



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 13 DECEMBER 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 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

Apology

Moved: Cr Magee

Seconded: Cr Zmood

That the apology from Cr Li Zhang 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.

Nil

Procedural Motion

Moved: Cr Magee

Seconded: Cr Parasol

That Council:

1. where meetings are held in-person, can continue the meeting if the livestream of the meeting fails as stated in the governance rules;
2. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem where a Councillor is participating virtually; and
3. where a Councillor is participating virtually and the meeting cannot be resumed within 30 minutes from the commencement of the technical problem, the meeting is to be reconvened on Wednesday 14 December 2022 at 5.30pm.

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 there were no 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

10.5 WRITTEN PUBLIC QUESTIONS TO COUNCIL

Rosetta Manaszewicz	<p>Question 1</p> <p>At the previous council meeting part of the question I asked on the housing strategy was: Were councillors provided with a copy of the DWELP letter prior to their voting on the issue. I do not believe the response provided a clear cut answer to this query when it stated: The Department's letter was received by Council in February 2022 and its contents were communicated to Councillors in March and April...I therefore ask again and request a simple yes/no answer. Did councillors have a <u>hard copy</u> of the Department's letter provided to them prior to their voting on the housing strategy?</p> <p>Answer</p> <p>No. As with any modern, contemporary organisation that relies on electronic communications, a <u>hardcopy</u> of the letter was only available upon request.</p>
Rosetta Manaszewicz	<p>Question 2</p> <p>Page 45 of the Elsternwick Structure Plan Transport Study states: Please note that while Glen Huntly Road is a major Council road, not a State Arterial Road, <u>it has been classified as an 'Arterial' road based on the definitions outlined in the Glen Eira Planning Scheme. (my emphases).</u> Precisely which clauses and pages in the Planning Scheme provide these 'definitions' for re-interpreting Glen Huntly Road's categorisation, since council's current Register of Public Roads clearly designates Glen Huntly Road from the Nepean Highway to Kooyong Road as a 'link' road?</p> <p>Answer</p> <p>The Glen Eira Planning Scheme, Table C1 in Clause 56.06-8 indicates that an arterial road has a traffic volume greater than 7,000 vehicles per day. Traffic counts gathered for the transport study indicate that Glenhuntly Road in Elsternwick has 13,000-16,000 vehicles per day. The traffic on Glenhuntly Road is considerably higher than on all other roads in the study area, which is why the transport consultant labelled this road an arterial road.</p>

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Parasol

Seconded: Cr Esakoff

That the minutes of the Ordinary Council Meeting held on 22 November 2022 and the Special Council Meeting held on 23 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 Parasol

Seconded: Cr Esakoff

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. Multicultural Advisory Committee Meeting Minutes – 8 November 2022; and
2. Arts and Culture Advisory Committee Meeting Minutes – 17 November 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 November 2022 Assembly;
2. 15 November 2022 Assembly; and
3. 22 November 2022 Pre-meeting

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 8 GORDON STREET, ELSTERNWICK

Moved: Cr Esakoff

Seconded: Cr Zmood

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-35687/2022 at 8 Gordon Street, Elsternwick, in accordance with the following:

Permit preamble

Demolition of the existing buildings, construction of a mixed-use development comprising of six buildings (ranging in height from three to six storeys above two levels of basement) containing 175 apartments, use of the land for a food and drink premises (café), reduction in the car parking requirements associated with a food and drink premises, variation of a restrictive covenant and removal of an easement with the following planning permissions:

- Use of the land as food and drink premises (Clause 32.07-2)
- Construction of two or more dwellings on a lot (Clause 32.07-5)
- Construction of a front fence greater than 1.5m in height associated with two or more dwellings on a lot (Clause 32.07-5)
- To construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-2 (Clause 32.07-8)
- Demolish or remove a building (Clause 43.01-1)
- Construct a building or construct or carry out works (Clause 43.01-1)
- To create or remove an easement or restriction (Clause 52.02)
- Reduce the number of car parking spaces required under Clause 52.06-5 in relation to a food and drink premises

Permit conditions

Amended plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans identified as TP-12001, TP-12002, TP-12010, TP-12011, TP-12012, TP-12013, TP-12014, TP-12015, TP-12016, TP-13000, TP-13001, TP-13002, TP-22100, TP-22101, TP-22102, TP-22300, TP-22301, TP-22302, TP-22400, TP-22401, TP-22402, TP-22403, TP-2600, TP-22601, TP-32100, TP-32200, TP-32300, TP-32400, TP-32401, TP-32600, TP-32601, TP-45000, TP45100, TP-45101, TP-45200, TP-45300, TP-45400, TP-45401, TP-45402, TP-45600 & TP-45601 and prepared by Woods Bagot, but further modified to show:

Plans

- (a) The capacity of the rainwater detention tanks to be annotated on the plans.
- (b) The capacity, size and number of photovoltaic array solar panels to be annotated on the plans.

