



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 22 NOVEMBER 2022

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
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	9
5.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS	9
	Nil	
6.	REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS	9
	Nil	
7.	REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY	9
	7.1 Advisory Committees	9
	7.1.1 Advisory Committee Minutes	9
	7.2 Records of Assembly.....	10
	7.2.1 Records of Assemblies of Councillors	10
8.	OFFICER REPORTS (AS LISTED).....	10
	8.1 9-13 Derby Road Caulfield East	10
	8.2 1104 Glenhuntly Road Glen Huntly	13
	8.3 VCAT Watch	17
	8.4 Caulfield Racecourse Incorporated Document Works Package 3-5 - Waste Management Plan Requirement.....	17
	8.5 Pavilion Priority List Review	17
	8.6 Feasibility of an Annual Vegetation Planting Week by Glen Eira	18
	8.7 Inclusion of 5 Trees in the Classified Tree Register.....	19
	8.15 Safe Cycling Corridor - Inkerman Road.....	20
	8.11 Road Discontinance Proposal Merriwoola Street St Kilda East	22
	8.8 Bentleigh East Neighbourhood Activity Centre - Design and Development Overlay Controls	23
	8.9 Quarterly Services Performance Report (2022-23 Quarter 1).....	23
	8.10 Review and Update Council Delegations.....	24
	8.12 Multideck Commuter Carparks Project Update.....	25

8.13	Appointment of Councillors to Advisory Committees and Review of the Advisory Committee Terms of Reference	25
8.14	Financial Management Report (31 October 2022)	26
9.	URGENT BUSINESS	26
10.	ORDINARY BUSINESS	26
10.1	Requests for reports from a member of Council staff	26
10.2	Right of reply	26
10.3	Notice of Motion	26
10.4	Councillor questions.....	26
10.5	Written public questions to Council	26
11.	CONFIDENTIAL ITEMS.....	27
	Nil	
12.	CLOSURE OF MEETING.....	27



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**

It is noted that Cr Parasol has advised he will be arriving late due to a prior commitment

No Apologies

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.

Procedural Motion**Moved: Cr Magee****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 Thursday 24 November 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**Public Participation**

We are now at the stage of the meeting where we invite members of the community to ask a question or make a statement to Council.

This evening we have 4 people wishing to speak to Council.

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

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

CARRIED UNANIMOUSLY

Item 10.5 – Written public questions to Council

<p>Marilyn Snider Victoria</p>	<p><u>Question 1</u></p> <p>I would like to speak in relation to the process and action pertaining to the handling of the College St traffic Management issue, which became a community conversation beginning in April 2019.</p> <p>In June of 2021, the strategy negotiated between Council and the residents of College St was to erect local traffic signs and 40km signs. The 40 km signs have not been installed. I have been advised that discussion with the Dept of Transport commenced in February of this year. As Council records show, the number of vehicles in College St exceeds the rating given in their Planning Scheme.</p> <p>On behalf of the residents in College St Elsternwick, I would like transparency on why this has taken so long and what timeline will occur to expeditiously bring this issue to a safe and satisfactory closure.</p> <p>RESPONSE:</p> <p>The formal approval of the change to 40 kph was only received from the Department of Transport on 11 November. As a result, the signs are now scheduled to be installed in the following fortnight.</p>
<p>Jamie Hyams Ormond</p>	<p><u>Question 2</u></p> <p>At the October 12 Council meeting, when he was summing up on the Alma Road pop up park item, Cr Zyngier stated, in relation to the change to waste collection frequencies, "If we had asked what our residents thought about this, and been led by our residents, we would not have made those changes." Apart from suggesting a selective approach to consultation, these comments, completely inaccurately, suggest Council did not consult about the waste collection changes. When I wrote to councillors about my concerns, Cr Zyngier first offered a clarification at the next meeting, and then said he would be guided by the Mayor and CEO on whether one was required. Given no clarification was made, I now ask officers to please set out in full what community engagement took place prior to the change in waste collection frequencies.</p> <p>RESPONSE:</p> <p>Council's decision in 2020 to change waste collection frequency was informed by an extensive and detailed engagement process including active trials to ensure our community were well informed.</p> <p>The process towards Council's decision included :</p> <ul style="list-style-type: none"> • The development of the Environmental Sustainability Strategy 2016 – 2021 which identified and committed Council to investigating changes to the frequency of kerbside bin

