



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 15 MARCH 2022

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7.32pm**

Present

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

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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

Apologies were received from Cr Zhang and Cr Pilling

Moved: Cr Esakoff

Seconded: Cr Parasol

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

CARRIED UNANIMOUSLY

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

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

- Cr Magee - Item Number 8.1 – 93-101 Poath Road, Murrumbeena

Procedural Motion

Moved: Cr Parasol

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; and
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 16 March 2022 at 7.30pm via livestreaming.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**Moved: Cr Esakoff****Seconded: Cr Cade**

That the minutes of the Ordinary Council Meeting held on 22 February 2022 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: EAT STREET, BENTLEIGH**

A petition containing 149 signatures was submitted to the Council Meeting.

The petition read as follows:

'We the undersigned residents request that Council reconsider the decision to:

1. Relocate the traffic pedestrian lights from the central position that which they are currently in. this will inconvenience local businesses, customers and pedestrians, once moved, they will then be too close to the traffic lights near the station, which will cause traffic congestion.
2. Close Vickery Street and restrict it to only one-way traffic. This will lead to major traffic concerns.
3. Loss of carpark spaces directly on Centre Road. This will impact local businesses as well as inconvenience customers and residents.'

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

That Council:

1. receives and notes the petition; and
2. refers the petition to the Director Community Assets and Leisure for consideration.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Athanasopoulos reported on a recent meeting of the Metropolitan Transport Forum.

Cr Zmood reported on the Metropolitan Local Government Waste Forum meeting.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Youth Advisory Committee Meeting Minutes – 17 February 2022.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 8 February 2022 Assembly;
2. 15 February 2022 Assembly; and
3. 22 February 2022 Pre-meeting

CARRIED UNANIMOUSLY

Public Participation

The Mayor invited members of the community who were present to ask a question or make a statement to Council.

There were 2 residents who presented to Council.

It is recorded that Cr Magee declared a General Conflict of Interest in item 8.1 – 93-101 Poath Road, Murrumbeena given he has a family member who has a property in close proximity to the application site. Cr Magee vacated the Chamber at 7:52pm prior to any discussion on this matter.

Cr Esakoff as the immediate past Mayor took the Chair for item 8.1.

8. OFFICER REPORTS (AS LISTED)

8.1 93-101 POATH ROAD, MURRUMBEENA

Moved: Cr Athanasopoulos

Seconded: Cr Zyngier

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-34934/2021 for construction of a multi storey mixed use building comprising shops, apartments and a basement, use of the building for the purpose of apartments (frontage to Rosella Street greater than 2 metres) and reduction of the car parking requirement for the shops at 93-101 Poath Road, Murrumbeena in accordance with 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 generally accord with the plans submitted with the application (identified as Drawing Numbers.TP.0001-TP.1010, TP.2100-TP.2103, TP.3001, TP.3100, all Revision B and dated 13 December 2021, TP.5000-TP.5301, dated 8 November 2021 and the Development Summary (four pages, dated 20 December 2021), prepared by Cera Stribley, but modified to show:

Building Design

- (a) The building will be reduced in height by deleting levels 4 and 6.
- (b) ~~A minimum of 193sqm of~~ Provision of communal open space and designed to comply with Standard D8 (Solar access to communal open space).
- (c) Balcony sizes for all apartments designed to achieve compliance with Standard D19 (Private open space), with any consequential changes absorbed within the remainder of the approved building envelope.
- (d) Screening measures between balconies from Level 4 and above, ensuring they are integrated into the building.
- (e) The Development Summary to correct the number of bedrooms for Apartment 412 from 2 to 1.
- (f) The provision of a cantilevered verandah over each footpath that is continuous and extends 750mm from the face of the kerb and has a height to its underside of 3.0m, with the exception of avoiding street services such as electricity poles.
- (g) Enlarged elevations of all ground level services, louvres and garage

door to parking areas visible from the public realm, including materials and dimensions, ensuring they are integrated into the building.

- (h) All ground floor glazing along the Poath Road, Railway Parade and Rosella Street frontages noted as clear.
- (i) The vertical architectural columns and associated banding for Level 7 deleted.
- (j) Overlooking diagrams demonstrating overlooking impacts to the east facing habitable room windows of 48A Rosella Street and any mitigation measures required to limit overlooking within 9.0m of those windows.
- (k) The addition of any changes or notes as recommended in the Sustainability Management Plan referred to in Condition 14.
- (l) The addition of any changes or notes as recommended in the Acoustic Report referred to in Condition 16.

