



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING
THURSDAY 13 APRIL 2023

AGENDA

**Meeting to be held in the Council Chambers,
Corner Hawthorn and Glen Eira Roads, Caulfield
at 7.30pm**

*"The role of a Council is to provide good governance
in its municipal district for the benefit and
wellbeing of the municipal community."*

- S8(1) Local Government Act 2020

Councillors: 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

Chief Executive Officer: Rebecca McKenzie

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1. 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

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

Councillors are reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are 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 are now invited to indicate any such conflict of interest.

Cr Pennicuik has declared a conflict of interest to:

- *Item 8.5 Inclusion of 4 Trees in the Classified Tree Register*
- *Item 11.1 Confidential Items – Citizen of the Year Awards 2023*

Cr Parasol has declared a conflict of interest to:

- *Item 8.2 Philanthropic Partnership Donation Offer – Bendigo Bank Caulfield Park*

PROCEDURAL MOTION

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 Monday 17 April 2023 at 5.30pm.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS

Copies of Minutes previously circulated.

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 21 March 2023 be confirmed.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY**7.1 Advisory Committees****7.1.1 ADVISORY COMMITTEE MINUTES**

Author: *Karling Colomiere, Coordinator Councillor Business*

Trim No: *23/111489*

Attachments: 1. *Community Grants Advisory Committee Minutes 7 March 2023* [↓](#)

RECOMMENDATION

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. Community Grants Advisory Committee Minutes 7 March 2023.



**GLEN EIRA
COMMUNITY GRANTS
ADVISORY COMMITTEE MEETING
MINUTES**

Location: Ogaki Room - Glen Eira Town Hall

The Community Grants Advisory Committee meeting commenced at 5.35pm on Tuesday 7 March 2023.

Present:

Councillors:	Cr Sam Parasol (Chair)	Glen Eira Councillor Committee Member
	Cr Sue Pennicuik	Glen Eira Councillor Committee Member
	Cr Li Zhang	Glen Eira Councillor Committee Member

Council Staff:	Mark Saunders	Director Community Wellbeing
	Sharon Sykes	Manager Community Development
	Ana Tsaganos	Coordinator Community Strengthening

1. Declaration of Conflicts of Interest

Ana Tsaganos declared a Conflict of Interest in relation to Item 4.4.1, a Facility Hire application from The Nest of Love Women's Greek Senior Citizens Club. She left the room at 5.46pm while the Committee considered the item and returned at 5.48pm once the item had been concluded.

2. Action Items Update from last committee Meeting

Title/Item	Action	Update	Responsible Officer	Active/Closed
Facility Hire Grant – Murrumbeena Cricket Club	The Committee recommends that Council funds a Facility Hire Grant of \$1,086 for Murrumbeena Cricket Club to hire the Murrumbeena Park Function Room to host its season launch event on 19 November 2022.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed
Facility Hire Grant – Murrumbeena Netball Club	The Committee recommends that Council funds a Facility Hire Grant of \$812 for Murrumbeena Netball Club to hire the Duncan Mackinnon Function Centre on 18 and 20 November 2022 to deliver its annual junior and senior presentation awards and to recognise its volunteers.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed

Title/Item	Action	Update	Responsible Officer	Active/ Closed
Facility Hire Grant – Melbourne Accueil Inc.	The Committee recommends that Council funds a Facility Hire Grant of \$148 for Melbourne Accueil Inc. to hire the McKinnon Reserve on 11 December 2022 to host a Christmas celebration event.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed
Facility Hire Grant – Jewish Bereaved Parents Inc.	The Committee recommends that Council funds a Facility Hire Grant of \$390.50 for Jewish Bereaved Parents Inc to host a member dinner party at DC Bricker Pavilion on 11 December 2022.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed
Facility Hire Grant – Chabad House of Caulfield	The Committee recommends that Council funds a Facility Hire Grant of \$7,500 to Chabad House of Caulfield to contribute towards the facility hire of Caulfield Park on 18 December 2022 to deliver the annual Chanukah in the Park celebration event.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed
Facility Hire Grant – Jewish Community Council of Victoria	The Committee recommends that Council funds a Facility Hire Grant of \$2,014 for the Jewish Community Council of Victoria to hire the Town Hall Auditorium on 17 April 2023 to host the Yom HaShoah Commemoration 2023.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed
Facility Hire Grant – Murrumbeena Cricket Club	The Committee recommends that Council funds a Facility Hire Grant of \$774.50 to Murrumbeena Cricket Club to hire the Murrumbeena Park Function Room to host its Pink Stumps High Tea event on 11 February 2023.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Facility Hire Grant.	Ana Tsaganos	Closed
Small Grants – Left Write Hook	The Committee recommends that Council funds a Small Grant of \$1,000 for Left Write Hook under the auspice of The University of Melbourne to deliver its 'train the trainer' program.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Small Grant application. Payment pending.	Ana Tsaganos	Active
Small Grants – Zionism Victoria	The Committee recommends that Council funds a Small Grant of \$1,000 for Zionism Victorian under the auspice of the Beth Weizmann Jewish Community Centre to support their community garden project.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Community group notified of successful Small Grant application. Payment pending.	Ana Tsaganos	Active
Senior Citizen Centre Allocation and Grants	The Committee recommends that Council approves the Senior Citizens Centre Grants for 33 Senior Citizens Groups as provided.	Approved by Council at Ordinary Council Meeting on 28 February 2023. Groups notified. Payments of grants pending.	Ana Tsaganos	Active

3. Summary of meeting minutes from previous meeting

The Community Grants Advisory Committee meeting on 31 January 2023 made recommendations to Council on seven Facility Hire Grant applications, two Small Grant applications and 33 Senior Citizen Centre Grants. These recommendations were adopted by Council at the Ordinary Council Meeting on 28 February 2023.

4. Items for Discussion:

4.1 Variation to Funding Agreement

4.1.1 Glen Eira Adult Learning Centre - Variation to Funding Agreement 2022-2025

Glen Eira Adult Learning Centre requested a variation for rental assistance to cover its rent from 1 January to 30 June 2023 as part of the Funding Agreement 2022-2025. The organisation has been in negotiations for new accommodation at the McKinnon Satellite Library site owned by the Local Crossing Removal Authority for several months. As these negotiations remain ongoing Glen Eira Adult Learning Centre has had its lease at the current premises extended for a further six months at an increased cost of \$12,000 plus GST from 1 January to 30 June 2023.

It is expected that within this next six-month timeframe the organisation will have completed its negotiations on future accommodation.

Recommendation: The Committee recommends that Council approves a variation to the Glen Eira Adult Learning Centre Funding Agreement 2022-2025 to include an additional funding grant of \$12,000 plus GST for rental costs from 1 January to 30 June 2023.

Moved: Cr Sam Parasol Seconded: Cr Sue Pennicuik
Motion Passed Unanimously

4.2 Variation 2022-2023 Community Grant

4.2.1 Zionism Victoria

Zionism Victoria received a Community Grant of \$10,000 to support the planning and staging of a large community-wide cultural event that celebrates Israel's Independence Day at Caulfield Racecourse. The Caulfield Racecourse is currently not available due to works taking place. The event organisers could not find another venue to cater for the size of the event in Glen Eira and have moved its location to Luna Park, O'Donnell Gardens, and the Palais Theatre. The event will take place in April 2023 and usually attracts approximately 7,000 people of which the majority are Glen Eira residents.

Recommendation: The Committee recommends that Council approves a variation to Zionism Victoria to host its Israeli Independence Day cultural celebration event at Luna Park, O'Donnell Gardens and Palais Theatre in April 2023.

Moved: Cr Li Zhang Seconded: Cr Sue Pennicuik
Motion Passed Unanimously

4.3 Youth Excellence Grants Program

At the Ordinary Council Meeting on 13 December 2022, Council adopted amendments and new guidelines regarding the former *Foundation for Youth Excellence Program*. The changes included all grant applications for this program being overseen by the Community Grants Advisory Committee.

The *Youth Excellence Grants Program* provides financial support to young people who achieve excellence in creative and performing arts, education, leadership, and sport.

Ella Sleeman

Ella Sleeman, a Glen Eira resident, applied for a Youth Excellence Grant on 7 February 2023 under the sports category for the international level funding (\$1,200) to support her attendance at the Cheerleading World Championships in Florida, United States on 22 April 2023.

Ella is a member of the Adelaide All Stars club and competes with the Celestial team based in Victoria. The Celestial team won the Australian All Star Cheerleading Foundation National Championship in November 2022. This led her team to receive a bid from the Foundation to represent Australia at the Cheerleading World Championships in Florida.

