



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 28 FEBRUARY 2023

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

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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

Nil

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

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

- Cr Sue Pennicuik - Item Number 8.3 – 552-556 Glen Huntly Road, Elsternwick

Procedural Motion

Moved: Cr Magee

Seconded: Cr Zmood

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 Thursday 9 February 2023 at 7.30pm.

CARRIED UNANIMOUSLY

PUBLIC PARTICIPATION

This evening there was one public participant

Procedural Motion

Moved: Cr Magee

Seconded: Cr Parasol

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

Written Public Questions to Council

<p>Daniel Lowdon <i>Glen Huntly</i></p>	<p>Question 1:</p> <p>How is that you have not one person of colour working in your library as a full time employee? Would you deny the racism that is visible in your libraries? Not one person of colour is ever hired despite being multicultural venue.</p> <p>Answer:</p> <p>Glen Eira City Council is proud of the diversity of our community and our workforce. Discrimination, harassment, victimisation and vilification are unlawful and will not be tolerated or condoned by Council. Our Gender Equality Action Plan, Reconciliation Action Plan along with our workplace practices that are guided by our Equal Employment Opportunity, Discrimination, Harassment and Vilification policies have developed a diverse and representative workforce that is welcoming, inclusive and equitable.</p> <p>Our Recruitment and Selection Policy sets a high standard of equal access to employment opportunities for all people, supports diversity and inclusivity and prohibits discrimination against race which incorporates colour, nationality, ethnicity and ethnic origin. This Policy is available on the Council website www.gleneira.vic.gov.au. All our hiring leaders are also required to undertake recruitment training to ensure these policies are followed across our organisation. We currently have a passionate group of library staff who represent a diverse range of ages, abilities, languages and cultural backgrounds such as Russian, Polish, Greek, Chinese and South American.</p>
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<p>Lyn Campbell <i>Elsternwick</i></p>	<p>Question 2:</p> <p>“Trust in government is crucial to a healthy democracy. We need to have confidence in government’s ability to discharge its responsibilities honestly, fairly, and in the public interest. Giving the public access to information held by government plays an important role in building this confidence.</p> <p>Open and transparent government enables us to gain insight into what government is doing, why it is doing it and how. This empowers us to scrutinise government decisions and hold government to account, which is crucial to building trust. An informed public is also more engaged in the democratic process and can make meaningful contributions to public policy.”</p> <p>Written by Sven Bluemmel, Victorian Information Commissioner 23 March 2022</p> <p>Can Council explain whether why it agrees or disagrees with this statement?</p> <p>Answer:</p> <p>Council is committed to transparent decision-making and building trust. This commitment is demonstrated through Council’s compliance with the transparency obligations under the <i>Local Government Act 2020</i>, the adoption of a Public Transparency Policy and the strategic goals outlined in the <i>Council Plan 2021-2025</i>. Council actively and transparently engages with the community in relation to its activities, policies and decision-making to build and maintain trust. This commitment to transparency must always be balanced with Council’s responsibility to protect the privacy and personal information of its residents and other stakeholders, in line with obligations under various laws and regulations.</p>
<p>Lyn Campbell <i>Elsternwick</i></p>	<p>Question 3:</p> <p>“To enhance transparency in government, I strongly support proactive and informal release of government information. I would like to see more agencies providing greater access to information, and more frequently, by adopting a proactive and informal approach to releasing information.”</p> <p>Written by Sven Bluemmel, Victorian Information Commissioner 23 March 2022</p> <p>Council promoted transparency and community engagement.</p> <p>Will the redacted data from the Elsternwick Structure Plan feedback be made available to the public?</p> <p>And, If not, why?</p> <p>Answer:</p> <p>This is the first phase of community engagement on the draft Elsternwick Structure Plan. By its nature it is designed to gather broad community feedback on the information presented in the document. Feedback gained during this phase is in the form of survey response data, emails, notes from telephone conversations and drop-in sessions and verbal discussions during the walking tour.</p>