Car Park and Bicycle Facilities Design

- (m) Notations that the sightline triangles shown on the Ground Level plan will contain no objects or vegetation higher than 900mm in height.
- (n) Correction of the number of car parking spaces in the notation on Basement 02 from 42 to 36.
- (o) Correction of the development summary to show 8 car spaces for shops.
- (p) The splays at ground level in the north-west and south-west corners of the building noted as not containing any objects and integrated into the public realm.
- (q) The accessway width adjacent to car spaces 3, 4 and 5 within the Ground Level increased to 6.4m or swept path analysis demonstrating reasonable accessibility.
- (r) Swept path analysis demonstrating reasonable accessibility to car space 26 within the Basement Level 2 and any changes required shown on the plans.
- (s) An assessment by a suitably qualified traffic engineer for car spaces 1 and 2 within the Ground Level, which considers the safe access of these spaces from a visibility perspective and any recommendations to improve this shown on the plans.
- (t) Section diagrams demonstrating that the storage provisions above car spaces will not encroach more than 900mm into the car space and will have a clearance of at least 1.35m.
- (u) Bicycle spaces dimensioned in accordance with Clause 52.34-6 of the Glen Eira Planning Scheme.

Landscape Design

- (v) A landscape plan in accordance with Condition 4.

Layout must not 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) without the prior written consent of the Responsible Authority.

Public Realm Management Plan

3. Before the building is occupied, a Public Realm Management 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 plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
 - (a) Plans, elevations, treatments and materials schedules prepared in conjunction with the responsible authority for the public areas along Poath Road, Railway Parade and Rosella Street.
 - (b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like).
 - (c) Details of water sensitive urban design.
 - (d) A plan defining the area the works are to be undertaken.
 - (e) Vehicle and pedestrian access arrangements including any signage or safety measures.

Before the building is occupied, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscape plan

4. 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 the Landscape Plan is approved, it will be endorsed and form part of the permit. The Landscape Plan must incorporate:
 - (a) 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.
 - (b) The provision of irrigation systems and maintenance access for all landscaped areas.
 - (c) Landscaping and planting as shown on the development plans.

Completion of landscaping

5. 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

6. 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.
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- (c) Replacing any dead, diseased, dying or damaged plants.

Street tree protection

- 7. Before the development starts (including any site preparations or demolition), tree protection fencing must be assembled around the existing street trees around the site to isolate the tree protection zone (TPZ) in accordance with AS 4970–2009 *Protection of Trees on Development Sites* and is to remain in place until the development is complete (including the landscaping phase).

The TPZ must be clearly signed, identifying the area as a TPZ and must include the standard restrictions to activities as outlined AS 4970–2009. The TPZ fencing is to be located within the nature strip area to ensure the footpath remains open for public access. Fencing should be assembled as follows:

- (a) Fencing aligned to the footpath edge.
- (b) Fencing aligned to the back of the kerb.
- (c) Fencing extending to the edge of TPZ in either direction from the trunk.

Fencing can be reduced to the edge of the proposed crossovers only when excavation and construction of the crossover is to occur. No alteration to the TPZ fencing may be undertaken except with the prior written consent of the Responsible Authority.

- 8. Construction within the TPZ of the street trees should be constructed under arborist supervision, using tree-sensitive methods.

Construction Management Plan

- 9. Before the development starts including 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.
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
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Implementation of Construction Management Plan

10. 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 Plans

11. 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, which is generally in accordance with the WMP submitted with the application, prepared by One Mile Grid and dated 5 November 2021. When approved, the WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, but modified to including the following:
 - (a) The glass only recycling bin size in the residential bin store changed from 1 x 660l to 3 x 240l.
 - (b) Swept path analysis demonstrating that the collection vehicle can access the relevant bin storage areas to achieve on-site collection at all times.

Implementation of the Waste Management Plan

12. The provisions, recommendations and requirements of the endorsed WMP 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.

Waste and recycling area

13. Provision must be made on the land for the storage of waste and recyclables. This area must be screened from public view and be maintained in a clean condition and without offensive odour to the satisfaction of the Responsible Authority.