Ella plans to use the grant contribution for costs associated with uniform, apparel and accessing training facilities when in Florida.

This application aligns with the *Youth Excellence Grants Program Guidelines* sports category.

Recommendation: **The Committee recommends that Council funds Ella Sleeman a Youth Excellence Grant of \$1,200 to assist with her participation in the Cheerleading World Championships in Florida, United States.**

**Moved: Cr Sam Parasol Seconded: Cr Sue Pennicuik
Motion Passed Unanimously**

4.4 Facility Hire Grant Program applications

Ana Tsaganos declared a Conflict of Interest in relation to Item 4.4.1, a Facility Hire application from The Nest of Love Women's Greek Senior Citizens Club and left the room at 5.46pm.

4.4.1 The Nest of Love Women's Senior Citizens Club

The Nest of Love Women's Senior Citizens Club submitted a Facility Hire Grant application on 13 January 2023 to hire the McKinnon Hall on a weekly basis over 2023 at a cost of \$5,494.72. The facility will be used from 9am-1.30pm for 44 weeks from February to December 2023 to run seniors club activities including discussion groups, sharing a meal and providing health and wellbeing activities for older Greek speaking women.

This project aligns with the aims of the Facility Hire Grant program, to develop an accessible and inclusive community, encourage community initiatives that promote self-sufficiency, innovation and respond to community needs and help strengthen community capacity to plan and implement services.

Recommendation: **The Committee recommends that Council funds a Facility Hire Grant of \$5,494.72 to The Nest of Love Women's Senior Citizens Club to meet at McKinnon Hall on a weekly basis until 13 December 2023.**

**Moved: Cr Sam Parasol Seconded: Cr Li Zhang
Motion Passed Unanimously**

Ana Tsaganos returned to the room at 5.48 pm.

4.4.2 The Trustee for The NCJW (Victoria) Social Support Trust

The Trustee for The NCJW (Victoria) Social Support Trust submitted a Facility Hire Grant application on 16 February 2023 to hire the Caulfield Cup Room on 1 and 8 March 2023 at a cost of \$495 to host its Jam Project. The facility will be used to deliver a mentoring program to local young women.

This project aligns with the aims of the Facility Hire Grant program to encourage community initiatives that promote self-sufficiency, innovation and respond to community needs and to help strengthen community capacity to plan and implement services.

Recommendation: **The Committee recommends that Council funds a Facility Hire Grant of \$495 to The Trustee for The NCJW (Victoria) Social Support Trust to hire the Caulfield Cup Room to host its Jam Project on 1 and 8 March 2023.**

**Moved: Cr Sue Pennicuik Seconded: Cr Li Zhang
Motion Passed Unanimously**

4.4.3 Murrumbeena Cricket Club

Murrumbeena Cricket Club submitted a Facility Hire Grant application on 17 February 2023 to hire the upstairs Murrumbeena Park Function Room on 25 February 2023 at a cost of \$478. The facility was used to host a Bogan Bingo event which brought together approximately 60 community members to connect and have fun while raising funds for the club.

This project aligns with the aims of the Facility Hire Grant program, to help support celebration and participation in community life.

Recommendation: **The Committee recommends that Council fund a Facility Hire Grant of \$478 to Murrumbeena Cricket Club to hire the Murrumbeena Park Function Room to host its fundraising event on 25 February 2023.**

**Moved: Cr Sam Parasol Seconded: Cr Sue Pennicuik
Motion Passed Unanimously**

4.5 Small Grants Program applications

4.5.1 Walking Club of Victoria Inc.

The Walking Club of Victoria Inc. submitted a Small Grant application of \$500 under the auspice of Bushwalking Victoria Inc. for first aid training for its members. The total training cost is \$3,170 and will be provided by St John Ambulance to 18 members of the Club, of which six are Glen Eira residents.

The project aims to support safety and encourage more people to participate, improving their health and wellbeing. The first aid skills will also be useful to the wider community as many of the Club's members also volunteer in other roles across the community.

This project aligns with the Small Grants program aims of building capacity of a group and supporting the delivery of projects that support volunteering, social inclusion, safety, health, recreation and wellbeing.

Recommendation: **The Committee recommends that Council funds a Small Grant of \$500 for the Walking Club of Victoria Inc. under the auspice of Bushwalking Victoria Inc. to support its members receiving first aid training.**

**Moved: Cr Sam Parasol Seconded: Cr Li Zhang
Motion Passed Unanimously**

4.5.2 Review of Community Grants Policy

Officers prepared a self-assessment report to Council's Audit and Risk Committee on 2 September 2022 in response to the Victorian Auditor-General's review on *Fraud Control over Local Government Grants*. In response to this report the Committee requested that Council's Community Grants Policy review is brought forward from February 2024 to March 2023.

A review of the draft Community Grants Policy has taken place. Officers have followed the recommendations made by the Victorian Auditor-General and have considered the requirements to develop an overarching Community Grants Policy that details:

- when and why Council uses grants to achieve its strategy
- how Council will administer Community Grants Programs across their life cycle
- the risk-based approach Council uses to determine if it will evaluate each Grants Program
- Officer and Councillors roles in assessing and managing grants
- relevant Council policies and procedures, including processes for declaring conflicts of interest.

The draft Policy is required to be presented to the Governance and Risk Committee before being presented to Council for adoption. The next Governance and Risk Committee meeting is 25 May 2023. Following review and feedback from this Committee, the Policy will be presented to Council for feedback and approval.

Action: The draft Community Grants Policy will be sent to the Community Grant Advisory Committee for preliminary feedback and discussion at the next meeting of the Committee.

The draft Community Grants Policy will be presented to the Governance and Audit Committee for feedback on 25 May 2023 and will then be presented to Council for adoption.

5. Forward Meeting Schedule

Date	Items	Officer/Member
28 March	<ul style="list-style-type: none"> ▪ Small Grants program ▪ Facility Hire Grants program ▪ Variation/extension requests ▪ Youth Excellence Grants ▪ Draft Community Grants Policy 	Sharon Sykes
16 May	<ul style="list-style-type: none"> ▪ Small Grants program ▪ Facility Hire Grants program ▪ Variation/extension requests ▪ Youth Excellence Grants 	Sharon Sykes
21 June 2023	<ul style="list-style-type: none"> ▪ Annual Community Grants Program Assessment 	Sharon Sykes
11 July 2023	<ul style="list-style-type: none"> ▪ Small Grants program ▪ Facility Hire Grants program ▪ Variation/extension requests ▪ Youth Excellence Grants 	Sharon Sykes
8 August 2023	<ul style="list-style-type: none"> ▪ Small Grants program ▪ Facility Hire Grants program ▪ Variation/extension requests ▪ Youth Excellence Grants 	Sharon Sykes
12 September 2023	<ul style="list-style-type: none"> ▪ Small Grants program ▪ Facility Hire Grants program ▪ Variation/extension requests ▪ Youth Excellence Grants 	Sharon Sykes
10 October 2023	<ul style="list-style-type: none"> ▪ Small Grants program ▪ Facility Hire Grants program ▪ Variation/extension requests ▪ Youth Excellence Grants 	Sharon Sykes

Date	Items	Officer/Member
21 November 2023	<ul style="list-style-type: none">▪ Small Grants program▪ Facility Hire Grants program▪ Variation/extension requests▪ Youth Excellence Grants▪ Community Grants Guidelines 2024-2025	Sharon Sykes

6. Next Meeting: Tuesday 28 March 2023 at 5.30pm.

7. Meeting closed: 6.00pm.

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

Author: *Karling Colomiere, Coordinator Councillor Business*

Director: *Kellie Vise, Director Customer and Community Experience*

Trim No: *23/158309*

Attachments:

1. *7 March 2023 Assembly* [↓](#)
2. *14 March 2023 Assembly* [↓](#)
3. *21 March 2023 Pre-meeting* [↓](#)
4. *23 March 2023 Assembly* [↓](#)

RECOMMENDATION

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

1. 7 March 2023 Assembly;
2. 14 March 2023 Assembly;
3. 21 March 2023 Pre-meeting; and
4. 23 March 2023 Assembly.