	<p>Should the draft Structure Plan progress, there will be future opportunities for the community to provide written public submissions through the statutory Planning Scheme amendment process.</p> <p>Council's approach to community engagement seeks to maximise opportunities for community members to provide frank and honest feedback via a variety of mechanisms to Council to aid its decision making without fear of favour.</p> <p>A comprehensive community engagement report for the first round of engagement on the draft Elsternwick Structure Plan is being prepared for Council and the public which will include both aggregated survey response data as well as detailed written information about the individual responses received during the process outlined above.</p> <p>Council has been actively working with the Community Engagement Advisory Committee to ensure that our Engagement reporting provides a more comprehensive picture of the breadth and depth of the sentiments expressed by the community, including verbatim responses.</p> <p>We hope the release of engagement report will provide the community with the transparency desired without impacting the privacy of those who participated in relation to the draft Elsternwick Structure Plan.</p> <p>A final report on the Structure Plan is currently scheduled for consideration at the Ordinary Council meeting on April 13, 2023.</p>
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4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**Moved: Cr Parasol****Seconded: Cr Pennicuik**

That the minutes of the Ordinary Council Meeting held on 8 February 2023 and the Special Council Meeting held on 14 February 2023 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: DANGEROUS INTERSECTION OF CARRINGTON GROVE,
FURNEAUX GROVE AND GREENMEADOWS LANE****Moved: Cr Zyngier****Seconded: Cr Zmood**

That Council:

1. receives and notes the petition; and
2. refers the petition to the relevant officer for investigation, including a detailed response to the submitter.

CARRIED UNANIMOUSLY

**6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS
ORGANISATIONS**

Cr Zmood – Municipal Association of Victoria

Cr Zmood - Eastern Alliance for Greenhouse Action

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Community Grants Advisory Committee Meeting Minutes - 31 January 2023

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Zyngier****Seconded: Cr Parasol**

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

1. 31 January 2023 Assembly;
2. 6 - 7 February 2023 Strategic Workshop; and
3. 8 February 2023 Pre-meeting.

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 ROAD DISCONTINUANCE - MERRIWOOLA STREET, ST KILDA EAST

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

That Council having given public notice of a proposal to discontinue a part of Merriwoola Street, St Kilda East as shown hatched in **Attachment 1** (the **Proposal** and the **Road**) and to sell the land from the Road, if discontinued, to the Caulfield Grammar School by private treaty (the **School**) pursuant to sections 207A(a) and 223 of the *Local Government Act 1989* (and in compliance with section 114 of the *Local Government Act 2020*), and having considered all submissions made in respect of the Proposal, including a report of the special meeting of Council meeting held on 14 February 2023 at which Council originally considered the written submissions and heard verbal submissions with respect to the Proposal, hereby:

1. discontinues the Road in accordance with section 206, schedule 10, clause 3 of the *Local Government Act 1989*;
2. directs that the land from the Road be sold by private treaty to the School in accordance with section 206, schedule 10, clause 3(b) of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*;
3. directs that a notice of discontinuance be published in the *Victoria Government Gazette*;
4. authorises the Chief Executive Officer to finalise the terms of sale of the land and sign all documents relating to the sale of the land from the discontinued road to the School;
5. directs that the discontinuance and sale will not affect any right, power or interest held by South East Water (**SEW**) and the Glen Eira City Council in the Road in connection with any sewers, drains, or pipes under the control of SEW or Council in or near the Road;
6. directs that the Road be removed from Council's Register of Public Roads in accordance with section 17(4) of the *Road Management Act 2004* as it is no longer reasonably required for general public use; and
7. advises each person who lodged a submission in relation to the Proposal of Council's decision and the reasons for the decision as follows, which are that Council is of the opinion that:
 - (a) the Road is no longer reasonably required for general public use;
 - (b) the discontinuance of the Road will not have any detrimental effect on traffic movements or parking within the local area;
 - (c) the sale of the land from the Road to the School will allow the School to integrate the land into the School precinct to provide for a safe and unfettered connection between the School's facilities in accordance with the School's Master Plan;
 - (d) the sale of the land from the Road will be conducive with the overall long-term planning and development of the precinct in the vicinity of the School;
 - (e) the decision fulfills the role, purposes and objectives of Council under

the *Local Government Act 1989* and the *Local Government Act 2020*, including in relation to the local government charter and the Preamble in the *Local Government Act 1989*;

- (f) the decision involves the provision of good governance and is for the overall benefit, order and wellbeing of the Glen Eira community;
- (g) the decision promotes the economic, social, financial and environmental sustainability of the municipal district; and
- (h) the decision achieves or advances the objectives of planning in Victoria in respect to the land and other land in the vicinity of it, and provides for the proper, fair, orderly, economic and sustainable use and development of land.