	<p>collections to help reduce waste to landfill. This strategy underwent regular consultation in line with best practice community engagement and public exhibition requirements.</p> <ul style="list-style-type: none"> • A municipality wide survey in November/ December 2018. This found that in general 53% support for a weekly green bin, a fortnightly red bin collection in Ormond, and 63% support in McKinnon. • A trial to test a weekly green bin and fortnightly red bin collection started on 29 October 2019 for 917 households in McKinnon – Ormond and was due to finish in May 2020. Due to the outbreak of COVID-19 the trial was extended to 1 September 2020. • Expert consultants were engaged to undertake a review of the trial with residents. The engagement was designed to capture feedback about positive aspects and any challenges faced. A total of 917 households were invited to participate in an online survey, and telephone interviews were also undertaken. The online feedback form was open from 9 - 19 June and telephone interviews were conducted between 16 - 23 June 2020. • Further and more recently, the principles of best practice waste management were also tested in the Climate Emergency Response Strategy and the Community Vision process. The Community Vision was a deliberative process (highest level of empowering the community). <p>Since then, frequency changes have been generally well received by the community with a range of support mechanisms in place to support residents on a case by case basis where there are challenges related to the frequency. A further example is the current engagement underway seeking community feedback on the current hard waste service to assist Council in making decisions around a future service model and alignment to the circular economy objectives. There are many ways to engage in this consultation and we'd encourage you to check the website and see what is coming up before the end of the year.</p>
<p>Rosetta Manaszewicz McKinnon</p>	<p><u>Question 3</u></p> <p>At the 2nd of November council meeting, Mr Torres stated that townhouses are 'predominately' constructions of 4 and 5 bedrooms. This statement is not supported by the latest census data. Will council publish the evidence that might substantiate this Torres' claim?</p> <p>RESPONSE:</p> <p>The Housing Strategy was developed over 2021 and 2022. Data on the number of bedrooms was sourced from Council's rate data base at 30 June 2021. As outlined in the Housing Strategy, the average bedrooms for a side-by-side townhouse was 3.1 bedrooms. Census data from 2021 only started becoming available in June 2022.</p> <p>With reference to the statements made by Mr Torres, he was simply outlining the extremes Glen Eira is seeing - from very small apartments to large side by side townhouses. This description was there to support the housing diversity needed in Glen Eira and was not a description of averages or any specific data source.</p>

	<p><u>Question 4</u></p> <p>On the 2nd of November Cr Zmood asked several questions on the Housing Strategy. Mr Torres responded – if the housing strategy is not supported tonight, our structure planning program ends tonight. Whilst permanent controls are admittedly dependent on an adopted Housing Strategy, its rejection does not signify that council can halt its strategic planning work as made clear by the attached Department letter which emphasises the need for continued work ‘in a timely manner’ and evidence of ‘substantial’ progress. To halt all strategic work as implied by the above Torres statement could also be seen as contravening Clauses 11.02-1S and 11.02-2S of the VPPs. Were councillors provided with a copy of the DWELP letter prior to their voting on the issue and if not, was the refusal for a time extension simply used to apply unwarranted pressure on councillors?</p> <p>RESPONSE:</p> <p>The Department’s letter was received by Council in February 2022 and its contents were communicated to Councillors in March and April, including the advice that future requests for further extensions of the interim controls beyond June 2023 would not be granted unless Council could demonstrate substantial progress with its strategic planning work program (i.e.. permanent controls).</p> <p>Since February Council officers have had regular briefings with Department representatives on the Housing Strategy and progress of our structure plans. The Department has consistently sought evidence of this progress and have reconfirmed the critical tie between the Housing Strategy and other plans.</p> <p>The reporting of the final Housing Strategy to Council had already been delayed in order to satisfy Councillors’ requests for an extended community consultation program and to provide Councillors with more time to familiarise themselves with its final content.</p>
<p>Noam Shifrin Caulfield North</p>	<p><u>Question 5</u></p> <p>'The Councillor Code of Conduct is clear that Councillors must work honestly and with integrity. From time-to-time various councillors have declared that they have a conflict of interest as they have an interest in a property that is close to a planning issue or council project. This is what it should be. At a previous Council meeting in 2021 two Councillors declared that they had legal advice that permits them to vote on the Inkerman Road bike project. If any councillors have such legal advice, are they prepared to share it with the community to allay any perceptions of a conflict of interest as per the Local Government Act 2020 sections 126 to 130 and the endorsed Councillor Code of Conduct?'</p> <p>RESPONSE:</p> <p>The Local Government Act 2020 and the associated conduct regulations make clear that it is a personal matter for a Councillor to determine and declare any conflict of interest. If a Councillor has received legal advice to assist them in determining whether they have a conflict of interest it is their personal legal advice, received under privilege, and they are not obliged to disclose it publicly.</p>