Assembly of Councillors
Tuesday 7 February 2023

Assembly meeting commenced at 6.47pm

Present

Cr Jim Magee (Mayor)
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Margaret Esakoff
Cr Sam Parasol
Cr Sue Pennicuik
Cr Li Zhang
Cr Simone Zmood
Cr David Zyngier

Council Officers

Rebecca McKenzie (CEO)
Sam Ludolf
Niall McDonagh
Mark Saunders
Ron Torres
Kellie Vise
Robert parker
Karling Colomiere
Matt Slavin
Tom Haysom
Julia Hardiman
Sue Mongale
Katy Walsh

Matters considered

1. Apologies – Nil
2. Residential Parking Permit System Policy Review
3. Draft Elsternwick Structure Plan Summary of community feedback
4. General Business
 - Coordinator Councillor Business – Governance Matters
 - Director Corporate Services – Budget update
 - Cr Athanasopoulos – Caulfield Racecourse Market
 - Cr Esakoff – resident enquiries
 - Director Community Wellbeing – Library Information
 - CEO – Caulfield Racecourse Reserve Trust
5. Draft Ordinary Council Meeting agenda review

Cr Zyngier has left the meeting at 9.01pm

6. Councillor & CEO only time:
 - Proposed Councillor workshop

Meeting concluded at 10.04pm

Assembly of Councillors

Tuesday 14 February 2023

Assembly commenced at 6.46pm**Present**

Cr Jim Magee (Mayor)
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Margaret Esakoff
Cr Sam Parasol
Cr Sue Pennicuik
Cr Li Zhang
Cr David Zyngier

Council Officers

Rebecca McKenzie (CEO)
Sam Ludolf
Niall McDonagh
Mark Saunders
Ron Torres
Kellie Vise
Robert parker
Karling Colomiere
John Vastianos
Lisa Hill
Karen Oh
Tarryn Gillies

Matters considered**1. Apologies – Cr Simone Zmood**

6.49pm - Cr Tony Athanasopoulos arrived at the meeting

6.49pm - Cr Li Zhang arrived at the meeting

6.50pm – Cr David Zyngier joined the meeting via the online setup

2. 2023-2024 Planning and Budget Discussion

8.41pm - Cr Tony Athanasopoulos left the meeting room

8.43pm - Cr Tony Athanasopoulos returned to the meeting room

3. General Business

- Manager Customer Service & Councillor Business – Report feedback

4. Councillor and CEO Only Time:

- Meeting Debrief

Assembly concluded at 10.00pm

**Pre-Meeting Minutes
Tuesday 21 March 2023**

Pre-meeting commenced at 6.46pm

Councillors:

Cr Jim Magee (Mayor)
Cr Tony Athanasopoulos
Cr Li Zhang
Cr Sam Parasol
Cr Sue Pennicuik
Cr Simone Zmood
Cr Margaret Esakoff
Cr David Zyngier

Officers:

Rebecca McKenzie (CEO)
Mark Saunders
Ron Torres
Niall McDonagh
Sam Ludolf
Kellie Vise
Robert Parker
Karling Colomiere

Matters Considered

1. Apologies – Cr Anne-Marie Cade
2. Disclosure of Conflicts of Interest
3. Procedural motions
4. Written Public Questions to Council
5. Urgent Business

6.52 - Cr David Zyngier left the meeting room

6. General Business:

- i. CEO – security procedures

6.56 - Cr David Zyngier re-entered the room

- ii. Cr Margaret Esakoff – resident enquiry
 - iii. Mayor – meeting procedures

Pre-meeting concluded at 7.04pm

Assembly of Councillors
Thursday 23 March 2023

Assembly commenced at 6.05pm

Present

Cr Jim Magee (Mayor)
Cr Tony Athanasopoulos (online)
Cr Anne-Marie Cade
Cr Sam Parasol
Cr Sue Pennicuik

Apologies

Cr Margaret Esakoff
Cr David Zyngier
Cr Li Zhang
Cr Simone Zmood

Council Officers

Rebecca McKenzie (CEO)
Sam Ludolf
Mark Saunders
Ron Torres
Kellie Vise
John Vastianos

External Guest

Alicia McKay

Matters considered

- Strategic public leaders program (follow up workshop)

Assembly concluded at 8.55pm

8. OFFICER REPORTS (AS LISTED)

8.1 DRAFT ELSTERNWICK STRUCTURE PLAN 2022 - COMMUNITY ENGAGEMENT

Author: Kate Jackson, Coordinator Community Engagement, Communications, Engagement and Advocacy

Director: Kellie Vise, Director Customer and Community Experience

Trim No: 23/169255

Attachments: 1. Draft Elsternwick Structure Plan Community Engagement report FINAL - OCM April 2023 [↓](#)

EXECUTIVE SUMMARY

In November 2022, Council resolved to release the draft *Elsternwick Structure Plan 2022* for community engagement for six weeks. During this time, the community had the opportunity to participate in community engagement activities both online and in person. Council received over 150 responses via an online survey, emails, and phone calls.

Feedback was mixed, with some respondents objecting to various aspects of the proposal, and others indicating strong support for the future vision. On balance, the majority of community members who provided feedback were concerned that the draft *Elsternwick Structure Plan 2022* will facilitate further large-scale development which could change the character of Elsternwick.

The main themes emerging from the community feedback were the importance of protecting Elsternwick's heritage, character and residential amenity; objections to tall built form, particularly along Glenhuntly Road, and its impacts such as visual bulk and overshadowing; strong calls for more greenspace and trees; frustration with traffic congestion and limited car parking; and support for pedestrian and cycling improvements.

This report summarises the engagement process and feedback received. Council will consider the feedback received from the community as part of its decision-making processes.

RECOMMENDATION

That Council notes the community feedback in the Community Engagement Report for the draft *Elsternwick Structure Plan 2022* (Attachment 1).

BACKGROUND

Council resolved to release the draft *Elsternwick Structure Plan 2022* for community engagement at the Ordinary Council Meeting held on 2 November 2022. The engagement was held over six weeks, from 3 November to 16 December 2022.

Council promoted engagement opportunities through Glen Eira News articles, e-newsletter and via a direct mailout to more than 5,300 households.

ISSUES AND DISCUSSION

A variety of tools were used to engage with the community, including four drop-in sessions at the Town Hall, one at the Elsternwick Library, a walking tour, one online session with Q&A,

and a survey on our Have Your Say website. People were also invited to provide feedback via email or phone and could arrange to meet with a planner online.

Council received 103 survey responses, 56 emails, ten phone calls and one petition. Thirteen people completed both the survey and sent an email. Thirty-four people attend the in-person drop-ins, two on the walking tour, and 17 who logged on to the online session. An online meeting was held with the Elsternwick Traders' Association where six representatives were present.

The Community Engagement Report (Attachment 1) describes the engagement activities in detail, quantifies the survey responses with direct quotes from respondents and summarises the main issues raised throughout all consultation forums.

In summary, the common themes that emerged from the engagement included:

- managing population growth
- sustainability and climate change implications
- heritage and character protection
- land use
- footpath overshadowing
- building heights on Glenhuntly Road
- mandatory heights
- enhancing amenity
- transport
- car parking
- public realm.

Specific feedback was also received in relation to the following locations:

- Horne Street and Ross Street
- Elsternwick Library site
- Selwyn Street
- Stanley Street.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The *Community Engagement Report* will help inform the progression of the draft *Elsternwick Structure Plan 2022*, so it plays a role in Goal 1.2 of Our Climate Emergency Response Strategy to make climate change action a priority consideration in every strategy, plan and policy.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

As the *Community Engagement Report* is the summary of a process, there are no direct costs for implementation. The report will help inform the progression of the draft *Elsternwick Structure Plan 2022*, which, if endorsed, will be subject to its own financial implications.

POLICY AND LEGISLATIVE IMPLICATIONS

The *Community Engagement Report* will be considered in the progression of the draft *Elsternwick Structure Plan 2022*

COMMUNICATION AND ENGAGEMENT

A six-week period of community engagement was undertaken, which included a range of in person and online opportunities for the community to provide comments, feedback and ask questions. The process undertaken fulfills Council's obligations under its Community Engagement Policy and aligns with the goals of Council's Community Engagement Strategy.

Should Council resolve in the future to adopt the *Elsternwick Structure Plan 2022*, the community would have the opportunity to lodge a submission as part of the public exhibition of a subsequent Planning Scheme Amendment. Council will communicate this opportunity in accordance with its obligations under the Planning and Environment Act 1987.

LINK TO COUNCIL PLAN

Strategic Direction 1: Well informed, transparent decisions and highly valued services
We build trust through engaging with our community, delivering quality services and making evidence-based decisions

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

During November and December 2022, Council publicised the opportunity for the community to provide feedback on the draft *Elsternwick Structure Plan 2022*.

Feedback from participants was mixed, ranging from objecting to the proposals outlined in the draft *Structure Plan*, to strong support for the future vision.