For the Motion: Crs Athanasopoulos, Esakoff, Magee, Zhang and Pennicuik (5)

Against the Motion: Crs Cade, Parasol, Zmood and Zyngier (4)

CARRIED

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Pennicuik

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

CARRIED UNANIMOUSLY

8.2 13 LOCH AVENUE, ST KILDA EAST

Moved: Cr Athanasopoulos**Seconded: Cr Pennicuik**Recommendation 1

Where Council has resolved to discontinue part of Merriwoola Street in accordance with section 206, schedule 10, clause 3 of the *Local Government Act 1989* that Council resolves that had it been in a position to determine Application No. GE/DP-35348/2022 that it would have issued a Notice of Decision to Refuse to Grant a Permit for the construction of one single storey dwelling to the rear of the existing double storey dwelling at 13 Loch Avenue, St Kilda East, for the following reasons:

1. There is no legal access to Merriwoola Street. Therefore the proposal would not represent a proper or orderly planning outcome.

For the Motion: Crs Athanasopoulos, Esakoff, Magee, Parasol, Zhang and Pennicuik (6)

Against the Motion: Crs Cade and Zmood (2)

Abstained: Cr Zyngier (1)

CARRIED

Cr Pennicuik has declared a conflict of interest to Item 8.3

It is recorded that Cr Pennicuik vacated the Chamber at 8:23pm.

8.3 552-556 GLEN HUNTLY ROAD, ELSTERNWICK

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-35403/2022 at 552–556 Glen Huntly Road, Elsternwick, in accordance with the following:

Permit preamble

Construction of a three storey building above a basement carpark containing 12 dwellings and two retail premises with the following planning permissions:

- Use of the land as dwelling where the frontage at ground level exceeds 2 metres (Clause 34.01-1)
- To construct a building or construct or carry out works (Clause 34.01-4)

Permit conditionsAmended plans

1. 1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans advertised with the application (Identified as TP: 10 to 23, prepared by The Silver Arc and dated 3 August 2022) but modified to show:
 - a. Deletion of the third floor with the building height reduced and contained within the remainder of the building envelope (i.e. 3 levels). The rooftop terrace area may be included above level 3, however must remain centrally sited. All consequential changes to the design are to the satisfaction of the Responsible Authority.
 - b. A landscape plan in accordance with Condition 3
 - c. Any changes required to the plans as per the Acoustic Report in accordance with Condition 17.
 - d. ESD report and plans to note the extent to which the rainwater tank is connected to toilets in the development.
 - e. Each adaptable bathroom to have a notation stating that the shower will be hobless (step-free).
 - f. Heating and cooling units to be notated on the plans and if they are located on the balconies, additional space must be provided for the balconies associated with apartments: 101, 102, 105, 106, 201, 202, 205, and 206 to comply with Clause 58.05-3.
 - g. meters and utility services to be notated. These are to be properly integrated into the design of the building and roof top services to be screened from the public realm and communal open spaces.
 - h. The south facing windows and balconies associated with units 104, 105, 204 and 205 to be screened to prevent downwards views to the

habitable room windows of the property at 10 Hoddle Street to the south.

Traffic

- i. The ground floor to be setback at least 4.2m from the southern boundary of the laneway to ensure a sufficient trafficable width.
- j. Swept paths to be created as per Australian Standard 2890.1:2004 for all common areas within and outside (both ground floor and basement levels) using B99 design vehicles. Ground floor swept path assessment must include access to/from Hoddle Street. No spaces within the car park are to have more than 1 corrective movement to access the car space.

