



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 9 AUGUST 2022

MINUTES

**Meeting was held virtually,
livestreamed via Council's website
at 7.36pm**

(due to a technical issue the livestream was unable to start at 7.30pm)

Present

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

INDEX

1.	ACKNOWLEDGEMENT	4
2.	APOLOGIES.....	4
3.	REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA	4
4.	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS.....	5
5.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....	5
	Nil	
6.	REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS.....	5
	Nil	
7.	REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY	6
	7.1 Advisory Committees	6
	7.1.1 Advisory Committee Minutes.....	6
	7.2 Records of Assembly.....	6
	7.2.1 Records of Assemblies of Councillors	6
	10.5 Written public questions to Council.....	7
8.	OFFICER REPORTS (AS LISTED).....	13
	8.1 32-46 Huntley Road Bentleigh.....	13
	8.2 VCAT Watch	14
	8.3 Carnegie Structure Plan 2022	14
	8.4 Planning Scheme Amendment C220 (Planning Scheme Update) - Panel Report	15
	8.5 Draft Housing Strategy - Phase 2 Consultation Feedback and Update.....	18
	8.6 Community Grants Recommendations 2022-2023	18
	8.6 Community Grants Recommendations 2022-2023	19
	8.6 Community Grants Recommendations 2022-2023	19
	8.6 Community Grants Recommendations 2022-2023	20
	8.7 Glen Eira Public Toilet Plan 2022-2027	20
	8.8 Inclusion of 14 Trees in the Classified Tree Register.....	21
	8.9 Statutory Building Services Policies	21
	8.10 Delegations Review and Update	22

8.11	Call for Report - Measures for Encouraging the Retention of Trees and Vegetation on Private Land	23
9.	URGENT BUSINESS	24
10.	ORDINARY BUSINESS	24
10.1	Requests for reports from a member of Council staff	24
10.2	Right of reply	24
10.3	Notice of Motion	24
10.4	Councillor questions.....	24
11.	CONFIDENTIAL ITEMS	24
	Nil	
12.	CLOSURE OF MEETING	24



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

LEAVE OF ABSENCE

Moved: Cr Zyngier

Seconded: Cr Parasol

That Council grants a leave of absence to Cr Anne-Marie Cade for the Ordinary Council Meetings of 20 September 2022, 12 October 2022 and 2 November 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.

- Cr Sam Parasol - Item Number 8.6 – Community Grants Recommendations 2022-2023 – recommendation 3
- Cr Simone Zmood - Item Number 8.6 – Community Grants Recommendations 2022-2023 – recommendation 4
- Cr David Zyngier - Item Number 8.6 – Community Grants Recommendations 2022-2023 – recommendation 5

PROCEDURAL MOTION**Moved: Cr Parasol****Seconded: Cr Zhang**

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 10 August 2022 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 Zhang****Seconded: Cr Zyngier**

That the minutes of the Ordinary Council Meeting held on 19 July 2022 be confirmed.

CARRIED UNANIMOUSLY**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

- *It is recorded that Cr Pennicuik moved off screen at 7:48pm.*
- *It is recorded that Cr Pennicuik returned on screen 7:49pm.*

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Strategic Transport Advisory Committee Minutes – 16 June 2022;
2. Arts and Culture Advisory Committee Meeting Minutes – 23 June 2022; and
3. Glen Eira Business and Economy Committee Meeting Minutes – 23 June 2022.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 5 July 2022 Assembly;
2. 12 July 2022 Assembly; and
3. 19 July 2022 Pre-meeting

CARRIED UNANIMOUSLY

Change Order of Business**Moved: Cr Athanasopoulos****Seconded: Cr Zmood**

That Council changes the order of business to deal with item 10.5 - Written Public Questions to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY

10.5 Written public questions to Council

Tony Farfor

Question 1: Council's online applications for its residential parking permits is in breach of the Privacy Act - as confirmed to me by the Privacy Commissioner. I therefore ask whether council sought legal advice and undertook due diligence prior to publishing its online application format? If this wasn't done, then why not?

Question 2: Given the illegality of council's processes, will council now revisit and amend its application process to ensure full compliance with the Privacy Act?

Response:

Glen Eira, like other Victorian local governments, is subject to the Privacy and Data Protection Act. This Act regulates the collection, storage, use, disclosure and disposal of personal information. Glen Eira also maintains a Privacy Policy which is accessible from Council's website. Council's Privacy Policy seeks to implement the requirements of privacy laws into Council's operations. Under the Privacy and Data Protection Act and Council's Privacy policy, legal advice is not required prior to implementing or publishing an online form.