Implementation of the Sustainability Management Plan

14. The provisions, recommendations and requirements of the endorsed SMP 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.

Acoustic report

15. Before the development starts, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority which is generally in accordance with the Acoustic Report submitted with the application, prepared by Enfield Acoustics Noise Vibration and dated 10 December 2021. When approved, the Acoustic Report will be endorsed and will then form part of the permit. The amended Acoustic Report must:
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- (a) Be prepared to protect residents within the building and in the dwellings to the west at 48-48A Rosella Street and 50 Railway Parade from external noise from any mechanical plant and equipment servicing the development.
- (b) Include measures that achieve noise levels in the living rooms and bedrooms in accordance with accepted sleep disturbance criteria, EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

Implementation of the Acoustic Report

16. 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 prior written consent of the Responsible Authority.

Car parking areas

17. 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.
 - (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.

Environmental assessment

18. Before the development starts (other than for necessary demolition and investigation works forming part of the environmental site assessment process), a Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Preliminary Risk Screen Assessment Statement must be prepared by a suitably qualified environmental professional in accordance with the *Potentially Contaminated Land General Practice Note* (Department of Environment, Land, Water and Planning, July 2021). The report must include recommendations as to whether the condition of the land requires an Environmental Audit to be conducted taking into account the proposed uses. The permit holder must comply with the findings of the Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority, including if required the preparation of an Environmental Audit.
19. If, in accordance with Condition 19, an Environmental Audit is required, then before the development starts (other than for necessary excavation, demolition and investigation works) an Environmental Audit must be
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undertaken pursuant to section 208 of the *Environment Protection Act 2017* and an Environmental Audit Statement prepared and provided to the Responsible Authority.

20. Where an Environmental Audit Statement is issued for the land in accordance with Condition 20:
 - (a) The buildings and works and the uses of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority.
 - (b) Before the use or development starts (other than for necessary excavation, demolition and excavation works) and before the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Division 1 of Part 8.3 of the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Environmental Audit Statement are satisfied.
 - (c) Where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts (other than for necessary excavation, demolition and excavation works). All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner.

General requirements

21. Before the building is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.
22. 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.
23. External lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land to the satisfaction of the Responsible Authority.
24. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
25. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted except with the prior written consent of the Responsible Authority.

26. 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.

Permit expiry

27. 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

- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- 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 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.
- No net increase in peak stormwater runoff in Council drainage network is permitted. 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 prior to any construction works.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rainwater clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- All relevant Asset/Engineering Permits must be obtained from Council's Engineering Services Department prior to the commencement of any building works/ works within the Road Reserve/stormwater connection to Council drainage network.

- Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal

CARRIED UNANIMOUSLY

It is recorded that the Mayor, Cr Magee vacated the Chamber prior to item 8.1 and was not present when this item was considered. It is further recorded that Cr Magee re-entered the Chamber at 8:08pm and resumed as Chair for the remainder of the meeting.

8.2 VCAT WATCH

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

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY

8.3 CONSIDERATION OF SUBMISSIONS RECEIVED DURING EXHIBITION OF PLANNING SCHEME AMENDMENT C220 (PLANNING SCHEME UPDATE)

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

That Council:

1. receives and notes submissions received following the exhibition of Amendment C220 to the Glen Eira Planning Scheme;
2. notes the officer report and Attachment 1 to this report – Amendment C220 Response to Submissions;
3. requests that the Minister for Planning appoints an independent planning panel to consider all submissions received during the exhibition period for Amendment C220; and
4. refers the submissions to the independent planning panel for its consideration.

CARRIED UNANIMOUSLY

8.4 CONSIDERATION OF SUBMISSIONS RECEIVED DURING EXHIBITION OF PLANNING SCHEME AMENDMENT C218 (OPEN SPACE CONTRIBUTION RATE)

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

That Council:

1. receives and notes submissions received following the exhibition of Amendment C218 to the Glen Eira Planning Scheme;
2. notes the officer report and Attachment 1 to this report – Amendment C218 Response to Submissions;
3. requests that the Minister for Planning appoints an independent planning panel to consider:
 - a) all submissions received during the exhibition period for Amendment C218; and,
 - b) the late submissions received (submission 26 and 28) to Amendment C218 in accordance with Section 23 of the *Planning and Environment Act 1987*; and
4. refers the submissions and the late submissions to the independent planning panel for its consideration.