Layout must not be altered

2. The layout of the uses and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

Landscaping

3. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit.

The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:

- a. A planting schedule of all proposed vegetation including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, planter box depths and volumes of soil;
- b. Landscaping and planting within all designated planter box areas; and
- c. Details of how the landscaping will be maintained including automated irrigation treatments for all landscaped areas, together with a landscaping management plan which provides details of the following:
 - i. At least 34.7sqm of deep soil area must be provided within the building, in accordance with Table D2 within Clause 58.03-5. Each space must have associated diagrams demonstrating soil depths in accordance with Table D3
 - ii. Details of the irrigation sources, supply and connections points;
 - iii. Details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors and calibration settings;
 - iv. Responsibility for the ongoing maintenance of the irrigation systems and all landscaping by the owners corporation unless otherwise to the satisfaction of the Responsible Authority;
 - v. Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs, and ground covers; and

- vi. Protocols for gaining access for maintenance purposes to privately owned land.
4. The landscaping as shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. The landscaping as shown the endorsed plans must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Construction Management Plan

6. Before the development starts, including any demolition and excavation, a Construction 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 Construction Management Plan must show:
 - - a. Delivery and unloading points and expected frequency;
 - b. Truck haulage routes, circulation spaces and queuing lanes;
 - c. Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
 - d. A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - e. An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - f. Any requirements outlined within this permit as required by the relevant referral authorities;
 - g. Hours for construction activity must only occur within the following hours:
 - 7am to 6pm – Monday to Friday;
 - 7am to 1pm – Saturdays;
 - No construction on Sundays or public holidays;
 - h. Measures to control noise, dust, water and sediment laden runoff;
 - i. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan; and
 - j. Any construction lighting to be baffled to minimise intrusion on adjoining lots
7. The provisions, recommendations and requirements of the endorsed Construction 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.

Waste Management Plan

8. Before the development starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must generally accord with the plan, identified as: Waste Management Plan, prepared by Urban Leaf and dated 13 April 2022, however modified to show:

- a. Ingress/egress swept path assessments must be provided using a suitably designed vehicle.
9. 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 written approval of the Responsible Authority.

Environmentally Sustainable Design

10. Before the development starts, an Environmentally Sustainable Design Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the report identified as: Sustainable Management Plan, prepared by Urban Leaf and dated 13 April 2022, but further modified to show:
 - a. A BESS report which correctly references the subject site address.
 - b. The extent to which the rainwater tank is connected to the toilets in the development.
11. The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report 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 and Bicycle Parking

12. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - - a. fully constructed;
 - b. properly formed to such levels that may be used in accordance with the plans;
 - c. surfaced with an all-weather surface or seal coat (as appropriate);
 - d. drained and maintained in a continuously usable condition;
 - e. line marked to indicate each car space, loading bay and/or access lane; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

13. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
14. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
15. The car parking allocation for the approved development must be:

- a. Not less than 1 car space per two bedroom apartment
 - b. Not less than 2 car spaces per three bedroom apartment
 - c. Not less than 6 spaces for the retail use within the development.
16. Before the building is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.

Acoustic Report

17. Concurrent with the endorsement of amended plans as required by Condition 1 of this permit, an 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. When approved, the report will be endorsed and will then form part of the permit. The report must prescribe the form of acoustic treatment to:
- - a. The mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development;
 - b. The retail use and impacts on apartments within the development; and
 - c. Ensure that the following noise levels are met:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.
18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
19. Noise levels to and from the development 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.

General requirements

20. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
21. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted except with the prior written consent of the Responsible Authority.
22. Any modification to existing infrastructure and services within the road reserve

(including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

23. External lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land to the satisfaction of the Responsible Authority.

Permit expiry

24. 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.
- 1.
2. 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*.

- 3.
4. Notes

- 5.
- A. This Planning Permit represents the Planning approval for the use and/or 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.

- 6.
- B. Council's Engineering Department advise:

- 7.

Vehicle Crossing/Laneway

- The laneway is not lit by Council. Any lighting in the laneway is to be provided and maintained by the developer/owner of the land.