I am unable to comment on any view of the Privacy Commissioner as we were not party to your interaction with them and have at no time been contacted by the Privacy Commissioner or their office on this matter.

I can however report that a recent review of Council's on-line parking permit application process found the process to be compliant with privacy legislation but could be improved by the addition of a detailed privacy collection notice on the form itself. This review arose following your initial correspondence with Council on this matter, so I thank you for bringing it to our attention. The change has now been made and is reflected on our website.

Peter Vadiveloo – Ashwood

The planned Caulfield Racecourse Reserve redevelopment will have a massive impact on Glen Eira residents, as well as those in surrounding municipalities such as myself. I understand Council does not control all aspects of the redevelopment. However, I also understand Council can influence many decisions given the Reserve lies in its governance zone. The present plans put forward by the Trust make virtually no mention of protecting heritage, protecting biodiversity, or consultation with recognised First Nations parties. It is unbelievable that in 2022, a multimillion-dollar redevelopment of PUBLIC LAND would not place a priority around such aspects.

MY QUESTION: Given the Trust's lack of competent governance around the redevelopment, why is Council not seeking urgent discussions with the over-riding authorities, e.g., Minister for Planning, Minister for Racing, and raising with those offices concerns over loss of heritage, loss of biodiversity and lack of First Nations consultation?

Response:

The Melbourne Racing Club was given approval by the Minister for Planning (not the Caulfield Racecourse Reserve Trust) for a range of works involving some demolition and the construction of new buildings in December 2021. On 22 January 2022, the Mayor wrote to the Minister following this decision expressing Council's concern about the works and the lack of consultation with Council and the community and important stakeholders. Council has also supported Heritage Victoria's recommendation of a state heritage listing of the

Reserve which is still under consideration by the Heritage Council of Victoria. Council is also pursuing local heritage controls on the Reserve and are awaiting the recommendation from the Heritage Council of Victoria. Council is aware of the community's interest in this site and will continue to advocate for improved heritage and biodiversity outcomes within its powers.

Krystyna Duszniak – Caulfield North

In terms of new tree plantings at the Racecourse Reserve, can Council suggest that they are all native trees, and more than this, that they are INDIGENOUS trees and plantings (including shrubs and grasses) in a recognition of the Traditional Ownership of this land, and as a legacy for future environmental sustainability?

This kind of forward thinking would show the community that the MRC is serious about creating an environment best suited to global warming, and to accommodating our native birds and animals as they fight to survive in their increasingly diminishing natural world. It would show that the MRC respects the pre-colonial heritage of the place and its Traditional Owners, who took care of this land for thousands of years before 1788, before being evicted from it.

Response:

The Incorporated Plan approved by the Minister for Planning sets out the narrow consideration Council must apply when considering the landscaping proposed around the new works located within the north-western corner of the site. Council had the opportunity at the 19 July Council meeting to review the quantity and coverage of the trees and landscaping to ensure the works proposed as part of the Minister's approval did not have an adverse impact on the existing landscape character of the racecourse.

In response to an earlier Council resolution, additional native water gums were included in place of previously proposed southern magnolias. While there is no specific quota requirement for native vegetation within the incorporated document, Council as part of our commitment to the Urban Forest Strategy and the Climate Emergency Response will continue to advocate for greater indigenous plantings wherever possible.

Helen Fischer – Bentleigh

In light of the change of Federal government in May and the negative public feedback, is the multi storey carpark proposal for Bentleigh and Elsternwick stations still going ahead or can the \$20 million promised for the two carparks be used elsewhere in Glen Eira? For example, to increasing our green, open space and for real congestion reducing options such as protected bike lanes.

Response:

At this stage Council has not made a final decision on the Bentleigh and Elsternwick Multi-Deck carparks.

Council has recently completed the feasibility phase for both projects, which included engagement with the community. I expect that the outcomes of this community consultation and recommendations regarding next steps will be reported to the 30 August 2022 Ordinary Council Meeting.