- (c) The provision of a minimum of two car parking spaces for the use of the food and drink premises (café).
- (d) A Heritage Retention Management Plan in accordance with Condition 5.
- (e) A Heritage Interpretation Strategy Plan that incorporates the Art Strategy as detailed on page 15 of the Heritage Art Plan prepared by Broached and dated 23 March 2022.
- (f) An updated Landscape Plan in accordance with Condition 8.
- (g) A Public Open Space Landscape Plan, to be generally in accordance with the design recommendations contained within the Heritage Art Plan prepared by Broached and dated 23 March 2022, and in accordance with Condition 11.
- (h) A Tree Protection Management Plan in accordance with Condition 14.
- (i) The recommendations and requirements of Transport for Victoria in accordance with Condition 45. This must also include the written consent from the Head, Transport for Victoria, that the modifications satisfy their conditional requirements.
- (j) *The location of mailboxes for all dwellings to be clearly delineated on the plans in accordance with Standard D23 of Clause 58.06-2 of the Glen Eira Planning Scheme.*

Layout not to be altered and construction oversight

- 2. The development and layout and description of the use 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.
- 3. Woods Bagot or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised or otherwise to the satisfaction of the Responsible Authority.
- 4. Oculus or a landscape architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and implementation of the landscaping to ensure the design quality and appearance of the approved landscaping is realised or otherwise to the satisfaction of the Responsible Authority.

Heritage documentation, retention and interpretation

- 5. Before the development starts (including any demolition or excavation), a Heritage Retention Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Heritage Retention Management Plan must be prepared by a qualified conservation architect. When approved, the Heritage Retention Management Plan will be endorsed and will then form part of the permit. The Heritage Retention Management Plan must:
 - (a) Specify actions for the management, maintenance and salvaging of the existing broadcasting tower, to ensure that the broadcasting tower remains in good condition and is not damaged throughout the demolition and construction period.
 - (b) The establishment of appropriate procedures for the retrieval, storage, and installation of broadcasting tower, including that the demolition of the existing building and construction of the development must not commence until broadcasting tower has been retrieved and stored.

- (c) Any remedial works that are required to be performed on the broadcasting tower before, during and post development of the site.
 - (d) Retention of a conservation architect and details of the times when supervision will be required onsite and time frames specified for supervision.
 - (e) Provision of a comprehensive heritage archival photographic survey report, undertaken by a professional photographer, to document all other aspects of the ABC studio buildings.
6. The provisions, recommendations and requirements of the endorsed Heritage Retention Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
 7. Before the development starts, or by such later date as approved in writing by the Responsible Authority, the cultural heritage plan recommendations as identified in the Heritage Art Plan, prepared by Broached and dated 23 March 2022, must be carried out and completed to the satisfaction of the Responsible Authority. This must include the variety of sculptural and mixed media public realm artworks generally as identified in the Heritage Art Plan. Any variation to the plan must be in consultation with, and to the satisfaction of, the Responsible Authority.

Landscaping and tree protection

8. Before the development starts, an updated Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The Landscape Plan must be to scale and dimensioned and be generally in accordance with the plans prepared by Oculus and dated 26 September 2022. The updated Landscape Plan must include:
 - (a) The locations of all landscaping works to be provided on the land.
 - (b) The locations of any trees to be retained or removed from the land (including details of species and size).
 - (c) A detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - (d) Details of the proposed surface finishes, planter walls, furniture and fixtures, and arbours and pergolas.
 - (e) Details of the irrigation system to be used on land following completion of the landscaping works.
 - (f) Details of any external lighting and structures to support the lighting.
9. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed Landscape Plan must be maintained in accordance with the Landscape Plan and to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.
11. Before the development starts, a Public Open Space Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved

by the Responsible Authority. When approved, the Public Open Space Landscape Plan will be endorsed and will then form part of the permit. The Public Open Space Landscape Plan must be to scale and dimensioned and be generally in accordance with the design recommendations contained within the Heritage Art Plan prepared by Broached and dated 23 March 2022. The Public Open Space Landscape Plan must include:

- (a) The locations of all landscaping works to be provided within the public open space.
 - (b) The locations of any trees to be retained or removed from the public open space (including details of species and size).
 - (c) A detailed schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - (d) Details regarding specific planting techniques to be undertaken, such as planting methodology, root barriers, fertilizer, or any other requirements.
 - (e) The proposed layout, materials and finishes of paths, areas of pavement, playgrounds, play items, structures and park furniture.
 - (f) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls, details of drainage infrastructure, utility services, irrigation and water supply infrastructure.
 - (g) Detailed construction drawings of any buildings or structures within the public open space area including additional supporting information such as certified structural design computations.
 - (h) Details for the design, supply and installation of playground equipment.
 - (i) The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds from the land.
 - (j) Location and details of public lighting in accordance with relevant Australian Standards.
 - (k) Fencing details for all allotment boundary fencing abutting a reserve to be transferred to Council.
12. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Public Open Space Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed Public Open Space Landscape Plan must be maintained in accordance with the Landscape Plan and to the satisfaction of the Responsible Authority for a period of 24 months from practical completion of the landscaping, including by replacing any dead, diseased, dying or damaged plants.
14. Before the development starts (including any demolition or excavation), a Tree Protection Management Plan (TPMP) in respect of Tree's number 4 and 5 (as identified in the Arboricultural Report, prepared by Arbor Survey and dated 26 July 2022) located on the subject site and all trees within 5m of the shared property boundary located at 192 Hotham Street, Elsternwick, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The TPMP must show:
- (a) The specification of tree protection zones (TPZ).
 - (b) The type, installation and maintenance of tree protection fencing.
 - (c) Specific details of any works proposed in any TPZ and how impacts will