Drainage

- No net increase in peak stormwater runoff in Council drainage network is permitted. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval prior to any construction works.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- All stormwater runoff must be connected to Council underground

drainage network. No uncontrolled stormwater discharge to adjoining properties, footpaths and laneway. A trench grate (150mm minimum internal width) located within the property across the driveway adjacent to the laneway and connected to internal drainage system.

General

- Any firefighting equipment for the building must be accommodated within title boundary. The submitted plans do not show the location of any fire services hydrant/ booster. Firefighting facilities as required under the Building Act/Regulations must be within the subject land and not in the Council Road Reserve.
- The proposed pedestrian access must be DDA compliance. The existing footpath levels must not be altered/modified to meet any compliance. It is the developer's responsibility to check all the internal levels with the existing footpath levels prior to the commencement of any works.
- An Asset Protection Permit must be obtained from Council's Engineering Services Department prior to the commencement of any building works.
- All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and or stormwater connection to the Council drainage network.

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

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

CARRIED

Cr Pennicuik was absent at the time of the vote.

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Parasol

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

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

It is recorded that Cr Pennicuik entered the Chamber at 8:52pm.

8.4 VCAT WATCH

RECOMMENDATION

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

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

Against the Motion: Cr Athanasopoulos (1)

CARRIED

8.5 FINANCIAL MANAGEMENT REPORT (31 JANUARY 2023)

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

That Council notes the Financial Management Report for the period ending 31 January 2023.

CARRIED UNANIMOUSLY

8.6 COMMUNITY FEEDBACK ON 2023-24 BUDGET PRIORITIES

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

That Council:

- 1) receives and notes the community feedback on the preferred spending priorities for the 2023-24 year; and
- 2) uses the feedback received to inform the development of the Draft 2023-24 Budget and Council Plan Action Plan.

CARRIED UNANIMOUSLY

**8.7 QUARTERLY SERVICES PERFORMANCE REPORT
(2022-23 QUARTER 2)**

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

That Council notes the Quarterly Service Performance Report for the period ending 31 December 2022 (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.8 AMENDMENT C243GLEN CAULFIELD PARK NEIGHBOURHOOD ACTIVITY CENTRE - PLANNING CONTROLS

Moved: Cr Magee**Seconded: Cr Athanasopoulos**

That Council:

1. Notes the officer report regarding Amendment C243glen, including the Panel Report and officer recommendations.
2. Adopts changes to Amendment C243glen in accordance with the Panel's recommendations.
3. Adopts Planning Scheme Amendment C243glen in accordance with Section 29(1) of the *Planning and Environment Act 1987* as exhibited, but amended:

i) to correct the "Street wall height" table within DDO12 to read as follows:

"Precinct 1 – 154-166 Hawthorn Road 9m or match the height of an existing adjoining heritage building, whichever is lesser"

ii) to correct the "Building height" table within DDO12 to include separate reference to 1 Cromwell Street, as follows:

"Precinct 1 – 1 Cromwell Street 11m"

iii) in accordance with the further recommendations of the Panel as follows:

- a) *Add the words "minimising vehicle disruption" after the words "ground floor" in the third paragraph under Clause 1.0.*
- b) *Add the words "whichever is lesser" at the end of the entry for 'Precinct 1 – 154-156 Hawthorn Road' in the Street wall height table in Clause 2.0.*
- c) *Delete the sentence beginning "Building height excludes roof top services..." in the second paragraph under the heading of "Building height" in Clause 2.0.*
- d) *Replace the sentence beginning "Avoid repetitive stepped building forms..." under the heading of "Building form and design" in Clause 2.0 with the sentence "Provide consistent setbacks above the street wall for at least two thirds of upper levels."*
- e) *Add the words "where possible" to the end of the sentence beginning "Provide loading..." under the heading "Access and services" in Clause 2.0.*
- f) *Add the following under the heading of "Access and Services" in Clause 2.0:*

"New vehicle crossovers to Hawthorn Road and Balaclava Road should be avoided."

Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.

Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.