On balance, the majority of respondents were concerned that the draft *Plan* will facilitate further large-scale development, which could change the character of Elsternwick. Council will consider the feedback received from the community engagement as part of its decision-making processes.

GLEN EIRA CITY COUNCIL

Draft Elsternwick Structure Plan 2022
Community Engagement Report

FEBRUARY 2023

Background

In 2018, Glen Eira City Council adopted a structure plan for Elsternwick. We are now revisiting that structure plan to incorporate recent strategic work and to reflect new Council directions such as the *Glen Eira Housing Strategy* and *Our Climate Emergency Response Strategy 2021-2025*, adopted in late-2022 and mid-2020 respectively. The first structure plan embedded extensive community consultation throughout the preparation process.

We revised the previous structure plan with the draft *Elsternwick Structure Plan 2022*, which builds on previous community consultation and aims to help achieve a vibrant and viable shopping strip that includes economic and land use needs, heritage protection, buildings and development, transport and parking, open space and place making opportunities.

This report summarises the methods used to engage with the Glen Eira community and the feedback we received from the engagement period that occurred in late 2022.

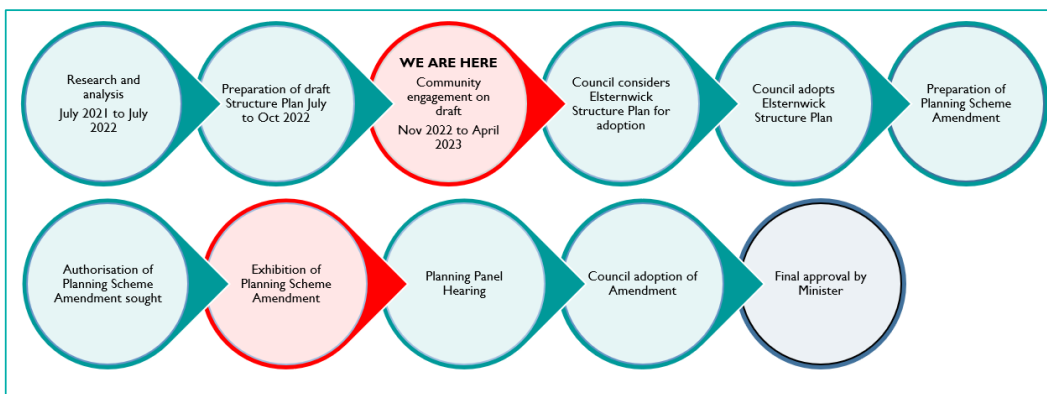


Figure 1: Structure Plan and Planning Scheme Amendment process. Red denotes public consultation phases.

Executive Summary

Community engagement for the draft *Elsternwick Structure Plan* occurred over a six-week period from 3 November to 16 December 2022. We promoted it through Glen Eira News articles, e-newsletter and a mailout to more than 5,300 households. We had a project engagement web page, social media posts and a postcard for businesses and events. We also sent updates as required to interested recipients via email.

To engage participants, we held five in-person drop-in sessions, one online session, a walking tour and a presentation for the Elsternwick Traders' Association. People could provide their feedback via the online survey, by email, by phone or at the events.

Online community survey

A total of **103** surveys were completed. Please note, these survey responses appear to have been submitted by 99 community members suggesting that four completed the survey twice. A split of **43% (43 participants)** a-piece indicated they were either a woman or man. About **50%** of survey participants were between the 50-69 age bracket (**49 participants**).

Despite promoting the engagement through Council's social media channels and in *Glen Eira News*, there were no survey participants under 30 years of age.

Nearly all (**92%, 91**) survey participants indicated they were a **local resident**, while about a third were a **person who shops/socialises or dines in the area (35%, 36)** or a **landowner within the precinct (31%, 31)**.

The following themes reflect each section of the survey:

Vision and objectives

There were several responses that were supportive of the vision and its objectives but queried whether measures specified in draft *Structure Plan* would help see these sentiments materialise.

Several participants indicated they would like to see the permitted amount of development scaled back by lowering allowed building heights. Many respondents indicated they cared about heritage and supported its protection and were concerned that increased built form would in fact reduce heritage values and the village feel of the centre.

Climate and sustainability

52% of responses (54 of 103) either disagreed or strongly disagreed that measures in the draft *Plan* would successfully address climate and sustainability objectives in the activity centre.

Conversely, **27%** of responses (28) either strongly agreed or agreed the draft *Plan* would successfully address climate and sustainability objectives with a further **20%** (21) stating they neither agreed nor disagreed.

Environmental considerations were generally very important to respondents, and this was equated with more green space, green buildings and trees. Also, many felt that language should be firmer to ensure environmental outcomes would be adhered to in future developer considerations.

Heritage and character

57% of responses (59 of 102) either disagreed or strongly disagreed that that the draft *Plan* would successfully preserve heritage and character in the study area.

Meanwhile **27%** of responses (28) either strongly agreed or agreed the draft *Plan* would successfully preserve heritage and character in the study area, while a further **15%** (15) stated they neither agreed nor disagreed.

Many respondents supported protection of the centre's heritage and were often concerned that increased built form would deteriorate the centre's heritage value and village feel. Some participants considered the general lowering of permitted building heights to be the appropriate response.

Activity and Land Use

59% of responses (58 of 99) either disagreed or strongly disagreed that the draft plan would successfully provide the right land use mix in the activity centre.

22% of responses (22) either strongly agreed or agreed that the draft plan would successfully provide the right land use mix in the activity centre, with a further **19%** (19) stating they neither agreed nor disagreed.

Many thought growth in the local population would exacerbate existing problems, such as traffic and noise. While car parking was considered important to some for local businesses, there was some support in the repurposing of car parks for things such as open space with more provision for off-street parking of interest.

Buildings

70% of respondents (68 of 97) said they disagreed or strongly disagreed that measures in the draft *Plan* would balance growth and change with protection of heritage and public amenity.

25% of respondents (24) said they strongly agreed or agreed that the draft *Plan* would balance growth and change with protection of heritage and public amenity, with **5%** (5) indicating their neither agreed nor disagreed.

Many indicated they were unhappy with permitted building heights in the draft *Plan* and felt increased building heights would deteriorate heritage value and the village feel of the centre.

Public spaces

53% of respondents (52 of 99) either disagreed or strongly disagreed that measures in the draft *Plan* would successfully ensure our public spaces are protected and well-planned for future needs public spaces around Staniland Grove and Orrong Road.

24% of respondents (24) either strongly agreed or agreed that proposed measures would successfully ensure our public spaces are protected and well-planned for future needs, while **23%** (23) neither agreed nor disagreed.

Many were supportive of improving the provision of open green space. Some thought any removal of car parking should be considered carefully. i.e. for those who are less physically able.

Transport

33% of survey respondents (32 of 98) indicated they strongly agreed or agreed that the draft *Plan* would help to ensure the transport network would serve our community well in the activity centre, with a further **23%** (23) neither agreeing nor disagreeing.

Some participants mentioned the busy-ness of public transport a deterrent, as there are difficulties with ramp steepness or steps for those who are less physically able. While some said cycling and other modes of sustainable transport made sense and noted that doing so around Elsternwick was currently difficult due to safety concerns. Some wondered whether traffic and car parking problems could become worse with more people.

Emails

We received 56 email submissions from community members for the draft *Plan*. The feedback received covered much of the same themes that were reflected through the online survey. The main themes were:

- building height limits
- character and heritage protection
- car parking provision
- traffic congestion
- a desire for more green space and better environmental outcomes
- better amenity for residents today
- concerns about changes envisioned at specific locations.

Read more about the themes brought up in the full Engagement Report further below.

Drop-in information sessions

A total of 34 community members attended our five face-to-face drop-in information sessions and spoke with strategic planners about the draft *Plan*.

While questions asked were generally of a personal nature and how the draft *Plan* would impact their own properties, discussions included the following themes:

- concerns about provision of on-street parking in residential areas
- interest in development potential in specific areas
- clarification about heritage overlays in area
- the future of the Elsternwick Library site
- height limits and setbacks, generally and particular locations
- character and heritage protection
- preservation of trees and open green space
- environmental protection.

Attendees were encouraged to complete the online survey or send Council an email.

Phone calls

Council received **10 phone calls** from community members about the draft *Plan*. They spoke with a strategic planner generally seeking clarification on a number of aspects of the draft *Plan*.

The themes covered included:

- timelines
- proposed rezoning and height limits
- Elsternwick Library site
- traffic and congestion.

Online information session

The online information session was attended by 27 community members. All community member comments were noted, and Council provided a Question and Answer document afterwards responding to community questions.