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**Moved: Cr Zhang****Seconded: Cr Pennicuik**

That the minutes of the Ordinary Council Meeting held on 2 November 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

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Youth Advisory Committee Meeting Minutes – 20 October 2022
2. Community Grants Advisory Committee Meeting Minutes – 25 October 2022
3. Strategic Transport Advisory Committee Meeting Minutes - 3 November 2022

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 19 October 2022 Assembly;
2. 25 October 2022 Assembly; and
3. 2 November 2022 Pre-meeting

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 9-13 DERBY ROAD CAULFIELD EAST

Moved: Cr Zyngier**Seconded: Cr Pennicuik**

That Council issues an Amended Planning Permit for Application No. GE/DP-32984/2019/A at 9-13 Derby Road, Caulfield East in accordance with the following changes to existing conditions:

Condition 1 amended to read as follows:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with Drawing No's: TP02 to TP27, Revisions G and H, dated 22 July 2022, prepared by CHT Architects, but modified to show:
 - a) Any changes required as recommended in the Acoustic Report referred to in Condition 6.
 - b) *...deleted...*
 - c) Any changes required as a consequence of the Facade Strategy referred to in Condition 3. The colour material schedule from the strategy is to be included in the architectural plan set.
 - d) *...deleted...*
 - e) *...deleted...*
 - f) *...deleted...*
 - g) *...deleted...*
 - h) *...deleted...*
 - i) *...deleted...*

- j) ...deleted...
- k) ...deleted...
- l) ...deleted...
- m) ...deleted...
- n) The design details of the external windows or glazed curtain wall system, including details of the colour and reflectivity of the glazing.
- o) ...deleted...
- p) Car parking provided in accordance with condition 16.
- q) 36 bicycle spaces are to be provided onsite. The design of these facilities is to accord with Clause 52.34 of the Glen Eira Planning Scheme or Australian Standard AS2890.3-1993.
- r) Car lift to have at least a 2.1m height clearance.
- s) Sight triangles to be notated as being clear of visual obstructions
- t) Car spaces located next to a wall to have at least 300mm clearance to open doors.
- u) Kerbs for the basement ramps modified to meet the requirements of Figure 2.8 of AS2890.1:2004.
- v) Visitor bike parking spaces to be appropriately signed.

Condition 3 replaced in its entirety with a new condition to read as follows:

3. Before the development starts, a Facade Strategy to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Facade Strategy will be endorsed and will form part of the permit. The strategy must be generally in accordance with the Facade Strategy, prepared by CHT Architects and dated 2 June 2022, however further modified to show:
 - a) Light Bronze Aluminium cladding to the doorway area of the street wall infill section to be updated to a more suitable Heritage sensitive material.

Condition 12 replaced in its entirety with a new condition to read as follows:

12. Before the building is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 19 April 2022, however further modified to show:
 - a) Incorporate a scaled drawing of bin stores and bins layout within the WMP document. Additional drawings should be included detailing internal waste receptacles in student rooms and communal areas.
 - b) A swept path drawing for a waste collection vehicle within the WMP document.
 - c) Review the bin area space to incorporate space for a future glass-only stream demonstrated in attached drawing.
 - d) Specify where the allocated temporary internal storage space for hard waste will be located and include in drawings.