Properties that abut RO027 (from Balaclava Road to the dead end) should incorporate a 3m setback from the laneway at ground level with a clearance height of 3.5m.”*

*RO027 identifies the laneway extending along the rear of commercial properties on the western side of Hawthorn Road in Precinct1.

- g) *Add the following as a new dot point 2 under the heading of “Application requirements” in Clause 5.0:*

“A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of ongoing functionality of laneway/s and relevant local streets.”

- h) *Amend Diagram 4 to show all building heights and setbacks in metres, consistent with the relevant table in Clause 2.0.*

4. Authorises the Manager City Futures to undertake all changes to the amendment document in accordance with Council’s resolution, and to make any administrative or correctional changes required to the documents where the changes do not affect the purpose or intent of the adopted documents.
5. Submits the adopted Planning Scheme Amendment C243glen to the Minister of Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
6. Advises all submitters to the Amendment of Council’s determination in relation to Amendment C243glen.

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

Against the Motion: Cr Zyngier (1)

Abstained: Cr Pennicuik (1)

CARRIED

Amendment to Item 8.8 – Cr Zyngier**Moved: Cr Zyngier****Seconded: Cr Pennicuik**

That council amend Item 8.8, point 3 to add iii and iv (italicised):

3. Adopts Planning Scheme Amendment C243glen in accordance with Section 29(1) of the Planning and Environment Act 1987 as exhibited, but amended:
 - i) to correct the “Street wall height” table within DDO12 to read as follows:
“Precinct 1 – 154-166 Hawthorn Road 9m or match the height of an existing adjoining heritage building, whichever is lesser”
 - ii) to correct the “Building height” table within DDO12 to include separate reference to 1 Cromwell Street, as follows:
“Precinct 1 – 1 Cromwell Street 11m”
 - iii) *to reduce the preferred and mandatory maximum building heights for all land within the activity centre by an equivalent of 1 storey, so that 6 storeys (21m) becomes 5 storeys (18m), 5 storeys (18m) becomes 4 storeys (15m), 4 storeys (15m) becomes 3 storeys (11m), and 3 storeys (11m) becomes 2 storeys (9m); as Council does not believe the exhibited building heights are justified in this location.*
 - iv) *to reduce the preferred 3 storey (11m) street wall heights by an equivalent of 1 storey, so that 3 storeys (11m) becomes 2 storeys (9m), as Council believe this should be reduced commensurate with the reduced preferred and mandatory building heights. The 2 storey (9m) street wall height for 154-166 Hawthorn Road remains unchanged for heritage reasons.*
 - v) in accordance with the further recommendations of the Panel as follows

For the Motion: Crs Zyngier and Pennicuik (2)

Against the Motion: Crs Athanasopoulos, Esakoff, Magee, Cade, Parasol and Zhang (6)

Abstained: Cr Zmood (1)

LOST

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

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

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

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

CARRIED UNANIMOUSLY

8.9 ACTIVITY CENTRE STREETScape IMPROVEMENT PROGRAM

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

That Council notes that an Activity Centre Streetscape Improvement Program is being developed and will be presented to Council in November 2023 for endorsement.

CARRIED UNANIMOUSLY**Meeting Extension****Moved: Cr Magee****Seconded: Cr Athanasopoulos**

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

8.10 SALE OF LAND ABUTTING 239 JASPER ROAD MCKINNON

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

That Council:

1. has determined that the Land adjoining the rear of 239 Jasper Road McKinnon shown as 4 on TP959870G in Attachment 1 (to this report), is not reasonably required and approves the sale by private treaty to the owner of the adjoining property in accordance with section 114 of the *Local Government Act 2020* and Council's Road and Reserves Discontinuance and Sale Policy; and
2. authorises the Chief Executive Officer to sign all documents relating to the sale of the land from the discontinued road to the owners of 239 Jasper Road McKinnon

CARRIED UNANIMOUSLY

8.11 RESIDENTIAL TENANCIES (ROOMING HOUSE STANDARDS) REGULATIONS SUBMISSION

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

That Council notes the submission to the Victorian Government's review of the Residential Tenancies (Rooming House Standards) Regulations 2012.