The themes that were raised included:

- height limits and risk of overshadowing
- population growth and pressures
- character and heritage protection
- affordable housing
- traffic flow
- creation of open space around train station.

Engagement Report

The draft *Elsternwick Structure Plan* offers a shared vision for Elsternwick to be a safe, connected, accessible and liveable centre that embraces its historic character and strong cultural and village feel as it grows and changes. This is supported by strategies in sustainability, heritage, land use, buildings, public spaces and transport.

Community engagement for the draft *Elsternwick Structure Plan* occurred over a six-week period from 3 November to 16 December 2022. For the duration of the engagement period, our online survey was open to everyone, and we sought feedback on the proposed vision and objectives, along with a series of key ideas covered in the draft *Structure Plan*. While the online survey was our main method of gaining community insights and feedback, we also provided a phone number for community members to call our strategic planners to discuss the project and an email address to receive questions and feedback from community members.

An online Zoom information session was held during the engagement period where strategic planners presented on the draft *Plan*, and there were also face-to-face drop-in information sessions and a walking tour of the Elsternwick Major Activity Centre available to community members interested in talking through the proposals in the draft *Structure Plan* with officers as they walked through the precinct.

There were several ways the engagement was promoted, including a mailout that went to all properties within a 300-metre radius of the draft *Structure Plan* study area boundary and their owners. Postcards were also developed to promote the engagement and hand-delivered to local businesses in Elsternwick. Other communication included articles in *Glen Eira News*, the Glen Eira Council Community Engagement E-Newsletter, social media and various email blitzes with updates and reminders of upcoming engagement activities for interested community members.

Communication activities	Reach
Glen Eira News articles, including a page 3 standalone on the consultation (November and December editions)	All households in Glen Eira
Mailout to all properties within a 300m radius of the structure plan study area boundary	5300+ residents and landowners
Community Engagement E-Newsletter feature of draft <i>Elsternwick Structure Plan</i> (November and December editions)	4221 recipients 2368 opens 280 clicks
Have Your Say project engagement page live with survey available, and updates made as required	103 surveys completed 1700 page visits 1330 documents downloaded
Social Media posts via the Glen Eira Council platforms	Instagram 1600 reached, clicks NA Facebook 1200 reached, clicks 7

8.2 PHILANTHROPIC PARTNERSHIP DONATION OFFER - BENDIGO BANK CAULFIELD PARK

Author: Sharon Sykes, Manager Community Development

Director: Mark Saunders, Director Community Wellbeing

Trim No: 23/161540

Attachments: 1. Bendigo Bank Community Bank Caulfield Park Donation Offer [↓](#)

EXECUTIVE SUMMARY

In accordance with Council's Philanthropic Partnerships Policy, The Community Bank Caulfield Park, a branch of the Bendigo Bank, initiated discussion with Council officers and subsequently submitted a proposal to contribute to the installation of automated external defibrillators outside its premises at 193 Balaclava Road, Caulfield North and in Staniland Grove, near the corner of Glen Huntly Road, Elsternwick.

The proposal (Attachment 1) was submitted to Council on 20 February 2023 and outlines the details of the offer by the Community Bank Caulfield Park to donate \$5,000 to support Council's initiative to install automated external defibrillators in Caulfield North and Elsternwick.

The donation proposal from the Community Bank Caulfield Park meets the objectives of Council's Philanthropic Partnerships Policy.

This report recommends that Council accept the donation offer.

RECOMMENDATION

That Council:

1. accepts the donation offer of \$5,000 from the Community Bank Caulfield Park
2. writes to the Community Bank Caulfield Park advising of Council's decision
3. authorises the Director Community Wellbeing to finalise the Partnership Agreement with the Community Bank Caulfield Park
4. publishes the conditions of the Partnership Agreement on Council's website within 30 days of execution of the written agreement.

BACKGROUND

At the Ordinary Council Meeting on 22 February 2022, Council adopted the Philanthropic Partnership Policy.

The Policy sets out the parameters which need to be applied in relation to the receipt of financial contributions and provides a structured framework to guide the context and establishment of decisions regarding incoming philanthropic donation offers.

The objective of the draft Policy was to ensure that, in considering and accepting donations and philanthropic partnerships:

- Council has appropriate probity checks in place to prevent corruption and conflicts of interest
- Council is consistent and transparent in its dealing with donors and potential donors
- donations add value to Council services, events and facilities

- philanthropic partnerships and donations align with Council's vision and key objectives
- partnership opportunities for investment in Council services, events and facilities are coordinated
- risks in philanthropic partnerships are effectively managed and Council's reputation is protected.

On 20 February 2023, the Community Bank Caulfield Park, a branch of the Bendigo Bank, wrote to Council seeking consideration of a proposed sponsorship agreement that included a contribution \$5,000 towards the installation of two automated external defibrillators in Caulfield North and Elsternwick.

Installation of automated external defibrillators

Council completed the installation of six automated external defibrillators in late 2022 at a cost of approximately \$40,000. The defibrillators are located in Caulfield North, Elsternwick, Carnegie, Glen Huntly, Bentleigh and Bentleigh East in shopping precinct areas and are available to the public 24 hours per day, seven days per week. The defibrillators are registered with Ambulance Victoria.

Council has a Community Funding Agreement with Hatzolah to manage the operation and maintenance of the defibrillators.

ISSUES AND DISCUSSION

As outlined in the proposal, the donation by the Community Bank Caulfield Park has the following expectations:

- The logo of the Community Bank Caulfield Park will be displayed on the defibrillator cabinets at 193 Balaclava Road, Caulfield North and in Staniland Grove, near the corner of Glen Huntly Road, Elsternwick.
- The donation by the Community Bank Caulfield Park will be acknowledged in Glen Eira News.
- The donation by the Community Bank Caulfield Park will be acknowledged through Council's social media.
- The donation by the Community Bank Caulfield Park will be acknowledged on Council's website.
- An annual article through Glen Eira News, social media and Council's website will highlight the importance of automated external defibrillators being available and will reference the support of the Community Bank Caulfield Park.

Council has made a commitment to promote and raise awareness of the six automated external defibrillators in Glen Eira and the expectations outlined above can be accommodated within the communications activities that are currently being planned and implemented.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The adoption of the Philanthropic Partnership Policy aligns with the adopted Our Climate Emergency Response Strategy. Specifically, it will enhance opportunities for Council to work with our community in relation to the following principles:

Principle 1 – We work together with our community

Principle 2 – We plan for community resilience

Principle 3 – We encourage an inclusive and healthy community

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The purpose of the Policy is to establish partnerships to enhance the financial resources and asset outcomes of Council. The Policy provides guidance and criteria to manage any financial, resource, risk and asset management implications imposed by any proposal.

The estimated cost to install the six automated external defibrillators, including the cabinets, defibrillator devices, installation and provision of CCTV for each site was approximately \$40,000. A donation of \$5,000 for two of the defibrillators covers the main costs of purchase of the device and cabinet and is considered reasonable as a community donation.

POLICY AND LEGISLATIVE IMPLICATIONS

The Philanthropic Partnership Policy sets out the framework for Council when it considers accepting the offer of the donation from the Community Bank Caulfield Park.

COMMUNICATION AND ENGAGEMENT

Under the adopted Policy, all accepted philanthropic donations and the conditions of the Partnership Agreement will be published on Council's website within 30 days of the execution of the written agreement.

If the donation is accepted by Council, there will be publicity opportunities, including the Community Bank Caulfield Park logo on the defibrillator cabinets, Glen Eira News articles, social media messages and information on Council's website.

LINK TO COUNCIL PLAN

Strategic Direction 5: A healthy, inclusive and resilient community

We support our residents to be healthy, strong and resilient and will embrace and celebrate our diverse community

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

The Philanthropic Partnership Policy adopted by Council provides a framework to guide the decisions and assessment of proposed donations that will add value to Council services, events and facilities.

It is believed that the sponsorship offer of \$5,000 from the Community Bank Caulfield Park meets the objectives of the Policy.

8.3 VCAT WATCH

Author: Lulu Zhang, Principal Urban Planner

Trim No: 23/165343

Attachments: 1. [VCAT Watch - Attachment - 13 April 2023](#) ↓

EXECUTIVE SUMMARY

To report to Council regarding applications currently before, and any recent decisions of the Victorian Civil and Administrative Tribunal (VCAT).

RECOMMENDATION

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

BACKGROUND

The VCAT process is an integral part of the planning permit process and provides an opportunity for an independent review of planning decisions. VCAT is required to take into consideration any relevant planning policy when reviewing a decision.