Condition 16 amended to read as follows:

16. The car parking allocation for the approved development must be:
 - (a) Student housing; 0.1 spaces for each bed available. This can be

- inclusive of the 3 car share spaces and 1 student housing office/reception space; and
- (b) Food and Drink Premises staff; 2 car spaces.

Condition 19 replaced in its entirety with a new condition to read as follows:

19. Before the buildings are occupied, a Car Parking 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 drawn to scale and dimensioned. The plan must include:
- a) Introduction of vehicle conflict and a signal system that controls the vehicle movements in the ground floor car park to ensure there will not be any head on collisions. This is due to the conflict that will likely arise from vehicles parking on ground floor travelling on the same single vehicular accessway as vehicles exiting;
 - b) Demonstration that vehicles exiting the car lift will be able to do so in a forward direction. Swept path diagrams and mechanisms to achieve this must be provided accordingly;
 - c) Details regarding how the car lift will be managed, including user induction, signage and contingency plans if the lift is inoperable;
 - d) Detail relating to vehicle queuing for the car lift. Queuing must not occur in the right of way;
 - e) Ensure that the default position of the car lift is set at ground floor;
 - f) Ongoing maintenance of the car lift system; and
 - g) Instructions to owners and occupiers about the operation of the car lift system.

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

Against the Motion: Crs Esakoff and Zmood (2)

CARRIED

8.2 1104 GLENHUNTLY ROAD GLEN HUNTLY

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

That Council issues a Notice of Decision to Amend a Permit (No. GE/CP-32895/2019/A) to increase the area associated with the use of the land for a food and drink premises and sale and consumption of liquor, buildings and works and the waiver of the car parking requirement and to modify the hours of operation and patron numbers at 1104 Glenhuntly Road, Glen Huntly, in accordance with the following conditions:

Amended plans

1. Before the buildings and works starts, or any increase in the use starts as approved by the Amended Permit (GE/CP-32895/2019/A), amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the advertised plans identified as Proposed Floor Plan, dated May 2022, but further modified to show:
 - a. A set of plans prepared by a suitably qualified person, drawn to a scale of 1:100 and appropriately dimensioned, illustrating the acoustic measures as specified within the Acoustic Report required by Condition 10;
 - b. An amended Venue Management Plan in accordance with Condition 8;
 - c. An amended Acoustic Report in accordance with Condition 10; and
 - d. A Waste Management Plan in accordance with Condition 15.

Layout not to be altered

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

Patron numbers

3. Not more than 70 patrons and 5 staff are permitted on the premises at any one time, except with the prior written consent of the Responsible Authority.
4. Not more than 16 patrons are permitted in the rear outdoor area at any one time, except with the prior written consent of the Responsible Authority.
5. Public entry to the site must cease at 10pm each evening.

Hours of operation

6. The use of the land as a food and drink premises must only operate between the hours of:

- a. Indoor premises
Sunday to Thursday: 9am to 10pm
Friday to Saturday: 9am to 12am
 - b. Footpath trading area and rear outdoor area
Monday to Sunday: 9am to 10pm
7. The sale and consumption of liquor may only occur in conjunction with use of the land as a food and drink premises, within the endorsed red line area and between the following hours:
- a. Indoor premises
Sunday to Thursday: 12pm to 10pm
Friday to Saturday: 12pm to 12am
 - b. Footpath trading area and rear outdoor area
Monday to Sunday: 12pm to 10pm

Venue Management Plan

8. Before the amended use approved by this amended permit (GE/CP-32895/2019/A) starts, an amended Venue Management Plan, prepared for Lowdee Group P/L and dated May 2022, must be submitted to and approved by the Responsible Authority. When approved, the Venue Management Plan will be endorsed and form part of the permit. The amended Venue Management Plan must include the following changes:
- a. Reflect the operating hours set out in Conditions 6 and 7.
 - b. Remove and replace the reference to Poath Road from Section 13.1 with the correct building entrance location.
 - c. Remove all reference to waste management and collection.