- be mitigated.
 - (d) Maintenance, including mulching and watering, within the TPZ
 - (e) No vehicular or pedestrian access within a TPZ other than to allow for any approved works or maintenance within a TPZ.
 - (f) The protection of the canopies and trunks of the specified trees.
 - (g) How canopies will be managed, including pruning.
 - (h) Excavation within or near a TPZ.
 - (i) Maintenance, including mulching and watering, within the TPZ.
 - (j) All trees on the subject site proposed to be retained and all trees on adjacent land are to be protected in line with *AS4970-2009 Protection of Trees on Development Sites*.
 - (k) A mechanism to ensure that before the development starts, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed TPMP and are advised of any obligations in relation to the protection of those trees.
 - (l) A schedule of Project Arborist inspections.
15. The Tree Protection Management Plan (TPMP) must include a program to implement the proposed measures before, during and on completion of construction (including demolition). The tree protection measures set out in the TPMP must be implemented to the satisfaction of the Responsible Authority, except with the prior written consent of the Responsible Authority.

Environmental assessment

16. Before the development starts (other than for 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.
17. If an Environmental Audit is required, then before the development starts (other than for necessary excavation, demolition and investigation works) an Environmental Audit must be undertaken pursuant to Section 208 of the *Environment Protection Act 2017* and an Environmental Audit Statement prepared and provided to the Responsible Authority.
18. Where an Environmental Audit Statement is issued for the land:
- (a) The buildings and works and the use of the land that are the subject of this permit must comply with all directions and conditions contained within the Environmental Audit Statement to the satisfaction of the Responsible Authority.
 - (b) Before the use or development starts 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.

Unless otherwise agreed in writing by the Responsible Authority, where any condition of that Environmental Audit 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 is occupied. 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.

19. Before the development is occupied, written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority to confirm that the area of public open space has been remediated to be suitable for use as public open space.

Section 173 Agreement

20. Before the development starts, the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - (a) The area of land identified as 'Public Open Space' on the endorsed plans has been set aside to contribute, in part, as a contribution to the Council for public open space, pursuant to Clause 53.01 of the Glen Eira Planning Scheme, at the point in time in which the land is subdivided.
 - (b) The area of land identified as 'Public Open Space' on the endorsed plans will contribute in part to the amount specified in the schedule to Clause 53.01 of the Glen Eira Planning Scheme, at the point in time when the land is subdivided.
 - (c) If there is a remaining balance to achieve the contribution as required by Clause 53.01 of the Glen Eira Planning Scheme, at the point in time when the land is subdivided, the balance is to be either a financial contribution or a 'works in kind' contribution, to not less than the remaining percentage of the site value of the land.
 - (d) The area of land provided as 'Public Open Space' must be free of any restrictions or encumbrances on the certificate of title including easements, or covenants.

The section 173 Agreement must be registered on the title to the land. All expenses involved in the drafting, negotiating, reviewing, lodging, executing and registering the Agreement, including those incurred by the Responsible Authority must be met by the owner of the land.

This requirement may be waived should a Statement of Compliance have issued, and the land identified as 'Public Open Space' on the endorsed plans, have been transferred to Council, and any remaining balance to achieve the contribution as required by Clause 53.01 of the Glen Eira Planning Scheme has been satisfied to the satisfaction of the Responsible Authority.

Acoustic requirements

21. The provisions, recommendations, and requirements of the Acoustic Report,

prepared by Acoustic Logic and dated 11 July 2022, must be implemented and complied with to the satisfaction of the Responsible Authority, except with the prior written consent of the Responsible Authority.

Management plans

Construction Management Plan

22. Before the development starts (including any demolition or 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 may be submitted in stages in respect of the demolition, excavation or development with the agreement of the Responsible Authority. The CMP must show as relevant to each stage:
- (a) 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.
 - (b) Measures to control noise, dust and water and sediment-laden runoff.
 - (c) Measures to maintain safe, navigable and step-free public access around and past the site.
 - (d) Measures to prevent silt or other pollutants from entering into any underground drainage system or gutters within the surrounding road network.
 - (e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.
 - (f) Measures relating to the cleaning and maintaining of surrounding road surfaces.
 - (g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like.
 - (h) A plan showing the location of parking areas for construction and subcontractors' vehicles on and surrounding the site, to ensure vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by subcontractors/tradespeople upon completion of such areas, without delay.
 - (i) Delivery and unloading points and expected frequency.
 - (j) A traffic management plan showing truck routes to and from the site including during the drop off and pick up times of the Sholem Aleichem College.
 - (k) Swept path analysis demonstrating the ability of trucks to enter/exit the site in a safe manner for the largest anticipated truck associated with the construction.
 - (l) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (m) Measures relating to public safety and site security including the delivery and removal of materials from the site.
 - (n) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
 - (o) Measures to ensure that subcontractors/tradespeople operating on the site are aware of the contents of the construction management plan.
 - (p) Contact details of key construction site staff.
 - (q) Any other relevant matters including the requirements of VicRoads, the Department of Transport and Council Local Law's.