Warren Green – Bentleigh**Question 1:**

Four Councillors opposed the Draft Housing Strategy going to consultation. Major concerns raised were consistent with ongoing community feedback and include: 1. Impacts on character and amenity 2. Unnecessary impact on residents 3. Destruction of older style properties 4. Extension of zone boundaries resulting in character impact without substantial dwelling number increases 5. Change of some residential streets from two to three or four storeys 6. Site build-up and permeable area reduction 7. Green space and tree canopy cover reduction 8. Heat island impact 9. Capacity of services such as roads and sewerage, and 10. Currently available amount of dwelling supply In restating these concerns at a Council meeting, I received an assurance from the CEO that they would be fully assessed. Why then are there only relatively minor changes proposed to the Draft Housing Strategy?

Response:

The answers to many of these points are found in the consultation report which clearly demonstrates that community and stakeholder feedback has been fully assessed. As an example, and in response to Points 3 and 4, no properties in a Heritage Overlay or Neighbourhood Character Overlay are proposed to receive a zone with a taller maximum building height as part of the housing strategy. Furthermore, two heritage overlay areas in Ormond are proposed to have a zone with a lower maximum building height than they currently have. In addition, the draft housing strategy proposed an area at the northern end of Downshire Road, Shoobra Road and Victoria Avenue in Elsternwick to change to General Residential Zone (from Neighbourhood Residential Zone). However, the final strategy will not propose this change as there is heritage advice suggesting it may be appropriate to apply the Heritage Overlay in this location.

The strategy seeks to respond to the character, amenity and sustainability issues raised as best it can within the scope set out by the Victorian Planning System.

Question 2:

The CEO committed that the Housing Strategy consultation process would ensure that concerns and aspirations would be fully understood and directly reflected in the alternatives developed. The reality however includes: 1. Lack of consideration and outcomes relating to the concerns raised by Councillors 2. No specific question asked to quantify or genuinely understand major concerns 3. Councillors intervened and extended the process twice 4. Participants were muted for the webinar 5. Extensive concerns raised at the Community Forum are not reported 6. Submissions have not been made available 7. Overdevelopment as a major concern has not been appropriately acknowledged or explored 8. The key consultation themes are meaningless without clarification Given the inadequacies of the consultation process, will Officers now be undertaking a genuine second round community consultation process involving feedback on the proposed Housing Strategy final report?

Response:

Council has conducted a robust, open, transparent and professional program of engagement over 11 weeks and has reported on and thoroughly responded to the feedback in the Phase 2 Consultation Report of 97 pages.

Therese Green – Bentleigh**Question 1:**

I write regarding the Housing Strategy consultation report which to my amazement makes no mention of overdevelopment as an important community feedback theme despite the following. 1. Approximately 25 emails recently sent to the Mayor, Cr Jim Magee about overdevelopment concerns. 2. Overdevelopment was identified as the major concern in the 2016 Planning Scheme Review. 3. Ongoing feedback via community forums, development objections, planning conferences, etc. 4. Feedback in the Housing Strategy process via the community forum, one on one sessions, submissions etc. 5. The Carnegie Structure Plan feedback (Agenda page 190) identified that overdevelopment was a key concern and that this would be addressed through the Housing Strategy. While stating that overdevelopment is a catch all phrase, the Officer's consultation report does not acknowledge the real substance of community sentiment, explore it nor respond to this feedback, why not?

Response:

The officer report is clear about the instances that "overdevelopment" as a term was mentioned in submissions (a total of 33, on Page 12 of the report). The consultation report is, in Council's view, a clear, fair and professional representation of what was heard through the consultation phase and a transparent overview of the opportunities Council has to manage population growth and housing needs.

The concept of overdevelopment can mean different things to different people. It can be used to describe changes to a neighbourhood, non-compliance with design standards, or a range of more specific matters such as car parking, traffic, landscape, character as well as taller buildings. The broad concept of overdevelopment cannot be considered without focusing on what it represents. In an effort to do so, officers have therefore sought to respond to those more specific matters.

The consultation period was open for 11 weeks, with numerous avenues in which the community could participate and submit feedback. It is this feedback that is considered in the context of the Housing Strategy response, as the housing and economic landscape has changed since 2016.

With reference to the Carnegie Structure Plan, the concerns about over development are matters reviewed in both this plan and the Housing Strategy.