Implementation of the Venue Management Plan

9. The provisions and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Acoustic Report

10. Before the amended use approved by this amended permit (GE/CP-32895/2019/A) starts, an amended Acoustic Report, prepared by Audiometric & Acoustic Services, dated 26 August 2022 must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and form part of the permit. The amended Acoustic Report must include the following changes:
- a. Remove all references to acoustic treatments and seating from outside of the endorsed red line area

Implementation of the Acoustic Report

11. Before the amended use starts, the provisions and requirements of the endorsed Acoustic Report must be implemented and thereafter complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

a. Acoustic Report after use commences

12. Within two months of amended use approved by this amended permit (GE/CP-32895/2019/A) starting, an updated Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated Acoustic Report must demonstrate compliance with Condition 14 and that the required level of noise attenuation has been achieved in accordance with Conditions 10 and 14 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).

Control of noise

13. No amplified music is permitted other than background level music played inside the venue.
14. Noise levels generated from the use must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

Waste Management Plan

15. Before the amended use approved by this amended permit (GE/CP-32895/2019/A) starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, including the following:
- a. The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - b. Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - c. Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - d. Details for best practice waste management once operating.

Implementation of the Waste Management Plan

16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

General amenity

17. The use must be managed so that the amenity of the area is not detrimentally affected though the:
- a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any buildings, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oil; and
 - d. The presence of vermin.

to the satisfaction of the Responsible Authority.

Access

18. The access point located at the southern title boundary must only be used for emergency exit, waste collection, deliveries, and staff and employee access.

Permit expiry

19. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two years of the date of this Amended Permit (GE/CP-32895/2019/A).
 - b. The development is not completed within five years of the date of this Amended Permit (GE/CP-32895/2019/A).
 - c. The use is discontinued for a period of two years.

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

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

Against the Motion: Cr Esakoff (1)

CARRIED

8.3 VCAT WATCH

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

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

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos vacated the online screen at 8:27pm.

It is recorded that Cr Athanasopoulos re-entered the meeting online at 8:30pm.

8.4 CAULFIELD RACECOURSE INCORPORATED DOCUMENT WORKS PACKAGE 3-5 - WASTE MANAGEMENT PLAN REQUIREMENT

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

That Council approves Works Package 3 and 4 – Waste Management Plan, prepared by WSP and dated 29 September 2022 (included within Attachment 1).

CARRIED UNANIMOUSLY

8.5 PAVILION PRIORITY LIST REVIEW

Moved: Cr Zmood**Seconded: Cr Esakoff**

That Council:

1. endorse the revised Pavilion Priority List 2022 that is attached to this report; and
2. note that Officers will communicate the updated Pavilion Priority List to sports club and the community.

CARRIED UNANIMOUSLY

Extension of Speaking Time**Moved: Cr Magee****Seconded: Cr Zyngier**

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

CARRIED UNANIMOUSLY**Extension of Speaking Time****Moved: Cr Magee****Seconded: Cr Zyngier**

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

CARRIED UNANIMOUSLY

8.6 FEASIBILITY OF AN ANNUAL VEGETATION PLANTING WEEK BY GLEN EIRA

Moved: Cr Zyngier**Seconded: Cr Pennicuik**

That Council:

1. Supports holding one week community event in autumn 2023 that would include:
 - A community planting day concentrating on increasing urban biodiversity and habitat corridors within Glen Eira City Council.
 - A specific planting event focussing on local schools during the week.
 - A plant giveaway event focussing on local indigenous species, to encourage biodiversity and habitat planting on private properties and provide education to the community on the value of urban biodiversity and the impacts of invasive weed species.
2. Supports the undertaking of an additional community plant giveaway in spring 2023
 - As above, this giveaway would focus on local indigenous species, to encourage biodiversity and habitat planting on private properties and further educate the community on the value of urban biodiversity and the impacts of invasive weed species.
3. Supports Parks Services to undertake an analysis following the events planned in 2023 in preparation for additional planting days and other community events in 2024.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos left the online meeting screen at 8:57pm.