23. 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 Plan

24. The provisions, recommendations and requirements of the Waste Management Plan, prepared by SALT and dated 14 July 2022, 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.

Public Realm Management Plan

25. Before the development is completed, a Public Realm Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Realm Management Plan must be prepared by a suitably qualified urban design professional. When approved, the Public Realm Management Plan will be endorsed and will then form part of the permit. The Public Realm Management Plan must be to scale and dimensioned and be generally in accordance with the plans prepared by Oculus and dated 26 September 2022. The Public Realm Management Plan must include:

- (a) Plans, elevations and sections prepared in conjunction with the Responsible Authority, for the nature strip and on-street parking area in front of the site, along Gordon Street.
- (b) Description of proposed works, including proposed landscaping, surface treatments, materials and finishes, street furniture (including any signage, bins, seats, bicycle facilities, gates, fences and the like).
- (c) Details of any water sensitive urban design treatments.
- (d) A plan defining the area the works are to be undertaken.

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

26. Before the development is occupied, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority. The endorsed Public Realm Management Plan must be complied with and must not be varied except with the prior written approval of the Responsible Authority.

Sustainability Management Plan

27. The provisions, recommendations and requirements of the Sustainability Management Plan, prepared by Lucid Consulting Australia and dated 22 July 2022, 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.

Green Travel Plan

28. The provisions, recommendations and requirements of the Green Travel Plan,

prepared by Traffix Group and dated July 2022, 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.

Car parking, bicycle facilities and access

29. Before the development 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.

30. No fewer than one car parking space for each one or two bedroom dwelling; two car parking spaces for each dwelling with three or more bedrooms; and two spaces for the food and drink premises must be provided on the land to the satisfaction of the Responsible Authority.
31. Before the development is occupied, vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.
32. Before the development is occupied, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

Use of the part of the land as a food and drink premises (café)

33. The food and drink premises (café) must only operate between the hours of 7am to 7pm Monday to Sunday, except with the prior written consent of the Responsible Authority.
34. No more than 50 seats may be made available at any one time to patrons of the food and drink premises (café), except with the prior written consent of the Responsible Authority.
35. The amenity of the area must not be adversely affected by the use of the food and drink premises (café), by way of:
- (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works, stored goods or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
 - (d) Traffic generated by the use,

or in any other way, to the satisfaction of the Responsible Authority.

36. Noise levels generated from the use of the food and drink premises (café)

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.

General requirements

37. Unless otherwise agreed in writing by the Responsible Authority, the areas defined as 'Publicly accessible privately owned outdoor areas' within the Landscape Report prepared by Oculus and dated 26 September 2022, must permanently be made available for public access, free of any barriers, gates or obstructions, to the satisfaction of the Responsible Authority.
38. Before the development is occupied, all screening shown on the endorsed plans must be installed and thereafter 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.
39. All outdoor lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of future occupants of the land and to adjoining land, to the satisfaction of the Responsible Authority.
40. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
41. Before the development is occupied, the walls on or facing the boundary of an adjoining property must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
42. 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 or for any public realm works, 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 landowner.
43. The development must be drained to the satisfaction of the Responsible Authority.

Removal of easement and removal/creation restriction

44. Before the development starts, the existing restriction registered on the certificate of titles must be removed and the proposed restriction must be registered on the certificate of titles at the land registry office to the satisfaction of the Responsible Authority

Transport for Victoria requirements

45. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head,

Transport for Victoria 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (dated 12/7/2022, Revision A prepared by Woods Bagot but modified to show:

- (a) Illegal trespass of people onto railway land is prevented.
 - (b) The designs prevent items from being thrown or falling onto railway land from any part of the building development.
 - (c) The development design does not require people to access onto railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development.
 - (d) The development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
 - (e) The development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
 - (f) The development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations.
The development's landscaping and planting will not interfere with train driver visibility or interpretation of rail signals upon completion or in the future.
 - (g) The development's landscaping and planting will not facilitate illegal access to railway land over boundary fence or wall via tree climbing upon completion or in the future.
 - (h) The development's landscaping and planting will not cause damage to any rail assets or infrastructure, via root or branch ingress, upon completion or in the future.
46. Unless otherwise agreed in writing with Head, Transport for Victoria and VicTrack, windows, doors and balconies must not be placed on the title boundary with railway land. Such windows, doors and balconies if permitted, shall:
- (a) Be designed to prevent illegal trespass of people onto railway land.
 - (b) Be designed to prevent items from being thrown or falling onto railway land.
 - (c) Not open beyond the railway land title boundary.
 - (d) Not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
 - (e) Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
 - (f) Not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.

Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:

- (g) Be designed to prevent items from being thrown or falling onto railway land.
- (h) Not require people to access onto railway land for the purposes of cleaning, replacement, inspection and maintenance.
- (i) Not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
- (j) Not reflect or refract artificial light such that it interferes with train driver

visibility or interpretation of rail signals. Building materials (including glass/window/ balcony treatments) or advertising signs likely to have an effect on train driver operations along the rail corridor must be shown by a reflectivity and or light study not to cause reflections or glare that may interfere with train driver operations and avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals.

47. Prior to the commencement of work on site detailed construction / engineering plans and structural computations for any construction abutting railway infrastructure or railway land must be submitted and approved by VicTrack, the Head, Transport for Victoria and the Rail Operator (RO). The plans must detail all basement excavation design, retention works and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:
 - (a) The relevant Rail Transport Operator's engineering standard for minimum structural gauge clearances.
 - (b) Minimum clearances to all electrical assets and procedures for works adjacent such assets, including:
 - i. Energy Safe Victoria (ESV) requirements for minimum clearances to electrical assets and works adjacent.
 - ii. Australian Standards AS2067, AS7000 and Electricity Safety (General Regulations 2019, Part 6) for clearances to electrical assets. Clearances required include for safe working, fire life safety design, electromagnetic interference and earthing, bonding, and electrolysis mitigation design.
 - iii. Any other reasonable safety requirements required by the Rail Operator.
 - (c) The required rail collision loadings and collision protection measures for the building supports adjacent the rail tracks in accordance with AS5100 Part 1 – 'Bridge Design, Scope and General Principals'.
 - (d) Earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.
 - (e) Demonstration that ground stabilisation devices, such as temporary or permanent ground anchors, soil nails, reinforced earth straps, do not penetrate onto railway land.
 - (f) Generally, be in accordance with VicTrack Development Interface Guidelines obtainable from the VicTrack Internet site.
48. Unless otherwise agreed in writing with VicTrack, prior to construction commencing on site, the permit holder must demonstrate to the satisfaction of VicTrack that entry onto railway land or air space over railway land is not required for fire, light, ventilation and maintenance for all buildings and works on site.
49. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with the Head, Transport for Victoria to the satisfaction of, and at no cost to, the Head, Transport for Victoria and the Rail Operator.
50. Unless otherwise agreed in writing with Head, Transport for Victoria, prior to demolition and construction commencing on site, the permit holder must demonstrate to the satisfaction of Vic Track and the Head, Transport for Victoria that entry onto railway land or air space over railway land is not

required for fire, light, ventilation and maintenance for all buildings and works on site.

51. Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
52. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to, and approved by, the Head of Transport for Victoria. The Traffic Management Plan must provide for:
 - (a) How public transport operations, traffic, walking and cycling movements will be managed during the demolition and construction; and
 - (b) How any traffic impact to the railway land and associated infrastructure assets will be mitigated.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria.

All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to the Head, Transport for Victoria.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

53. Before development starts (including demolition and bulk excavation), separate Demolition and/or Construction Management Plan must be submitted to and approved by the Head, Transport for Victoria. When approved, the Demolition and Construction Management Plan will form a part of this permit. The Demolition and Construction Management Plan must include (but not be limited to) details of:
 - (a) The buildings, works and other measures necessary to:
 - i. Protect railway land, track, overhead power and associated infrastructure.
 - ii. Prevent/minimise disruption to the operation of the railway.
 - (b) The remediation of any damage to railway land, track, overhead and underground power and communication assets, and associated infrastructure.
 - (c) Details of required access to the railway land during demolition and construction of the development with appropriate durations, schedules and required permits.
 - (d) Arrangements for:
 - i. Any hoarding associated with the construction of the development at the railway boundary or that encroaches onto or overhangs railway land.
 - ii. Piling, excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land.
 - iii. The deposit or store of waste, fill or other materials associated with the development on the railway land.
 - iv. Air and dust management.
 - v. Operating hours.
 - vi. Noise and vibration controls.
 - vii. The management of site drainage, effluent and waste.

- viii. The security of the railway land and associated infrastructure.
- ix. Temporary or construction lighting.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

- 54. The permit holder must, always ensure that the common boundary with railway land is fenced to prohibit unauthorised access to the rail corridor (minimum 1800mm height). Any permanent walls or fences on the common boundary with railway land must be designed and constructed with the agreement of Head, Transport for Victoria, and be cleaned and finished using a graffiti proof finish or alternative measures used to prevent or reduce the potential of graffiti as approved by the Head, Transport for Victoria.
- 55. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent.
- 56. Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement with the by the Head, Transport for Victoria and the relevant Rail Transport Operator(s).
- 57. The developer shall pay any Rail Operator costs required for the development documentation reviews or construction works associated with the development as required by the Rail Operator.
- 58. The Planning Permit holder must make all reasonable steps to ensure that the disruption to train operation within the railway corridor are kept to a minimum during the construction of the development and in compliance with the Rail Operators Safety and Environmental requirements contained within the Rail Operators construction control and indemnity agreement.
- 59. Any damage to the Rail Operator's infrastructure as a consequence of the construction works must be rectified to the satisfaction of the Rail Operator at full cost of the Building Permit Applicant.