Question 2:

Council has declared a Climate Emergency and as an outcome has committed to embed climate change action into everything that it does. This is particularly important to Glen Eira which has the lowest provision of open space per head in Victoria, a high population density, a rapidly reducing tree canopy, poor planning controls in Activity Centres etc. While the Housing Strategy is an opportunity to demonstrate a clear commitment to this Climate Emergency declaration it would appear to move in the opposite direction by contributing to a reduction in permeable areas, a further reduction of tree canopy, increased heat island effect, reduced garden areas etc. Given Council's stated highest priority to the environment and climate, has the Draft Housing Strategy been fully assessed and reviewed against its Climate Emergency commitments and practices and if so, can a report on this review be provided?

Response:

The Housing Strategy is a framework that directs further policy work to be conducted to achieve the objectives of the Climate Emergency Response Strategy.

As a municipal wide strategy, the housing strategy does not seek a reduction in permeable areas, tree canopy, garden areas etc. It does however present a varied approach to managing growth throughout the municipality. Each residential zone will support a slightly different mix of development types due to their height and development controls. However, all residential zones will be provided with policy that provides guidance towards increasing our tree canopy and improving landscape outcomes. In the Substantial Change Areas (the General Residential Zone and Residential Growth Zones), there may be consideration of reduced areas for planting but canopy trees can still be provided and landscaping can better integrate with street planting to produce the net increase.

The strategy is most definitely focused on improving landscape and environmental outcomes. However, the detailed work will be conducted as actions from the strategy.

Jacinta Smith – Elsternwick

There was a lot of resident concern at the Town Hall meeting on May 5th - verging on white-hot anger from the speakers at this forum. Looking at the Housing Strategy feedback in this week's Agenda, I am concerned at the lack of detail and inclusion of feedback from this meeting of ~110 residents. Resident concerns have not been articulated clearly or addressed with modifications to the strategy in response.

Concerns voiced that night were about density leading to loss of amenity, lack of social housing and importantly, there were no defined plans for open space in areas where it most needed or about to be most needed. It worries me greatly that council purchases open space in non-priority areas according to council's own open space strategy - I worry that the buyers advocates are either ill-informed or they have a different priority agenda as I was able to find run down properties in areas of need for ~ land only cost.

Response:

The purpose of the Town Hall meeting on May 5 was to provide the community with information to assist with their survey or written submission during the consultation period. With just over 400 submissions, with nearly 75% of these being survey submissions stemming from multiple survey questions, the result is a significant amount of data, varying views, themes and comments associated with the range of supporting documents. This feedback has been assessed by officers and responses provided in the full consultation report of 97 pages, Attachment 2 of the report. This and the summary document clearly articulate the extent of information received.

With regards to open space, this is a major priority for Council. The Glen Eira Open Space Strategy provides guidance on improved and future open space in response to a growing population. This strategy recognises how Council needs to cater for the recreational and social needs of the existing and future community and is being actioned by significant investment in the purchase of land for new open space. Much of this being concentrated in gap areas in the network as identified in the strategy.

Susan Nolle – Caulfield

Question 1:

Re: Roadworks near Kambrook Road, Caulfield.

In July 2022, Council stated, "Council has budgeted for Stage 2 works within the 2022/2023 Capital Works program and this is currently out to Public Tender."

Where will the Stage 2 works take place i.e. which roads near Kambrook Road will be affected by these yet-to-be finalised road works?

Response:

The proposed drainage works will be undertaken at the intersections of Kambrook Road and Daniell Crescent, and Daniell Crescent and Farnham Street.

Question 2:

Re: Kambrook Road Resurfacing, Northward of Neerim Road

On the 18th of November 2021, Council stated, "The expected service life of asphalt surface is 20-25 years. Kambrook Road from Glen Eira Road to Neerim Road was resurfaced in 2001 and this section is in our 5-year Road Resurfacing Program. The road resurfacing program is reviewed every year. The local road condition survey is in progress currently, and the program will be reviewed and prioritised after completion of this survey."

Council also informed me that resurfacing of this, above named section of Kambrook Road was included in the 2022/23 budget.

If the Stage 2, yet-to-be finalised, Drainage Works are not completed within this budget timeframe, WHEN WILL KAMBROOK ROAD BE RESURFACED?

Response:

The final resurfacing of Kambrook Road will occur following the completion of the current drainage improvement works, which are being completed in two stages.

Stage 1 has recently been undertaken with large scale drainage works in Kambrook Road, and at the completion the road resurface has been reinstated to a safe condition.

The Tender process for Stage 2 works is currently underway with final Council approval and awarding at its 30 August Meeting.

Following the tender approval, the program for the final stage of the drainage works will be set and Council will be in a position to advise of the exact date of the final resurfacing. Nevertheless, as advise previously works are expected to be within the next twelve months.