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Zyngier

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

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos entered the online meeting screen at 9:04pm.

It is recorded that Cr Parasol has arrived at the Council Meeting at 9.04pm

8.7 INCLUSION OF 5 TREES IN THE CLASSIFIED TREE REGISTER

Moved: Cr Zmood

Seconded: Cr Esakoff

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) River Red Gum (*Eucalyptus camaldulensis*) located at 534A Neerim Rd, Murrumbeena – 76/CTR/2021;
 - b) Bull Bay Magnolia (*Magnolia grandiflora*) located at 61 Allison Rd, Elsternwick – 226/CTR/2021;
 - c) Lilly Pilly (*Syzygium smithii*) located at 61 Allison Rd, Elsternwick – 226/CTR/2021;
 - d) Liquidambar (*Liquidambar styraciflua*) located at 39 Hoddle St, Elsternwick – 279/CTR/2021;
 - e) Camphor Laurel (*Cinnamomum camphora*) located at 13 Charles St, Elsternwick – 290/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

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

That Council changes the order of business to bring forward Item 8.15 – Safe Cycling Corridor to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY

8.15 SAFE CYCLING CORRIDOR - INKERMAN ROAD

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

That Council:

1. Ceases all work on the project and no longer proceeds to community consultation.
2. Informs community and stakeholders of Council's resolution.

For the Motion: Crs Esakoff, Magee, Cade, Parasol and Zmood (5)

Against the Motion: Crs Athanasopoulos, Zhang, Zyngier and Pennicuik (4)

CARRIED

Item
8.15

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

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

CARRIED UNANIMOUSLY

Item
8.15

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

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

CARRIED UNANIMOUSLY

Item
8.15

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Zyngier

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

For the Motion: Crs Athanasopoulos, Magee, Cade, Parasol, Zhang, Zmood, Zyngier and Pennicuik (8)

Against the Motion: Cr Esakoff (1)

CARRIED

Item
8.15

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Parasol

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

CARRIED UNANIMOUSLY

Meeting Extension

Moved: Cr Magee

Seconded: Cr Zmood

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

Item
8.15

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Pennicuik

That Cr Zmood be granted a five minute extension of speaking time.

CARRIED UNANIMOUSLY

Item
8.15

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Parasol

That Cr Zmood be granted a five minute extension of speaking time.

CARRIED UNANIMOUSLY

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

That Council changes the order of business to bring forward Item 8.11 – Road Discontinuance Proposal Merriwoola Street, St Kilda East, to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos has left the meeting at 10:24pm.

8.11 ROAD DISCONTINAUCE PROPOSAL MERRIWOOLA STREET ST KILDA EAST

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

That Council:

1. resolves that the statutory procedures be commenced pursuant to sections 206, schedule 10, clause 3 and 207A(a) and 223 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* to discontinue and sell part of Merriwoola Street, St Kilda East north of Tantram Avenue, abutting 9 to 19 Merriwoola Street, 11 and 13 Loch Avenue, 8 to 14 Merriwoola Street and 14 Tantram Avenue, shown hatched in Attachment 1 (respectively, the **Road** and the **Proposal**);
2. gives public notice under section 223 of the *Local Government Act 1989* (and in compliance with section 114 of the *Local Government Act 2020*) in both *The Age* newspaper and on Council's website of the intention to discontinue the Road and sell the land to Caulfield Grammar School, by private treaty and otherwise in accordance with *Council's Roads and Reserves Discontinuance and Sale Policy 2022*;
3. Undertakes a community engagement process, including writing to all adjoining property owners and occupiers informing them of the Proposal and providing them with a copy of the public notice;
4. resolves that, in the event that no submissions are received, a further report be presented to Council for Council to decide whether to discontinue the Road and sell the land in the discontinued road, or to discontinue only part of the Road or not to discontinue the Road and sell the land; and
5. resolves that, in the event that submissions are received, that Council considers the submissions at a subsequent ordinary meeting of Council, including hearing of any submitters who have requested to be heard as part of their submission (the day, time and place of which is to be determined) and then, following such consideration of submissions, to then determine and decide whether to discontinue the Road and sell the land in the discontinued road to the School or to discontinue only part of the Road or not to discontinue and sell the Road.