Permit expiry (easements and restrictions)

- 60. This permit will expire if one of the following circumstances applies:
 - (a) The plan of restriction and easement is not certified within two years after the date of this permit.
 - (b) The registration of the subdivision is not completed within five years from the date of certification of the plan of subdivision.

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 expiry (use and development)

61. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.
 - (c) The use of the part of the land as a food and drink premises (café) is not started within five years of the date of this permit.
 - (d) The use of the part of the land as a food and drink premises (café) 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*.

The following notes are for information only:

General notes

- 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. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to familiarise themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

VicTrack notes

- You are encouraged to liaise with VicTrack before the development starts to ensure that you comply with any requirements they have in relation to developing adjacent to the railway reserve.

Engineering notes

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior 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 on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site

drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:

- i. trench grate (150mm minimum internal width) located within the property and/or;
 - ii. Shaping the driveway so that water is collected in a grated pit on the property.
- Any firefighting equipment for the building shall be accommodated within title boundary and not within a Council Road Reserve.
 - An Asset Protection Permit must be obtained from Council prior to the commencement of any building works, by lodging an application at: <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-protection-permit>
 - A Vehicle Crossing Permit must be obtained from Council by lodging an application at: <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/vehicle-crossing-permit>
 - To connect storm water discharge to the Council drainage network and any works in the road reserve, an Asset Consent Permit must be obtained from Council by lodging application at: <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-consent-permit>

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

Against the Motion: Cr Pennicuik (1)

CARRIED

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Zmood

That Cr Sue Pennicuik be granted a three minute extension of speaking time on Item 8.1.

CARRIED UNANIMOUSLY

8.2 2/13 GRAFTON STREET, ELSTERNWICK

Moved: Cr Zyngier

Seconded: Cr Pennicuik

That Council issue a Notice of Refusal to Grant a Planning Permit for application GE/DP-35680/2022 at 2/13 Grafton Street Elsternwick for the construction of a double storey extension to an existing dwelling on a lot of less than 300sqm and a front fence exceeding 1.5m in height on the following grounds:

The proposal is not compliant with the following objectives of Clause 54 the Glen Eira Planning Scheme:

- Clause 54.03-3 (Site coverage objective), as the site coverage is excessive and does not respect the character of the area by means of landscaping opportunities.
- Clause 54.03-6 (Significant trees objective), as insufficient landscaping opportunities for canopy tree planting is provided.
- Clause 54.04-1 (Side and rear setbacks objective), as the proposed rear setback does not respect the preferred landscaped character of the area.
- Clause 54.04-5 (Overshadowing open space objective), as the proposal will result in unreasonable overshadowing impacts to 11 Grafton Street.
- Clause 54.06-2 (Front fence objective), as the fence height does not respect the fence height character of the area.

For the Motion: Crs Esakoff, Parasol, Zmood, Zyngier and Pennicuik (5)

Against the Motion: Crs Athanasopoulos, Magee and Cade (3)

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

8.4 INCLUSION OF 5 TREES AND REMOVAL OF 1 TREE IN THE CLASSIFIED TREE REGISTER

Moved: Cr Zmood

Seconded: Cr Pennicuik

That Council

1. includes the following trees in the Classified Tree Register:
 - a) Wallangarra White Gum (*Eucalyptus scoparia*) located at 47 Sycamore St, Caulfield South – 257/CTR/2021;
 - b) English Oak (*Quercus robur*) located at 88 Eskdale Rd, Caulfield North – 410/CTR/2022;
 - c) Mexican Fan Palm (*Washingtonia robusta*) located at 88 Eskdale Rd, Caulfield North – 410/CTR/2022;
 - d) River Red Gum (*Eucalyptus camaldulensis*) located at 7 Redan Rd, Caulfield North – 412/CTR/2022;
 - e) Cabbage Tree (*Cussonia spicata*) located at Caulfield Park, Caulfield North – 441/CTR/2022;
2. removes the following tree in the Classified Tree Register:
 - a) River Red Gum (*Eucalyptus camaldulensis*) located at Elster Creek Trail, Whitmuir Rd, Bentleigh – 220/CTR/2021;
3. notifies each person who nominated a tree detailed in this report;
4. notifies all relevant landholders of the trees detailed in this report; and
5. authorises a notice to be published in the Victorian Government Gazette of the decision to include the 5 trees and remove the 1 tree outlined in this report in the Classified Tree Register.

CARRIED UNANIMOUSLY

It is recorded that Cr Zyngier vacated the Chamber at 8:34pm.