8. OFFICER REPORTS (AS LISTED)

8.1 32-46 HUNTLEY ROAD BENTLEIGH

Moved: Cr Cade**Seconded: Cr Esakoff****ALTERNATIVE RECOMMENDATION**

1. That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/DP-35219/2022 at 32-46 Huntley Road Bentleigh for the construction of 39 double storey dwellings, 39 lot staged subdivision, removal of drainage and sewerage easement on Lots 68, 69 and 70 on LP13229, creation of easement of way and party wall easements and demolition and buildings and works in a Heritage Overlay on the following grounds:
The proposal is inconsistent with Clause 22.08 of the Glen Eira Planning Scheme (Minimal Change Area Policy) because it is not responsive to its site and context and does not integrate with or enhance the prevailing neighbourhood character.
2. The proposed 'terrace style' dwellings are contrary to the existing neighbourhood character and will present as a continuous built form within the Huntley Road and Yawla Street streetscapes.
3. The proposed street setback in Huntley Road does not comply with Clause 55.03-1 (Street setback objective - Standard B6) and will result in a dominant built form that is not respectful of the existing and preferred neighbourhood character.
4. Proposed Dwelling 39 will cause unreasonable amenity impacts to in terms of mass and bulk and overshadowing to adjoining dwellings to the east due to the following non-compliant Clause 55 objectives and standards of the Glen Eira Planning Scheme:
 - (a). Clause 55.04-1 Side and rear setback objective (Standard B17)
 - (b). Clause 55.04-5 Overshadowing open space objective (Standard B21)
5. The proposal is contrary to proposed Clause 15.01-5L (Neighbourhood Character) of the Planning Policy Framework as part of Planning Scheme Amendment C220glen as:
 - (a). The development does not maintain space between dwellings or respond to the predominant pattern of setbacks within the street.
 - (b). The development features predominantly vertical architectural elements in the form of high, skillion roofs.
 - (c). The development will disrupt the pattern of development and lot sizes within the street.

For the Motion: Crs Esakoff, Cade, Parasol, Zhang, Zmood, Zyngier and Pennicuik (7)

Against the Motion: Crs Athanasopoulos and Magee (2)

CARRIED

8.2 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Pennicuik**

That Council notes the update on Victorian Civil and Administrative Tribunal matters.

CARRIED UNANIMOUSLY

8.3 CARNEGIE STRUCTURE PLAN 2022

Moved: Cr Athanasopoulos**Seconded: Cr Pennicuik**

That Council:

1. adopts the Carnegie Structure Plan 2022 and notes that this document will replace the 2018 Carnegie Structure Plan.
2. seeks authorisation from the Minister for Planning to prepare and exhibit planning scheme Amendment C237glen.
3. authorises the Manager City Futures to undertake all changes to the amendment documentation in accordance with Council's resolution (or as required by the Minister for Planning) and to make any administrative changes required where changes do not affect the purpose or intent of the adopted amendment;
4. subject to receiving authorisation from the Minister for Planning, place the amendment on public exhibition for a period of six weeks.
5. notes that as part of the statutory exhibition, the Structure Plan and Planning Scheme Amendment C237glen will be exhibited to the public where submissions can be made.

For the Motion: Crs Athanasopoulos, Magee, Parasol, Zhang, Zmood, Zyngier and Pennicuik (7)

Against the Motion: Crs Esakoff and Cade (2)

CARRIED

Extension of Speaking Time**Moved: Cr Athanasopoulos****Seconded: Cr Zmood**

That Cr Esakoff be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY

Extension of Speaking Time**Moved: Cr Athanasopoulos****Seconded: Cr Zmood**

That Cr Esakoff be granted an additional three minute extension of speaking time.

