) (includes adopted/sold dogs)	90	93	94.1	98	98	93	95 / 102
Cat reclaim/return rate: (per cent	20	71	73.9	83	85	96	118 / 122

total cats reclaimed/total cats impounded) (includes adopted/sold cats)							
Domestic animal business compliance rates: (registered/compliant)	93	100	100	100	100	100	7
Dog desexing rate: (per cent dogs desexed/actual registered)	70	79	80	81	78.4	60	7760 / 12941
Cat desexing rate: (per cent cats desexed/actual registered)	80	93	94	94.4	89.4	76	3518 / 4620
Infringements versus official warnings rates: (per cent of infringements/warnings)	<40	43.5	43	39.4	54	64	47 infringements / 73 warnings

2. notes that a copy of the Domestic Animal Management Plan 2022-2026 be provided to the Secretary to the Department of Jobs, Precincts and Regions as required under S68A(3)(b) of the Domestic Animals Act 1994.

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Zmood Seconded: Cr Parasol

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

8.14 SALE OF LAND - ABUTTING 54 HILL STREET BENTLEIGH EAST

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

That Council:

1. has determined that the Land adjoining the rear of 54 Hill Street, Bentleigh East, shown as Lot 4 on the title plan in Attachment 1 (to this report), is not reasonably required and approves the sale by private treaty to the owner of the adjoining property at 54 Hill Street, Bentleigh East in accordance with section 114 of the *Local Government Act 2020* and Council's Road and Reserves Discontinuance and Sale Policy; and
2. authorises the Chief Executive Officer to sign all documents relating to the sale of the land from the discontinued road to the owner of 54 Hill Street, Bentleigh East.

It is recorded that Cr Zyngier vacated the virtual meeting at 9:44pm.

CARRIED UNANIMOUSLY

It is recorded that Cr Zyngier re-entered the virtual meeting at 9:46pm.

8.15 DRAFT COMMUNITY ENGAGEMENT STRATEGY 2022-2026

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

That Council approves:

1. the release of the draft Community Engagement Strategy 2022-2026 with the following changes:
 - Attachment 1 of report – Appendix – Heading to read: ‘Extract from Community Engagement Policy 2021’
 - Attachment 1 of report – Appendix – Rows 5 and 10 of the table to read as follows:

Budget and any revised Budget (subject to section 96(2) of the Act)	Participatory engagement	Consult or Involve
Other forms of strategic planning, strategic decision making or policy development	Form of engagement is to be selected having regard to the significance and complexity of the matter and the level of resourcing required	Consult, Involve or Collaborate

2. a period of community engagement from 24 November 2021 to 28 January 2022.

CARRIED UNANIMOUSLY

8.16 REVOCATION OF POLICIES - COMMUNITY SAFETY AND COMPLIANCE

Moved: Cr Zyngier**Seconded: Cr Zhang**

That Council revokes the policies shown in Attachment 1 to this report.

For the Motion: Crs Magee, Zhang and Zyngier (3)**Against the Motion:** Crs Esakoff, Cade, Parasol and Zmood (4)**LOST**

8.17 REVOCATION OF POLICIES - CLIMATE AND SUSTAINABILITY AND CITY FUTURES

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

That Council revokes the policies shown in Attachment, 1, 2 and 3 to this report.

CARRIED UNANIMOUSLY

8.18 CONTRACT 2022.62 RETAIL ENERGY - SUPPLY OF NATURAL GAS

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

That Council:

1. appoints AGL Sales Pty Ltd (ABN 88 090 538 337) for the supply of natural gas for small metered sites and Shell Energy Retail Pty Ltd (ABN 87 126 175 460) for large metered sites as per the terms and conditions of the Procurement Australia Contract No PA 2506/0641– Retail Energy;
2. authorises the Chief Executive Officer to execute the contract/s on Council's behalf;
3. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
4. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

For the Motion: Crs Esakoff, Magee, Cade, Parasol and Zhang (5)**Against the Motion:** Crs Zmood and Zyngier (2)**CARRIED****9. URGENT BUSINESS - NIL**

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff****10.1.1 Woodfire Heating****Moved: Cr Zyngier****Seconded: Cr Zhang**

That Council requests officers prepare a report that:

1. provides advice on an advocacy approach to the EPA and State Government that recognises the impact of wood heaters on health, amenity and the environment and seeks measures to reduce their impact; and
2. provides advice on what other councils are doing in relation to this matter.

For the Motion: Crs Esakoff, Magee, Zhang, Zmood and Zyngier (5)**Against the Motion:** Crs Cade and Parasol (2)**CARRIED****10.2 Right of reply - Nil****10.3 Notice of Motion - Nil****10.4 Councillor questions**

Cr Zmood to the Director Community Assets and Leisure re trees assigned to the Classified Tree Register

There have been concerns in the community about how slowly the process is for assessing the trees that have been nominated as classified trees. What are we doing to expedite that assessment process?

Director Community Assets and Leisure

The Local Law was a wonderful initiative by Council and there is no doubt that there has been a settling in period by officers to establish our processes and systems with the new procedures. The process itself is quite complex and does require a lot of notification to the property owners as well as opportunities to appeal. That in itself does take a little bit longer than one would expect and because of the nature of the protection of significant trees, it is important that we allow the property owners with that time. That being said, Council officers recognise the importance of moving the assessment along as quickly as possible. We have been utilising contract arborists to make sure we are doing the assessments quicker. We've also enhanced our administration resourcing, to make sure once the assessments are done, the reports are prepared for the property owners as well as for Council. Twelve months on officers have done a review of how we've tracked and how the

processes have worked over the last 12 months. We are looking forward to having that conversation with Council about how we can streamline some of those processes going forward.

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 10:12pm.

Confirmed this 14 day of December 2021

Chairperson.....