ISSUES AND DISCUSSION

This report includes an attachment that provides an overview of all applications currently before VCAT. The attachment table is broken down into 'New Appeals lodged with VCAT' and 'Current matters before VCAT' (including upcoming hearings or where Council is waiting for a decision after the hearing has taken place) and 'Recent decisions of VCAT'.

Since the previous report four new appeal have been lodged and four new decision has been received. The decision is discussed below.

Application determined by the Tribunal

Address	82 Downshire Road, Elsternwick
Proposal	Construction of an outbuilding (carport) associated with an existing dwelling on land within the Neighbourhood Character Overlay
Council decision	Notice of refusal
VCAT decision	Refusal

Council's grounds of refusal were related to the location, layout and built form of the proposed carport, which would have an unreasonable impact on the existing or preferred character of the area.

In the VCAT Oral Decision on 21 February 2023 and the VCAT Order issued on the same day, the Tribunal considered the proposal an unacceptable outcome having regard to the established streetscape, the existing and preferred neighbourhood character contemplated by relevant planning policies. Council's original decision of refusal therefore was affirmed.

Address	10 Hopetoun Street, Elsternwick
Proposal	Construction of two dwellings
Council decision	Notice of decision to grant a permit
VCAT decision	Permit

Council issued a Notice of Decision to Grant a Permit on 21 March 2022 subject to conditions. Two sets of objectors commenced separate VCAT proceedings pursuant to section 82 of the *Planning and Environment Act 1987* seeking a review of Council's decision.

A compulsory conference was conducted on 29 September 2022, through which an in-principal agreement was reached with the first appellant (subject to the substitution of amended plans) however no settlement was reached with the second appellant.

In accordance with Tribunal Practice Note PNPE9 (Amendment of Plans and Applications), the applicant sought leave to substitute an amended proposal on 24 October 2022. On the basis of the amended proposal, the first appellant no longer opposed the development. The VCAT proceeding therefore confined the issues to offset amenity impacts submitted by the appellant at 8 Hopetoun Street Elsternwick.

In light of the VCAT Order dated 22 February 2023, the Tribunal considered that the proposal would have an acceptable outcome and directed Council to issue a permit. As such, Council's original decision was affirmed.

Address	32-46 Huntley Road, Bentleigh
Proposal	<u>Original plans</u> Construction of 39 double storey dwellings, 39 lot staged subdivision, removal of drainage and sewerage easement on Lots 68, 69 and 70 on LP13229, creation of easement of way and demolition and buildings and works in a Heritage Overlay <u>VCAT amended plans</u> Construction of 35 double storey dwellings and demolition and buildings and works in a Heritage Overlay
Council decision	Notice of refusal
VCAT decision	Refusal

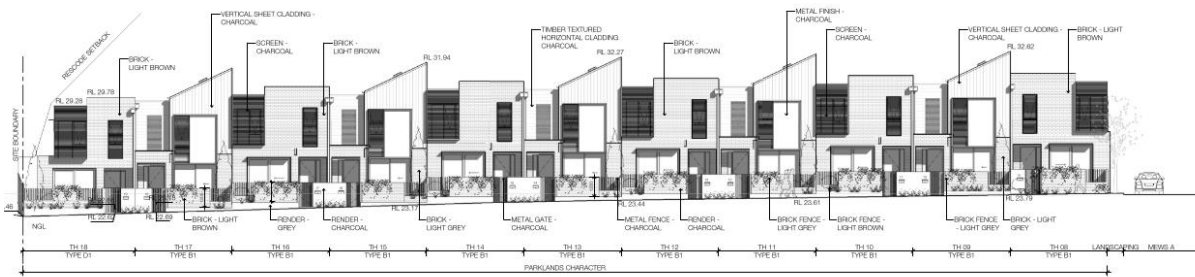
Original plans

At the Ordinary Council Meeting dated 9 August 2022, Council resolved to refuse the application on grounds that the height, scale and form of the development would result in an unacceptable outcome to the Huntley Road and Yawla Street streetscapes and the existing and preferred neighbourhood character by way of excessive visual bulk and inadequate street setbacks; and cause unreasonable offsite amenity impacts in terms of mass and bulk and overshadowing to adjoining land.

Below are images of the original plans:



Figure 1: Ground floor plan, original plans



North Elevation(Townhouse 8-18) Huntley Street

Figure 2: Huntley Road streetscape, original plans



South Elevation (Townhouse 29-39) Yawla St

Figure 3: Yawla Street streetscape, original plans

VCAT decision plans

In accordance with Tribunal Practice Note PNPE9 (Amendment of Plans and Applications), the applicant sought leave to substitute an amended proposal on 7 December 2022. The main changes to the plans included the number of dwellings reduced from 39 to 35, introduction of eight side by side townhouses with increased street setbacks and direct access from Huntley Road and Yawla Street, a reduction in the overall building heights and modifications to design details. It is also noted that the amended application withdrew the permissions regarding

subdivision of the land and removal and creation of easements (which were sought for a permit in the original proposal).

At the Ordinary Council Meeting dated 13 December 2022, Council resolved to refuse the development on the amended grounds relating to the impact on neighbourhood character, the proposed front setbacks to Huntley Road, and the impact on the pattern of development and lot sizes in the neighbourhood.

Below are images of the VCAT decision plans:

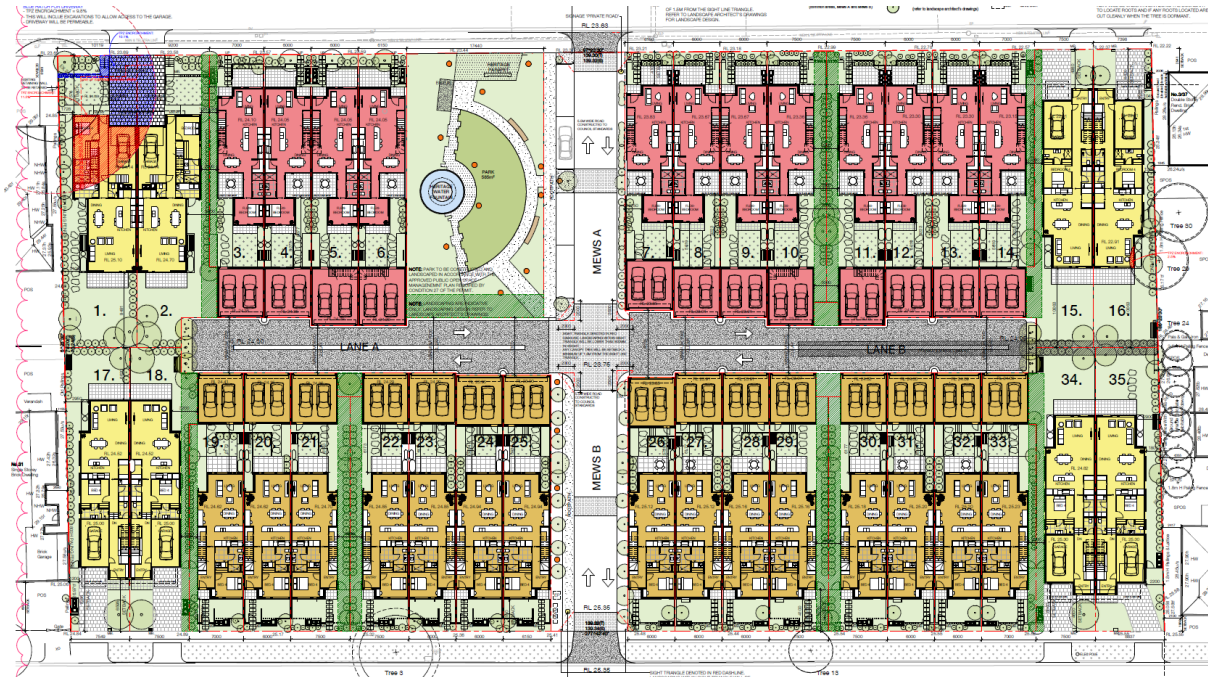
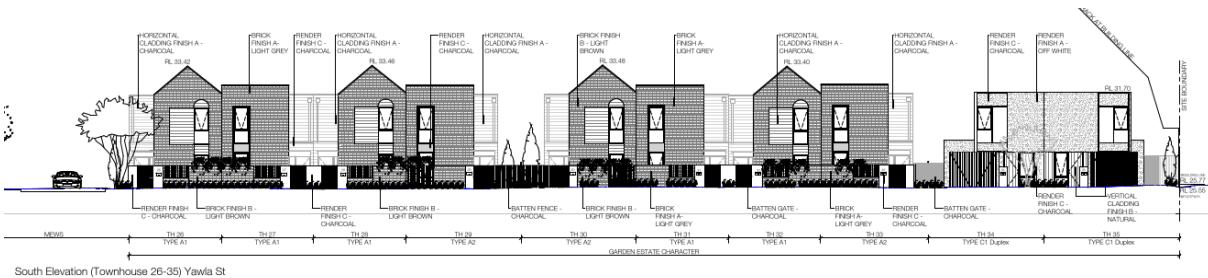


Figure 4: Ground floor plan, VCAT decision plans



North Elevation (Townhouse 8-16) Huntley Street

Figure 5: Huntley Road streetscape, VCAT decision plans



South Elevation (Townhouse 26-35) Yawla St

Figure 6: Yawla Street streetscape, VCAT decision plans

VCAT findings

The matter was the subject of a three day hearing dated 31 January, 1 and 3 February 2023. Council engaged a planning consultant for the hearing.