8.5 FOUNDATION FOR YOUTH EXCELLENCE AWARDS - COUNCIL RECOMMENDATIONS QUARTER 4

Moved: Cr Esakoff

Seconded: Cr Cade

That Council approves the following Foundation for Youth Excellence grants for the fourth Quarter 2022:

- \$1200 to Angus Grenfell to compete in Motocross at the FIM European Talent Cup in Valencia, Spain.
- \$600 to Nicholas Ritchie to compete in Cricket at the Australian Indoor Cricket Championships in Cranbourne, Victoria.
- \$1200 to Peninah Silverstein to participate in Urban Adamah Fellowship in Berkley, California.
- \$600 to Peter Sfyridis to compete at the School Sport Victoria Soccer Championship in Rockingham, Western Australia.
- \$600 to Sophie McCaffrey to compete at the School Sport Australian Soccer Championships in Rockingham, Western Australia.
- \$600 to Rosie O'Brien to compete at the Australian Youth Volleyball Championships in Bendigo, Victoria.
- \$1200 to Yuelin Zhang to compete in Badminton at the Junior World Championships, held in Santander, Spain.

CARRIED UNANIMOUSLY

8.6 COMMUNITY GRANTS PROGRAM GUIDELINES 2023-2024 AND YOUTH EXCELLENCE GRANTS PROGRAM GUIDELINES

Moved: Cr Parasol

Seconded: Cr Zmood

That Council endorses the *Community Grants Program Guidelines 2023-2024* and *Youth Excellence Grants Program Guidelines* as detailed in Attachments One and Two.

CARRIED UNANIMOUSLY

8.7 ESTABLISHMENT OF A SOUTHEASTERN COUNCILS BIODIVERSITY NETWORK

Moved: Cr Pennicuik

Seconded: Cr Zmood

That Council:

1. note the options presented in this report and continues to work with neighbouring Councils on the preferred approach;
2. write to neighbouring Councils to seek their support on progressing the investigation into a suitable model for enhanced networking;
3. write to the Minister of Environment and Climate Action seeking and update on the achievements of the *Protecting Victoria's Environment – Biodiversity 2037* and support for greater collaboration between state and local government on biodiversity planning and delivery; and
4. receive a further report in early 2023 to consider the required further information identified in this report.

CARRIED UNANIMOUSLY

8.8 DOMESTIC ANIMAL MANAGEMENT PLAN 2022 ANNUAL REVIEW

Moved: Cr Esakoff

Seconded: Cr Cade

That Council:

1. notes the completion of the actions to date of the Domestic Animal Management Plan 2022-2025; and
2. notes that a copy of this report be provided to the Secretary to the Department of Jobs, Precincts and Regions as required under S68A(3)(b) of the *Domestic Animals Act 1994*.

CARRIED UNANIMOUSLY

Moved: Cr Cade

Seconded: Cr Zmood

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

1. appoints **Sevron Pty Ltd, trading as Sevron Environmental Contractors ACN 165 444 011** as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
2. appoints **Dianabelle Pty Ltd, trading as Rootcontrollers & Hydrox Australia ACN 065 581 133** as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
3. appoints **TreeServe Pty Ltd ACN 169 334 712**, as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
4. appoints **The Tree Company Arboricultural Services Pty Ltd ACN 120 997 239** as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
5. prepares the contracts in accordance with the Conditions of Contract included in the tender;
6. authorises the Chief Executive Officer to execute the contract on Council's behalf;
7. 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
8. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.10 TENDER 2023.25 PROVISION OF POOL CHEMICALS AND GASES TO AQUATIC AND LEISURE FACILITIES

Moved: Cr Pennicuik

Seconded: Cr Cade

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

1. appoints **BOC Limited, ACN 000 029 729** as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
2. appoints **Chemprod Nominees Pty Ltd, ACN 005 032 744** as the trustee for the Fried Family Chemical Trust, trading as Omega Chemicals (ABN **32 982 143 022**) as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
3. appoints **Redox Pty Ltd ACN 000 762 345**, as a panel contractor under Tender number 2023.41 in accordance with the Schedule of Rates submitted;
4. prepares the contracts in accordance with the Conditions of Contract included in the tender;
5. authorises the Chief Executive Officer to execute the contract on Council's behalf;
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

8.11 TENDER NUMBER 2023.28 – INTERNAL REFURBISHMENT OF CAULFIELD TOWN HALL (FIRST FLOOR AND SERVICE CENTRE OFFICE)

Moved: Cr Zmood

Seconded: Cr Athanasopoulos

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

1. appoints **SIMBUILT PTY LTD (A.C.N.140 288 080)** as the contractor under Tender Number 2023.28 in accordance with the lump sum 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. authorises the Chief Executive Officer to approve variations to this contract in accordance with the details outlined in the confidential attachment to this report;
5. notes the attachments to the report remain confidential in accordance with Section 3(1)(g) and Section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
6. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.12 AGED CARE SUBMISSION TO THE FEDERAL GOVERNMENT TO INFORM THE FUTURE OF IN-HOME SUPPORT SERVICES.