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

Against the Motion: Cr Zyngier (1)

CARRIED

8.8 BENTLEIGH EAST NEIGHBOURHOOD ACTIVITY CENTRE - DESIGN AND DEVELOPMENT OVERLAY CONTROLS

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

That Council:

1. endorses Schedule 13 to Clause 43.02 Design and Development Overlay (Attachment 1 to this report) as the basis for a proposed planning scheme amendment;
2. authorises the Manager City Futures to make any administrative changes required where changes do not affect the purpose or intent of the proposed amendment;
3. seeks authorisation from the Minister for Planning to prepare an amendment to the Glen Eira Planning Scheme in accordance with Section 8A of the *Planning and Environment Act 1987*; and
4. notes that if authorisation is received from the Minister for Planning, Council exhibits the proposed amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.

CARRIED UNANIMOUSLY

8.9 QUARTERLY SERVICES PERFORMANCE REPORT (2022-23 QUARTER 1)

Moved: Cr Esakoff**Seconded: Cr Zmood**

That Council notes the Quarterly Service Performance Report for the period ending 30 September 2022 (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.10 REVIEW AND UPDATE COUNCIL DELEGATIONS

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

That Council resolves that:

1. the instrument of delegation to the Chief Executive Officer (CEO) (CEO delegations) in Attachment 1 to this report is remade without any amendments;
2. in exercise of the power conferred by section 11(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 CEO, 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. relevant staff be delegated the powers duties and functions, as set out in the planning delegations, subject to the specified conditions and limitations;
5. the CEO delegations and the planning delegations come into effect immediately after the passing of this Council resolution;
6. clean versions of the instruments of delegation be published on Council's website; and
7. on the coming into force of the delegations the Instrument of Delegation to the CEO approved on 9 August 2022 and the Instrument of Delegation to Council Officers under the *Planning and Environment Act 1987* approved on 9 August 2022 are revoked.

CARRIED UNANIMOUSLY

8.12 MULTIDECK COMMUTER CARPARKS PROJECT UPDATE

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

That Council:

1. resolves to formally close the Multideck Commuter Carparks projects in Bentleigh and Elsternwick; and
2. advise the community that the Urban Congestion Fund has been abolished, and therefore no further work will be undertaken on the Multideck Commuter Carparks projects in Bentleigh and Elsternwick.

CARRIED UNANIMOUSLY

8.13 APPOINTMENT OF COUNCILLORS TO ADVISORY COMMITTEES AND REVIEW OF THE ADVISORY COMMITTEE TERMS OF REFERENCE

Moved: Cr Zmood**Seconded: Cr Esakoff**

That Council:

1. appoints Councillors to the External Committees and Council's Advisory Committees as shown in the table listed under the 'Issues and Discussions' section of this report for the 2022/23 Council year; and
2. endorses the Terms of Reference attached to this report for each of the Council's Advisory Committees.
3. The VLGA delegates were noted as 'to be confirmed' in the officers report. Cr Zmood has nominated Cr Cade and Cr Pennicuik to be the representatives and they have accepted.

CARRIED UNANIMOUSLY

8.14 FINANCIAL MANAGEMENT REPORT (31 OCTOBER 2022)

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

That Council notes the Financial Management Report for the period ending 31 October 2022.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS

Nil

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff**

10.1 *It is recorded that Cr Zyngier has Called for a Report:*

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

Together with the Elsternwick Traders' Association and any other interested parties, such as the Jewish Arts Quarter, can we consider the viability of closing off the southern end of Staniland Street or another suitable street in Elsternwick on the northern side of Glen Huntly Road on Sundays to facilitate an urban market once a fortnight between September and March.

CARRIED UNANIMOUSLY

10.2 Right of reply

Nil

10.3 Notice of Motion

Nil

10.4 Councillor questions

Nil

10.5 Written public questions to Council

This Item was heard at an earlier stage of the meeting following Public Participation

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at **10.50pm**.

Confirmed this 13 December 2022

Chairperson.....