CARRIED UNANIMOUSLY

- *It is recorded that Cr Athanasopoulos moved off screen at 9:10pm.*
- *It is recorded that Cr Athanasopoulos returned on screen 9:11pm.*

Extension of Speaking Time**Moved: Cr Zmood****Seconded: Cr Parasol**

That Cr Athanasopoulos be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY

8.4 PLANNING SCHEME AMENDMENT C220 (PLANNING SCHEME UPDATE) - PANEL REPORT

Moved: Cr Pennicuik**Seconded: Cr Zmood****ALTERNATE RECOMMENDATION**

That council:

1. Notes the officer report regarding Amendment C220glen including the Panel Report and officer recommendations.
2. Adopts revised changes to Amendment C220glen in accordance with the Panel's recommendations, except as it relates to Recommendation 4 of this report.
3. Notes additional changes to Amendment C220glen relating to heritage documents (Attachment 3), generally as a consequence of recent heritage amendment approvals as noted within this report.
4. **Rejects the Panel recommendation to 'Amend Clause 15.01-2L (Building design) 'to delete the fourth policy guideline'**
5. Adopts Planning Scheme Amendment C220 in accordance with Section 29(1) of the Planning and Environment Act 1987 as exhibited but amended in accordance with the recommendations of the Panel with the deletion of the recommendation which requests the removal of the fourth policy guideline under Clause 15.01-2L Building Design (as amended in Recommendation 5d first dot point) and notes the additional amendments to heritage clauses and Statements of Significance (as underlined) as follows:
 - a. *Amend Clause 11.03-1L (Activity centres) to:*

- a) delete 'in residential areas' from the third strategy under the 'General' subheading to read 'Supporting housing growth to provide a transition in building scale and height from the commercial core to the lower scale residential built form within and adjoining activity centres'
- b) replace under the 'Elsternwick major activity centre' sub-heading the second and forth strategies with 'Support opportunities to enhance arts and cultural offerings within the centre including a new cultural precinct in Selwyn Street'.
- b. Amend Clause 13.07-1L (Non-residential uses in residential areas) to:
- a) amend the title to 'Non-residential uses and development in residential areas'
- b) delete 'plan' and add 'map to this clause' in the first strategy
- c) delete 'overlooking' from the list under the fourth strategy
- d) amend the sixth strategy to 'avoid car parking within front setbacks where the use is not located on a preferred road abuttal as identified in the map to this Clause'
- e) insert 'Sundays and Public Holidays – not preferred' in the list under the first policy guideline.
- c. Amend Clause 15.01-1L (Landscaping) to:
- delete 'and courtyards' from the sixth strategy
 - delete 'in and around activity centres and' from the seventh strategy
 - replace the list of the third policy guideline with:
 - The provision of a minimum of one 8 metre high canopy tree for every 8 metres of the front boundary. If the result is not a whole number, round to the nearest whole number.
 - The provision of a minimum of one 6 metre high canopy tree for every 8 metres of rear boundary in the Neighbourhood Residential Zone and the General Residential Zone. If the result is not a whole number, round to the nearest whole number.
- d. Amend Clause 15.01-2L (Building design), to:
- .
 - revise the first dot point under the fourth 'General' strategy to 'Orientate living and private open space areas towards the front of the site and any abutting roads/streets, laneways, or areas of public open space'.
 - replace 'significant' with 'unreasonable' in the second dot point of the fourth strategy under 'Impact on the streetscape, public realm and public open space'.
 - delete the third dot point 'minimal load bearing walls in opportune locations to facilitate future consolidation and adaptable reuse of buildings' under the third policy guideline.
- e. Delete Clause 15.02-1L (Environmentally sustainable design) and reposition local policy content under Clause 15.01-2S (Building design) where it does not duplicate policy recently introduced by Amendment VC216.
- f. Amend Clause 15.03-1L (Heritage) to:
- a) replace 'discourage demolition' with 'avoid demolition' in the second strategy under 'Demolition'.
- b) update the list of 'Policy Documents' to include recently approved consultant background reports from Amendments C190glen, C204glen and C214glen.
- g. Amend Clause 16.01-1L-01 (Housing supply) to:
- a) revise the second, third and fourth strategies under 'Location of residential development' as:
- Direct substantial housing growth into substantial change areas identified on the Housing Change Area map to this clause
 - Support incremental housing growth outside of activity centres in Incremental Change Areas identified on the Housing Change Area map to this clause.
 - Support minimal housing growth outside of activity centres in Minimal Change Areas identified on the Housing Change Area map to this clause.
- h. Amend Clause 16.01-1L-02 (Student accommodation) to:

- a) delete 'their immediate family' from the fourth policy guideline.
 - i. Amend Clause 16.01-5L (Residential aged care and community care accommodation) to:
 - a) delete 'and sites that are relatively flat' from the first strategy.
 - j. Amend Clauses 18.02-1L (Sustainable personal transport), 18.02-2L (Public transport), 18.02-3L (Road system and access) and 18.02-4L (Car parking) to align with the Amendment VC204 policy structure at Clauses 18.02-1S (Walking), 18.02-2S (Cycling) and 18.02-3S (Public transport) and 18.02-4S (Roads).
 - k. Amend Clause 18.02-3L (Road system and access) to:
 - a) replace 'Road Zone Category 1' with 'Transport Zone 2' in the fifth strategy.
 - l. Remove the Statement of Significance for HO69 Bentleigh and Environs and replace the Statement of Significance for HO72 Elsternwick Estate and Environs with the revised statement in Attachment 3.
 - m. Amend the Schedule to Clause 43.01 (Heritage Overlay) and the Schedule to Clause 72.04 (Documents Incorporated in this Scheme) to delete the exhibited Statement of Significance for HO69 Bentleigh and Environs.
6. 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.
 7. Submits the adopted Planning Scheme Amendment C220glen to the Minister for Planning for approval, in accordance with Section 31(1) of the Planning and Environment Act 1987; and
 8. Advises all submitters to the Amendment of Council's determination in relation to Amendment C220.

For the Motion: Crs Esakoff, Cade, Magee, Parasol, Zhang, Zmood, Zyngier and Pennicuik (7)

Abstained: Cr Athanasopoulos (1)

CARRIED UNANIMOUSLY

Meeting Extension

Moved: Cr Esakoff

Seconded: Cr Magee

That the Council Meeting be extended to conclude at 11 pm.

CARRIED UNANIMOUSLY

- *It is recorded that Cr Athanasopoulos removed himself off screen at 9.46pm*

8.5 DRAFT HOUSING STRATEGY - PHASE 2 CONSULTATION FEEDBACK AND UPDATE

Moved: Cr Zhang

Seconded: Cr Cade

That Council:

1. Thanks all submitters and survey respondents for their contribution to the Housing Strategy.
2. Notes the community feedback outlined in the consultation documents attached to this report.

CARRIED UNANIMOUSLY

- *It is recorded that Cr Athanasopoulos returned to the screen at 9.48pm*

8.6 COMMUNITY GRANTS RECOMMENDATIONS 2022-2023

Moved: Cr Parasol

Seconded: Cr Athanasopoulos

That Council endorses:

1. the Community Strengthening Grants as detailed in Attachment One to this report;
2. the Partnership and Events Grants as detailed in Attachment Two to this report;

CARRIED UNANIMOUSLY

It is recorded that Cr Parasol declared a general conflict of interest in Item 8.6 – Community Grants Recommendations 2022-2023 Attachment 3

- *It is recorded that Cr Parasol was removed from the virtual meeting at 10:07pm*

8.6 COMMUNITY GRANTS RECOMMENDATIONS 2022-2023

Moved: Cr Pennicuik

Seconded: Cr Athanasopoulos

That Council endorses:

3. community grants for Haven for Mothers and Babies Inc and Maccabi Victoria Inc as detailed in attachment three to this report.

CARRIED UNANIMOUSLY

- *It is recorded that Cr Parasol was returned to the virtual meeting at 10:11pm and was not present for the debate on this item.*

It is recorded that Cr Zmood declared a general conflict of interest in Item 8.6 – Community Grants Recommendations 2022-2023 Attachment 4

- *It is recorded that Cr Zmood was removed from the virtual meeting at 10:11pm*

8.6 COMMUNITY GRANTS RECOMMENDATIONS 2022-2023

Moved: Cr Pennicuik

Seconded: Cr Parasol

That Council endorses:

4. community grants for B'nai B'rith as detailed in Attachment 4 to this report.

CARRIED UNANIMOUSLY

- *It is recorded that Cr Zmood was returned to the virtual meeting at 10:12pm and was not present for the debate on this item.*

It is recorded that Cr Zyngier declared a material conflict of interest in Item 8.6 – Community Grants Recommendations 2022-2023 Attachment 5

➤ *It is recorded that Cr Zyngier was removed from the virtual meeting at 10:12pm*

8.6 COMMUNITY GRANTS RECOMMENDATIONS 2022-2023

Moved: Cr Zhang

Seconded: Cr Esakoff

That Council endorses:

5. a community grant for Hashomer Hatzair Australia Inc as detailed in Attachment 5 to this report.