Procedural Motion**Moved: Cr Esakoff****Seconded: Cr Zyngier**

That Council grants Cr Zmood a 1 minute extension of speaking time.

CARRIED UNANIMOUSLY**For the Motion:** Crs Athanasopoulos, Esakoff, Magee, Cade and Parasol (5)**Against the Motion:** Crs Zmood and Zyngier (2)**CARRIED**

8.5 AUDIT COMMITTEE BIANNUAL REPORT (SEPT 21-FEB 22)

Moved: Cr Esakoff**Seconded: Cr Parasol**

That Council notes the Audit and Risk Committee's Biannual Report for the period September 2021 to February 2022 (Attachment 1 to this report) in accordance with the provisions of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

8.6 AUDIT & RISK COMMITTEE MINUTES (18 FEBRUARY 2022)

Moved: Cr Esakoff**Seconded: Cr Parasol**

That the minutes of the Audit & Risk Committee meeting held on 18 February 2022 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

8.7 ADVANCED WASTE PROCESSING

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

That Council:

1. resolves to withdraw from the South East Waste Management Alternative Waste Processing project;
2. requests that South East Metropolitan Advanced Waste Processing Pty Ltd buys back Council's Shares for the issue price for the Shares;
3. notes that under clause 13.3 of the Management Deed, Council will be taken to have given notice of its withdrawal from the Management Deed and will cease to be a party to the Shareholders Agreement;
4. authorises the Chief Executive Officer to write to the Directors, South East Metropolitan Advanced Waste Processing Pty Ltd, and all Councils party to the Project advising them of Council's resolution, and to undertake whatever other actions are necessary to formalise Council's withdrawal from the Project;
5. requests that officers commence planning around the various options for the future disposal and processing of residual waste that is unable to be recycled; and
6. work together with other councils to explore options for an alternative environmental solution to our landfill.

CARRIED UNANIMOUSLY

8.8 CENTENARY PARK PLAYGROUND REDEVELOPMENT

Moved: Cr Cade**Seconded: Cr Zmood**

That Council:

1. notes the community feedback received through the consultation process; and
2. endorses the playground design (attachments 1 and 2 to the report) and authorises officers to commence detailed design.

CARRIED UNANIMOUSLY

8.9 INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Liquidambar (*Liquidambar styraciflua*) located at 14 Cantala Ave, Caulfield North – 23/CTR/2020;
 - b) Southern Blue Gum (*Eucalyptus globulus*) located at the Public Carpark 2A Ulupna Rd, Ormond – 149/CTR/2021;
 - c) Algerian Oak (*Quercus canariensis*) located at 18 Wanalta Rd, Carnegie – 199/CTR/2021;
 - d) Port Jackson Fig (*Ficus rubiginosa*) located in Crosbie Rd, Murrumbeena – 229/CTR/2021;
 - e) South African Bushwillow (*Combretum caffrum*) located in Hopetoun Gardens, Glen Huntly Rd, Elsternwick – 346/CTR/2022;
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

8.10 GLEN EIRA RECONCILIATION ACTION PLAN 2022-2024 INNOVATE

Moved: Cr Cade**Seconded: Cr Zyngier**That Council endorses the *Glen Eira Reconciliation Action Plan 2022-2024 Innovate* (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.11 GLEN EIRA GENDER EQUALITY ACTION PLAN 2022 - 2025

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

That Council endorses the *Gender Equality Action Plan 2022-2025* (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.12 GLEN EIRA CITY COUNCIL SMART CITY ROADMAP

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

That Council endorses the Glen Eira Smart City Roadmap (Attachment 1 to the report).

CARRIED UNANIMOUSLY

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

That Council extends the meeting to conclude at 11pm.

CARRIED UNANIMOUSLY

8.13 DRAFT COMMUNITY SAFETY PLAN 2022-2025

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

That Council endorses the release of the draft *Community Safety Plan 2022-2025* (attachment 1 to this report) for public exhibition for a period of 35 days commencing 17 March 2022.

CARRIED UNANIMOUSLY

8.14 GLEN HUNTLY LEVEL CROSSING REMOVAL PROJECT ADVOCACY DOCUMENT

Moved: Cr Esakoff**Seconded: Cr Athanasopoulos**

That Council endorse the Glen Huntly LXP Advocacy Document that is shown in Attachment 1 to the report.