In determining the matter, the Tribunal made the following findings:

- The proposal exhibited positive attributes that would outweigh any minor heritage concern. As such, it would achieve various outcomes sought by the Heritage Overlay.
- The proposal would not result in any unreasonable off-site amenity impacts having regard to overlooking, overshadowing and visual bulk.
- The proposal would achieve an appropriate level of internal amenity having regard to the sizes of the areas of secluded private open space, the sizes of individual rooms, their ability to receive solar and daylight access, the convenient car parking facilities and provision of landscaping throughout the development.
- The proposal would not result in any unreasonable car parking or traffic impacts on the surrounding network.
- The proposal however failed to present an appropriate response to the guidance provided by the Planning Scheme and Amendment C220; and was not considered an acceptable outcome to the surrounding neighbourhood character in the manner how it presented to the public realm in both Huntley Road and Yawla Street. Of particular note is that the Tribunal considered that the front setbacks would create a stark contrast; and directed that a future revised proposal should adopt front setbacks that were characteristic to the existing front setbacks in the surrounding context with greater variety; and reconsider the prominence of the first floor to each streetscape.

In light of the above, the VCAT Order was issued on 23 February 2023 and affirmed Council's decision of refusal on grounds relating to adverse impacts on surrounding neighbourhood character.

Address	75 Deakin Street, Bentleigh East
Proposal	Extension of time to an existing permit that allowed construction of two double storey dwellings
Council decision	Notice of refusal
VCAT decision	Refusal

This was an application for review under Section 81(1) of the *Planning and Environment Act 1987*, seeking a review of Council's decision to refuse the extension of time to complete the development approved under planning permit GE/PP-27777/2015 that was issued on 31 July 2015 and allowed two double storey dwellings.

Council's grounds of refusal were outlined as follows:

- The permit had been extended twice prior. The reasons provided for this third extension request were not adequate.
- The permitted development was partly constructed but had remained unattended in the last three years causing adverse impact to the surrounds.
- The applicant provided little assurance as to whether construction would resume in the near future if it were to occur.
- The extended timeframes for commencement and completion were sufficient.

In light of the VCAT Order dated 10 March 2023, the Tribunal acknowledged that there had been little progress towards the completion of the development since 2018; and by applying the principles established in case law, agreed with Council's submissions on the merits of the request. Council's original decision of refusal therefore was affirmed.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no climate emergency response strategy implications associated with this report.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

There are no policy or legislative implications associated with this report.

LINK TO COUNCIL PLAN

Strategic Direction 3: A liveable and well planned City
Our planning aims to balance population growth with enhancing the unique character and heritage of our City

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

CONCLUSION

The report provides an update of the applications before VCAT.

8.4 FINANCIAL MANAGEMENT REPORT (28 FEBRUARY 2023)

Author: Alon Milstein, Financial Accountant

Trim No: 23/156674

Attachments: 1. February 2023 Financial Mgt Report [↓](#)

EXECUTIVE SUMMARY

Like all other Councils and businesses across Victoria, Council is operating in increasingly constrained financial circumstances. Council's financial position has been materially impacted both in terms of revenue and increasing costs such as construction, utilities, borrowing and labour shortages. The impact of increased regulation and cost shifting from other levels of Government is a contributing factor. The economic environment and ambitious program of works result in increasing risk to Council's financial sustainability.

While 'business as usual' is slowly returning to Council operations, the financial impact of the last few years will continue to flow through to future years.

The purpose of this report is to provide Council with the Financial Management Report for the period ending 28 February 2023. The report is designed to identify and explain major variances at an organisational level and is provided in Attachment 1.

There is a variance of the revenue and expenditure to budget that transfers costs of \$14.2M, for capital, into the next financial year and increases costs of borrowing. There is a positive variance in revenue for Glen Eira Leisure and Open Space.

Council is continuing to be a prudent financial manager in order to acquit its responsibilities to Community.

RECOMMENDATION

That Council notes the Financial Management Report for the period ending 28 February 2023.

BACKGROUND

The report includes a comparison of year-to-date actual income and expenditure with budgeted year-to-date and forecast to June 2023 and other information for the current financial year.

This report also provides a review of the Capital Works Program, Cash Flow, Rate Debtors and Victorian Auditor-General's Office Financial Sustainability Indicators.

ISSUES AND DISCUSSION

(a) Key Highlights - Current Financial Position

The forecast result expected for the financial year is a surplus of \$5.61m compared with the budget of \$1.81m. Key highlights for the period ending 28 February 2023 include:

Key Highlights	January 2023 \$ 000's	February 2023 \$ 000's	Movement \$ 000's	Comments
Forecast Surplus / (Deficit)	4,653	5,611	958	Increase due to higher than forecast income relating to Glen Eira Leisure services (GEL) of \$1.91m and a decrease of \$822k relating to employee costs as a result of timing of staff recruitment and employee leave provisions. Offsetting these is an increase in contractor costs of \$1.53m. Refer to the Financial Management Report for details.
Forecast Cash Holdings	49,249	52,552	3,303	Forecast cash holdings have increased compared to the previous month due to increased inflows and estimated capital works carry forwards of \$14.25m. This has been offset by a reduction in estimated borrowings of \$10m.
Forecast Liquidity	97.92%	109.17%	11.25%	Forecast liquidity has increased due to increased inflows and estimated capital works carry forwards of \$14.25m.
Forecast Capital Works	69,716	55,464	(14,252)	Movement due to estimated carry forwards of \$14.25m. Refer to the Financial Management Report for details.

(b) Open Space

Council collects a Public Open Space contribution in many circumstances when land is subdivided within the municipality. Since 2021-22, Council has spent and committed \$23m of funds for open space acquisitions. The balance of the Open Space Reserve as at 28 February 2023 is as follows:

Description	2022-23 Current Month	2022-23 Year to Date
Opening Balance as at 1 July 2022		\$19,607,108
Open Space Contributions Received	\$376,201	\$4,670,470
Open Space Capital Expenditure*	\$0	-\$1,771,421
Closing Balance Open Space Reserve		\$22,506,157
Committed Open Space Purchases		-\$10,470,000
Available Open Space Reserve Funds		\$12,036,157

*Includes: 10 Ames Avenue, Carnegie.

Please note that the open space reserve is not held in a separate cash reserve.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The Financial Management Report takes into consideration Council's initiatives and strategies that respond to the climate emergency, work towards emissions reduction targets and increase awareness of sustainability issues.

In this context, Council continues to prioritise initiatives that contribute to our overall goal of net zero corporate emissions by 2025 and net zero community emissions by 2030. This includes investment in open space, tree canopy and other greening initiatives, circular economy, energy efficiency, and environmentally sustainable design.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The key financial objectives for Council are:

- **Rates** – maintain rate increases in line with the constraints set by the State Government's Rate Cap.
- **Liquidity** – establishing a budget that sets Council's liquidity level at no less than 85 per cent.
- **Fees** – set fee increases that are manageable and sustainable, in line with the consumer price index and reasonable benchmarking.
- **Waste Charges** – to be set on a cost recovery basis.
- **Risk Management** – mitigate major risks through targeted investment in critical areas, including a focus on maintenance and renewal within the Capital Works Program.
- **Service Level** – maintain essential services at not less than current levels.
- **Retain capacity to invest in long term sustainability** – support initiatives that build long-term financial sustainability and organisational capability.
- **Retain our efficiency position** – keep day-to-day costs manageable and rates below our peers.
- **Community Engagement** – ensure that priorities reflect feedback from, and engagement with, the community.