CARRIED UNANIMOUSLY

➤ *It is recorded that Cr Zyngier was returned to the virtual meeting at 10:15pm and was not present for the debate on this item.*

8.7 GLEN EIRA PUBLIC TOILET PLAN 2022-2027

Moved: Cr Athanasopoulos

Seconded: Cr Esakoff

That Council endorses and adopts the *Public Toilet Plan 2022-2027* (Attachment 1 to the report).

CARRIED UNANIMOUSLY

➤ *It is recorded that Cr Parasol moved off screen at 10:15pm*

➤ *It is recorded that Cr Parasol entered the screen at 10.16pm*

8.8 INCLUSION OF 14 TREES IN THE CLASSIFIED TREE REGISTER

Moved: Cr Zmood**Seconded: Cr Pennicuik**

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Yellow Gum x 6 (*Eucalyptus leucoxydon*) located on Foch St, alongside EE Gunn Reserve, Ormond – 127/CTR/2021;
 - b) Mexican Fan Palm x 2 (*Washingtonia robusta*) located at 487 Neerim Rd, Murrumbeena – 194/CTR/2021;
 - c) Tallowwood x 3 (*Eucalyptus microcorys*) located at 487 Neerim Rd, Murrumbeena – 194/CTR/2021;
 - d) Spotted Gum (*Corymbia maculata*) located at 487 Neerim Rd, Murrumbeena – 194/CTR/2021;
 - e) Pin Oak (*Quercus palustris*) located at 554 Neerim Rd, Murrumbeena – 205/CTR/2021;
 - f) Hybrid Strawberry Tree (*Arbutus X andrachnoides*) located at 554 Neerim Rd, Murrumbeena – 205/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 this report in the Classified Tree Register.

CARRIED UNANIMOUSLY

8.9 STATUTORY BUILDING SERVICES POLICIES

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

That Council revokes the following 2 policies listed below and attached to the report:

- a) Soil Classification
- b) Building Works on an Allotment Boundary

CARRIED UNANIMOUSLY

8.10 DELEGATIONS REVIEW AND UPDATE

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

That Council resolves that:

1. the instrument of delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report is approved;
2. in the 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, 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 planning delegations and other delegations, subject to the specified conditions and limitations specified in those instruments;
6. the CEO delegations, planning delegations and other delegations (as amended) come into effect immediately after the passing of this Council resolution;
7. clean versions of the CEO delegations, planning delegations and other delegations (as amended) be published on Council's website; and
8. on the coming into force of the CEO delegations, planning delegations and other delegations, the Instrument of Delegation to the Chief Executive Officer approved on 7 June 2022, the Instrument of Delegation to Council staff under the *Planning and Environment Act 1987* approved on 7 June 2022, and the Instrument of Delegation to Council staff under various legislation approved on 7 June 2022 are revoked.

CARRIED UNANIMOUSLY

Amendment to Item 8.11**Moved: Cr Parasol****Seconded: Cr Esakoff**

That further scope and costing detail be provided to get full understanding of Item 8.11 recommendation in particular point 3.

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

Against the Motion: Crs Athanasopoulos, Magee, Zhang, Zmood, Zyngier and Pennicuik (6)

LOST

8.11 CALL FOR REPORT - MEASURES FOR ENCOURAGING THE RETENTION OF TREES AND VEGETATION ON PRIVATE LAND**Moved: Cr Zyngier****Seconded: Cr Athanasopoulos**

RECOMMENDATION

That Council notes the content of the report and authorise officers to:

1. continue to Increase public awareness of the importance of all vegetation and Glen Eira's existing biodiversity through a comprehensive community engagement campaign.
2. continue to advocate to the state / federal governments for greater statutory environmental protection mechanisms.
3. develop a new Tree Protection & Vegetation Local Law to be presented to Council for endorsement that would offer protection to all private trees within the municipality that meet a minimum prescribed threshold.
4. continue to investigate improvements to the Glen Eira planning scheme that could be implemented in the future to offer greater protection to existing vegetation and encourage the planting of new vegetation to help achieve our strategic objectives.

For the Motion: Crs Athanasopoulos, Magee, Zhang, Zmood, Zyngier and Pennicuik (6)

Against the Motion: Crs Esakoff and Cade (2)

Abstained: Cr Parasol (1)

CARRIED

9. URGENT BUSINESS

Nil

10. ORDINARY BUSINESS

Nil

10.1 Requests for reports from a member of Council staff

10.2 Right of reply

10.3 Notice of Motion

10.4 Councillor questions

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 10.58pm.

Confirmed this day 30 of August 2022.

Chairperson.....