CARRIED UNANIMOUSLY

8.15 TENDER 2022.12 DORIS AND MAUDE STREET RECONSTRUCTION

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

That Council having reviewed and considered the confidential Tender Evaluation report (attachment 1 to this report):

1. appoints Presta Construction Group Pty Ltd ACN 096 137 745 as the contractor under Tender number 2022.12 for an amount of \$962,276.50 exclusive of GST (\$1,058,504.15 inclusive of GST) in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.16 SALE OF DISCONTINUED DRAINAGE RESERVE ABUTTING 10, 18, 22-24, 28-30A AND 36 HALSTEAD STREET, 4 CROMWELL ST AND 115 HAWTHORN ROAD CAULFIELD NORTH

Moved: Cr Zmood**Seconded: Cr Cade**

That Council:

1. has determined that the Land adjoining the rear of 24 and 36A Halstead Street, shown as 1-4, lot 9, lot 11-12, lot 14-15A and Lot 18 on PS640466F in Attachment 1 (to this report), is not reasonably required and approves the sale by private treaty to the owner of the adjoining properties 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 drainage reserve to the owners of 24 and 36A Halstead Street, Caulfield North.

CARRIED UNANIMOUSLY

8.17 AMENDMENTS TO HEALTH RECORDS POLICY

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

That Council reviews and approves the proposed amendments to the Health Records Policy (Attachment 2 to the report).

CARRIED UNANIMOUSLY

8.18 TENDER 2022.154 INTERNAL REFURBISHMENT OF CAULFIELD TOWN HALL (GROUND FLOOR)

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

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

1. appoints SIMBUILT PTY LTD (ABN 86 140 288 080) as the contractor under Tender Number 2022.154 in accordance with the lump sum submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. notes that the contract is subject to an acceptable independent financial assessment;
4. authorises the Chief Executive Officer to execute the contract on Council's behalf;
5. authorises the Chief Executive Officer to approve variations to this contract in accordance with the details outlined in the confidential attachment to this report;
6. 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
7. 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 SUBMISSION - LOCAL GOVERNMENT CULTURE PROJECT

Moved: Cr Cade**Seconded: Cr Zmood**

That Council notes the Local Government Culture Project Submission shown as Attachment 1 to the report.

CARRIED UNANIMOUSLY

8.20 DRAFT GLEN EIRA PUBLIC TOILET PLAN 2022-2027

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

That Council:

1. endorses the draft *Public Toilet Plan 2022-2027* (Attachment 1 to the report) for public exhibition and invite submissions as recommended in the report; and
2. considers a further report on this matter at the close of the public exhibition.

CARRIED UNANIMOUSLY**9. URGENT BUSINESS – NIL****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1.1 International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism****Moved: Cr Esakoff****Seconded: Cr Parasol**

That Council Officers prepare a Report for the April 26 2022 Ordinary Council Meeting setting out the effects of Council adopting the International Holocaust Remembrance Alliance working definition of antisemitism.

For the Motion: Crs Athanasopoulos, Esakoff, Magee, Cade, Parasol and Zmood (6)

Against the Motion: Cr Zyngier (1)

CARRIED

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

Questions were received from Alicia Voges, Rosetta Manaszewicz, Warren Green and Peter Florrimell. As the submitters were not present in the Chamber at this stage of the meeting, their questions and the responses were not read out in accordance with the Written Public Question Guidelines. A letter will be sent to each of the submitters including their questions and the responses.

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

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

11.1 VCAT matter - Consideration of without prejudice plans

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

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)); and
- To form a position on without prejudice amended plans provided in confidence following a VCAT Compulsory Conference

11.2 Open Space Strategy Project

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- may unreasonably expose Council to a financial disadvantage

CARRIED UNANIMOUSLY

The Mayor advised that following consideration of the confidential items, the meeting will be closed.

11.1 VCAT MATTER - CONSIDERATION OF WITHOUT PREJUDICE PLANS

Confidential item

11.2 OPEN SPACE STRATEGY PROJECT

Confidential item

12. CLOSURE OF MEETING

The meeting closed at 10.51pm.

Confirmed this 5 day of April 2022

Chairperson.....