CARRIED UNANIMOUSLY

8.12 INCLUSION OF 13 TREES IN THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Holm Oak (*Quercus ilex*) x 3 located in Caulfield Park, Caulfield North – 447/CTR/2022;
 - b) Canadian Poplar (*Populus X canadensis*) x 9 located in Caulfield Park, Caulfield North – 449/CTR/2022;
 - c) Algerian Oak (*Quercus canariensis*) located in Caulfield Park, Caulfield North – 450/CTR/2022;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.

CARRIED UNANIMOUSLY

Procedural Motion**Moved: Cr Magee****Seconded: Cr Parasol**That Council vote en bloc in favour of items **8.13, 8.14, 8.15** and **8.16** of this Council meeting agenda.

CARRIED UNANIMOUSLY

8.13 CARNEGIE MEMORIAL SWIMMING POOL - CONTRACT VARIATION FOR ARCHITECT

Moved: Cr Magee**Seconded: Cr Parasol**

That Council approves the revised value of Contract Number 2020.08 for Carnegie Memorial Swimming Pool (CMSP) – Lead Architect and Multidisciplinary Services to \$2,219,916 (ex GST).

CARRIED UNANIMOUSLY

8.14 TENDER 2023.77 PROVISION OF AUTOMOTIVE MECHANICAL, ELECTRICAL AND PANEL REPAIR SERVICES

Moved: Cr Magee**Seconded: Cr Parasol**

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

1. appoints **Rating 2 Pty Ltd, trading as Acclaim Accident Repairs Malvern East, A.C.N. 134 642 854 as the panel contractor under Tender number 2023.77** in accordance with the Schedule of Rates submitted;
2. appoints **EPV Speciality Service Centre Pty Ltd, A.C.N. 056 853 715 as the panel contractor under Tender number 2023.77** in accordance with the Schedule of Rates submitted;
3. appoints **Express Onsite Auto Electrics Pty Ltd, A.C.N. 063 289 430 as the panel contractor under Tender number 2023.77** in accordance with the Schedule of Rates submitted;
4. appoints **Island Drive Pty Ltd, A.C.N. 075 311 741**, as the trustee for the LA Small & Son Trust, trading as L.A. Small (ABN 74 755 137 379) **as the panel contractor under Tender number 2023.77** 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 CEO to execute the contracts 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

8.15 2023.85 PROVISION OF TELECOMMUNICATION SERVICES

Moved: Cr Magee**Seconded: Cr Parasol**

That Council:

1. Approves the use of the Victorian Telecommunication Services Contract for Glen Eira Telecommunication Services: Data and Internet, Mobility, Fixed Voice and Unified Communications and Contact Centre Services.
2. Delegates to the Chief Executive Officer (CEO) a financial delegation of \$2.5m for approval and execution of Victorian Telecommunications Services contracts on Council's behalf for the term of this State Government contract.
3. Authorises the CEO to finalise, negotiate, and execute contacts under the Victorian Telecommunication Services for the term of this contract.

CARRIED UNANIMOUSLY

8.16 2020.16 SUPPLY AND INSTALLATION OF GESAC HEALTH CLUB STRENGTH EQUIPMENT - CONTRACT VARIATION REPORT

Moved: Cr Magee**Seconded: Cr Parasol**

That Council:

1. Approved the increase of Contract 2020.16 Supply and Installation of GESAC Health Club Strength Equipment to a revised value of \$700,000 (including GST).

CARRIED UNANIMOUSLY

8.17 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION 2023 NATIONAL CONFERENCE

Moved: Cr Zhang**Seconded: Cr Pennicuik**

That Council authorises the attendance of Cr Anne-Marie Cade and Cr Sue Pennicuik at the Australian Local Government Women's Association 2023 National Conference from 17-20 May 2023 in Cape Schanck, Victoria.