POLICY AND LEGISLATIVE IMPLICATIONS

- *Glen Eira Council Long-Term Financial Plan 2022–23 to 2031–32*
- *Glen Eira Council Revenue and Rating Plan 2022-23 to 2025-26*
- *Glen Eira Council Plan 2021-25*
- *Glen Eira Council Integrated Planning and Reporting Framework*
- *Local Government Act 2020*
 - Division 2 — Budget Process
 - Part 4 — Planning and Financial Management — Section 97
- Local Government (Planning and Reporting) Regulations 2020
 - Part 3 — Budget

COMMUNICATION AND ENGAGEMENT

Council officers, in preparing the Financial Management Report, consider other plans and strategies regarding services and initiatives which commit financial and non-financial resources for the current financial year.

LINK TO COUNCIL PLAN

Strategic Direction 1: Well informed, transparent decisions and highly valued services. We build trust through engaging with our community, delivering quality services and making evidence-based decisions.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

Council continues to carefully manage its finances in order to deliver the outcomes for Community. Council is proactively identifying and mitigating the risks arising from the

dynamic and unpredictable economic environment and the implications for Council's financial sustainability.

8.5 INCLUSION OF 4 TREES IN THE CLASSIFIED TREE REGISTER

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Trim No: 23/160642

- Attachments:**
1. Council Tree Report for CTR Inclusion Southern Mahogany - 6 Tennyson Ave, Caulfield North 123CTR2021 [↓](#)
 2. Council Tree Report for CTR Inclusion Lemon Scented Gum - 25 Beech St, Caulfield South 137CTR2021 [↓](#)
 3. Council Tree Report for CTR Inclusion Spotted Gum - 509 Glen Huntly Rd, Elsternwick 296CTR2021 [↓](#)
 4. Council Tree Report for CTR Inclusion Sydney Blue Gum - 509 Glen Huntly Rd, Elsternwick 296CTR2021 [↓](#)
 5. Tree report 5a Linlithgow Avenue, Caulfield North Vic 3161 RA-R [↓](#)
 6. Co-ordinator final assessment report 6 Tennyson Ave Caulfield North 123CTR2021 [↓](#)
 7. 23-02-06_JRJ_GlenEiraTennysonCaulfieldNorth_TRA [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement for the inclusion of 4 trees in the Classified Tree Register.

The details of each tree and the assessment completed is provided in the 4 separate tree assessment reports attached.

RECOMMENDATION

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Southern Mahogany (*Eucalyptus botryoides*) located at 6 Tennyson Ave, Caulfield North – 123/CTR/2021;
 - b) Lemon Scented Gum (*Corymbia citriodora*) located at 25 Beech St, Caulfield South – 137/CTR/2021;
 - c) Spotted Gum (*Corymbia maculata*) located at 509 Glen Huntly Rd, Elsternwick – 296/CTR/2021;
 - d) Sydney Blue Gum (*Eucalyptus saligna*) located 509 Glen Huntly Rd, Elsternwick – 296/CTR/2021;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.

BACKGROUND

There are now a total of 189 trees included in the Classified Tree Register across the municipality.

The Classified Tree Local Law and Classified Tree Policy were written to ensure all relevant landholders around a nominated tree have multiple opportunities to make submissions and present their opinions regarding the tree.

ISSUES AND DISCUSSION

The inspection and assessment process has been completed for another 4 individual trees, all located on private property. They include 2 trees located on the grounds of an apartment complex and 2 trees located at single residences. All 4 trees are native species.

The assessments of these 4 eligible trees were all undertaken in accordance with Council's Classified Tree Local Law and Classified Tree Policy, with all the trees listed in part 1 of the recommendation.

Each assessment is conducted to determine if the relevant tree satisfies one or more of the Categories of Significance contained within the Policy, with consideration also given to the relevance of the negative criteria applicable to each tree. The assessment of each tree therefore considered the following:

- value; uniqueness; rarity; age; size; aesthetic value; growth habit; history; Aboriginal culture; and habitat.

Each tree recommended for inclusion in the Register satisfied 2 or more of the Categories of Significance to be deemed eligible.

Following the preliminary assessment of each tree undertaken by a Council Arborist, notification of each assessment was provided to all the relevant landholders, giving them the opportunity to make a submission regarding the assessment.

One submission supporting, and one submission objecting to the eligibility of the tree at 25 Beech St, Caulfield South were received. Multiple submissions supporting and one submission objecting to the eligibility of the 2 trees located at 509 Glen Huntly Rd, Elsternwick were received. Detailed reports were prepared for both sites responding to all the relevant points in the submissions received within the context of the positive and negative assessment criteria contained within the Classified Tree Policy. These trees were deemed to still be eligible for inclusion to the Register and notification was provided to all relevant landholders along with a copy of the report. No requests for review were received for these 3 trees and notification was provided to each relevant landholder that the eligible trees will be presented to Council for endorsement and inclusion in the Register.

The preliminary assessment of the tree at 6 Tennyson Ave, Caulfield North was undertaken with the assistance of independent Consultant Arborists who undertook an aerial inspection of the trees canopy to assist Council's Arborist in their assessment. Following notification of the tree's eligibility, two submissions supporting and two submissions objecting to the eligibility of the tree were received, with an independent Arborists Report included with the objecting submissions. A detailed report on this tree was prepared by Council's Arborist addressing all relevant submissions, including the objecting independent Arborists Report, and determined that the tree was still eligible for inclusion in the Register. Notification was then provided to all relevant landholders along with a copy of the Council Arborists report which provided all the landholders the opportunity to request a review of the assessment. A request for review of the Council Arborists assessment was received.

Subsequently an assessment of the tree was undertaken by the Co-ordinator Urban Forest, which included another inspection of the tree. After proceeding through all the specified stages of the assessment process, including consideration of all available information on the tree as well as all new submissions, the Co-ordinator Urban Forest determined that the tree was eligible for inclusion in the Register. Notification was subsequently provided to all relevant landholders of the tree's eligibility which provided all the landholders the opportunity to request a review of the Co-ordinators assessment. A request for review was received.

The final stage of the assessment process was conducted by the Acting Manager Parks Services with the assistance of an independent Consulting Arborist. The Consulting Arborist conducted another inspection of the tree and provided a report. After considering this report and all previous information regarding the tree, the Acting Manager Parks Services has determined that the tree is eligible for inclusion in the Register. Notification was provided to all relevant landholders advising that the tree will be presented to Council for endorsement and inclusion in the Register and advising that the Council Meeting will be open to the public.

The objecting Arborists Report submitted for 6 Tennyson Ave, Caulfield North, the Co-ordinators Report addressing all submissions including the objecting report, and the Consultant Arborist Report provided to the Acting Manager Parks Services have all been attached to this report.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The protection of significant trees across the municipality aligns with Glen Eira City Council's adopted '*Our Climate Emergency Response Strategy 2021-25*'. Specifically, regarding Principle 4 and Action 3.2, which both seek to maximise and diversify our green and natural spaces.

The Classified Tree Register fits in with Councils *Urban Forest Strategy* in recognising the need for urgent action in combating Climate Change. By retaining mature trees within the urban environment, the canopy coverage offered by these trees helps to mitigate the negative environmental impacts of city living.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The cost of including the 4 trees in the Classified Tree Register, conducting inspections and engaging any additional resources will be accommodated within the existing operating budget of Parks Services.

COMMUNICATION AND ENGAGEMENT

The assessment of the trees nominated for inclusion in the Classified Tree Register was managed and conducted in accordance with Council's Classified Tree Policy and Classified Tree Local Law.

All relevant landholders were advised of the outcome of the Council Arborist's preliminary assessment between 09 February 2022 and 08 August 2022.

Relevant landholders were informed that inclusion of a tree in the Classified Tree Register may result in future management, financial and development constraints because of the tree being in the Classified Tree Register.

All relevant landholders and nominators will be notified of the decision regarding each tree.

LINK TO COUNCIL PLAN

Strategic Direction 4: A green and sustainable community. Our actions and priorities aim to protect our community from the worst impacts of climate change.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

Established mature trees and the canopy coverage they provide are vital in ensuring the urban environment is a healthy and attractive place to live and work by mitigating the Urban Heat Island effect, reducing air pollution and water run-off.

Councils' commitment to increasing canopy coverage across the municipality up 22% by 2040 can only be achieved by ensuring there is some protection of large trees on private lands.

9. URGENT BUSINESS

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

11. CONFIDENTIAL ITEMS**RECOMMENDATION**

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 Citizen of the Year Awards 2023

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

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); and
- as the report contains personal information of the nominees for the community awards

12. CLOSURE OF MEETING