Moved: Cr Athanasopoulos

Seconded: Cr Cade

That Council:

1. notes the *Glen Eira City Council Submission to the Department of Health and Aged Care – A New Program for In-Home Aged Care Discussion Paper*; and
2. provides a copy of the submission to the Municipal Association of Victoria, local State and Federal Members of Parliament and relevant State and Federal Government Ministers reiterating Council's concerns regarding the Federal Government aged care reform agenda and moving to a competitive model of service provision.

CARRIED UNANIMOUSLY

8.13 GOVERNMENT COST SHIFTING TO LOCAL GOVERNMENT

Moved: Cr Zmood

Seconded: Cr Athanasopoulos

That Council:

- a) notes the extent of cost shifting from the State and Federal Government to Local Government;
- b) notes the effect of cost shifting in the context of rate capping limiting Glen Eira's ability to meet the future operational and infrastructure needs of its community;
- c) continues to monitor the impact of cost shifting on Council's budget and requests that officers report back to Council at least annually on the impact of any significant cost shifting that is occurring; and
- d) incorporates advocacy on reducing the extent of cost shifting into its advocacy framework and advocacy priorities at both State and Federal levels.

CARRIED UNANIMOUSLY

8.14 AUDIT & RISK COMMITTEE MINUTES (25 NOVEMBER 2022)

Moved: Cr Parasol

Seconded: Cr Pennicuik

That the minutes of the Audit and Risk Committee meeting held on 25 November 2022 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

8.15 LEASE TO PENINSULA COMMUNITY LEGAL CENTRE, 751 CENTRE ROAD, BENTLEIGH EAST

Moved: Cr Cade

Seconded: Cr Esakoff

That Council:

1. approves the relocation of Peninsula Community Legal Centre Inc (A0000008T) from Council property at 82 Brady Road, Bentleigh East to Council property at 751 Centre Road, Bentleigh East; and
2. authorises officers to finalise a lease with Peninsula Community Legal Centre Inc (A0000008T) for their occupation of 751 Centre Road, Bentleigh East for an initial term of five years, plus four Options of one year each; and
3. executes the lease with Peninsula Community Legal Centre Inc (A0000008T) in an appropriate manner by affixing the common seal of Council

CARRIED UNANIMOUSLY

9. URGENT BUSINESS

Procedural Motion

Moved: Cr Magee

Seconded: Cr Parasol

That the matter of 32-46 Huntly Road, Bentleigh be dealt with as an item of Urgent Business.

CARRIED UNANIMOUSLY

It is recorded that Cr Zyngier entered the Chamber at 9:22pm.

Moved: Cr Cade

Seconded: Cr Esakoff

That Council:

does not support the amended plans in relation to Planning Permit Application No. GE/DP-35219/2022 at 32-46 Huntley Road Bentleigh for the construction of 35 double storey dwellings, 35 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 and relies on the following grounds of refusal for the upcoming VCAT hearing:

1. 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 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.
3. 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 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, Zmood, Zyngier and Pennicuik (6)

Against the Motion: Crs Athanasopoulos and Magee (2)

CARRIED

Meeting Extension

Moved: Cr Magee

Seconded: Cr Pennicuik

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

10. ORDINARY BUSINESS

10.1 Requests for reports from a member of Council staff

Call for report - Establishing a Circular Economy repair shop – Cr Pennicuik

Moved: Cr Pennicuik

Seconded: Cr Zmood

That Council:

receives a report at an appropriate Council Meeting during the first quarter of 2023, that has investigated, in line with Council's adopted Circular Economy Plan, the options available to re-purpose the former Murrumbreena Police Station into a circular economy repair shop/café.

CARRIED UNANIMOUSLY

Call for Report – Preparation of an Activity Centre Streetscape Improvements Program – Cr Athanasopoulos

Moved: Cr Athanasopoulos

Seconded: Cr Cade

That Council:

requests a report for the 28 February 2023 Ordinary Council Meeting which details the direction and content associated with the development of an Activity Centre Streetscape Improvement Program to guide future improvements in the main streets of our major, neighbourhood and local activity centres. The report should outline how the program considers our activity centre hierarchy, the unique attributes of each centre, condition of existing assets, project priorities, timing, funding requirements and how it will align and deliver on the objectives of other Council strategies like the Glen Eira Urban Forest Strategy and Climate Emergency Response Strategy.

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

It is recorded that Item 10.5 was heard earlier in the meeting, after item 3, following Public Participation.

11. CONFIDENTIAL ITEMS

Moved: Cr Zmood

Seconded: Cr Parasol

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 **Contract 2022.80 Carnegie Memorial Swimming Pool Redevelopment - Construction Tender**

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 private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Commercial disclosure of the tender information in advance will impact the tender process.

11.2 **Tender 2022.18 Carnegie Memorial Swimming Pool Redevelopment - Project Management Services including Superintendent & Clerk of Works**

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 private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Commercial disclosure of the tender information in advance will impact the tender process.

CARRIED UNANIMOUSLY

It is recorded that the livestream has now been disabled as Council moves in camera to discuss the above confidential items.

12. CLOSURE OF MEETING

The meeting closed at 10.22pm.

Confirmed this Wednesday 8 February 2023

Chairperson.....