CARRIED UNANIMOUSLY

8.18 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 2023 NATIONAL ASSEMBLY OF LOCAL GOVERNMENT

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

That Council:

1. Endorses the following motions for submission to the Australian Local Government Association 2023 National General Assembly of Local Government:
 - 1: That the Australian Local Government Association calls on to the Australian Government to:
 - a. ensure that its \$350 million investment in the National Housing Accord prioritises securing land and constructing housing in municipalities with the highest demand for public, social and affordable housing and lowest percentage of available public, social housing stock; and
 - b. deliver a sustainable, long-term pipeline of federal investment in public, social and affordable housing, noting the unmet need for public, social and affordable housing in Victoria alone has been estimated to be in the order of 75,000 to 100,000 households, while the Australian Government's \$350 million investment in its October 2022-2023 Budget will only deliver 10,000 additional homes by 2029.
 - 2: Noting the challenges local governments across Australia face in sourcing recycled materials for use in public infrastructure and assets, due to a shortage of waste infrastructure and affordability, that the Australian Local Government Association calls on the Australian Government to:
 - (a) set national targets for the use of recycled content in the construction of public infrastructure; and
 - (b) significantly increase its current \$250 million investment in the Recycling Modernisation Fund, with a focus on boosting market capability to process and manufacture recycled materials.
2. Authorises the Manager Communications, Engagement and Advocacy to submit the motions to the Australian Local Government Association on behalf of Council.

It is recorded that Cr Esakoff vacated the Chamber at 10:15pm.

CARRIED UNANIMOUSLY

Cr Esakoff was absent at the time of the vote.

Item 8.18 – (continued) AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) 2023 NATIONAL ASSEMBLY OF LOCAL GOVERNMENT**Moved: Cr Zyngier****Seconded: Cr Pennicuik**

3. Authorises the attendance of Mayor, Cr Jim Magee, Deputy Mayor, Cr Anne-Marie Cade, Cr Simone Zmood, Cr Tony Athanasopoulos and Cr Sam Parasol at the Australian Local Government Association –2023 National General Assembly of Local Government Conference from 13 to 15 June 2023 in Canberra.

CARRIED UNANIMOUSLY

Cr Esakoff was absent at the time of the vote.

It is recorded that Cr Esakoff entered the Chamber at 10:34pm.

8.19 MUNICIPAL ASSOCIATION OF VICTORIA MAY 2023 STATE COUNCIL MOTION

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

That Council:

1. Endorses the following motions for submission to the May 2023 MAV State Council meeting:
 1. That the Municipal Association of Victoria takes a leading role in calling for the long-term sustainability of local government by:
 - calling on the Minister for Local Government to commission an independent assessment of the factors impacting the short, medium, and long term sustainability of Victoria's local government sector, which focuses on the impact of rate capping, statutory fees and charges, interest rate rises, and cost increases, particularly in infrastructure building and construction; and
 - facilitating a comprehensive assessment of the impact of cost shifting from other levels of government on Victoria's 79 councils.
 2. Noting the challenges local governments across Victoria face in sourcing recycled materials for use in public infrastructure and assets, due to a shortage of waste infrastructure and affordability, that the Municipal Association of Victoria calls on the Victorian Government to:
 - set state-wide targets for the use of recycled content in the construction of public infrastructure; and
 - significantly increase its current \$380 million investment in the *Recycling Victoria: a new economy* policy and action plan, with a focus on boosting market capability to process and manufacture recycled materials

CARRIED UNANIMOUSLY

9. URGENT BUSINESS

Nil

10. ORDINARY BUSINESS

10.1 Requests for reports from a member of Council staff

10.2 Right of reply

10.3 Notice of Motion

10.4 Councillor questions

10.5 Written public questions to Council

This Item was heard at an earlier stage of the meeting

Suspend Standing Orders

Moved: Cr Magee

Seconded: Cr Zmood

That Council suspend standing orders at 10.37pm.

CARRIED UNANIMOUSLY

Cr Zyngier made a statement

Resume Standing Orders

Moved: Cr

Seconded: Cr

Moved: Cr Magee

Seconded: Cr Athanasopoulos

That Council resumes standing orders at 10.38pm.

CARRIED UNANIMOUSLY

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 10.38pm.

Confirmed this 21 March 2023

Chairperson.....