



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 25 JULY 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 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**

Apology

Moved: Cr Magee

Seconded: Cr Zmood

That the apology from Cr Anne-Marie Cade be received and noted.

CARRIED UNANIMOUSLY

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

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

Nil

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

That Council:

1. where meetings are held in-person, can continue the meeting if the livestream of the meeting fails as stated in the governance rules;
2. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem where a Councillor is participating virtually; and
3. where a Councillor is participating virtually and the meeting cannot be resumed within 30 minutes from the commencement of the technical problem, the meeting is to be reconvened on Wednesday 26 July 2023 at 7.30pm.

CARRIED UNANIMOUSLY**Public Participation**

This evening we have 2 submissions.

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

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

Question 1:**Kelvin Granger & Dean Hurlston, Council Watch**

Can council please advise the dollar (\$) amount of "cost shifting from State Government" they estimate they incurred in 2022/23 Financial Year?

Answer:

Council endorsed a report at its Ordinary Council Meeting of 13 December 2022 which noted the implications of cost shifting from State and Federal Governments to Local Government. The report identified an estimate of the impact of cost shifting at approximately **\$19 million** for a full financial year and included the following:

Description of Council Service	Known Costs	Estimated Costs	Total Costs
Waste Services (separate glass stream) *		\$ 4,500,000	\$ 4,500,000
Urban Stormwater		\$ 3,000,000	\$ 3,000,000
Electrical Line Clearance		\$ 1,450,000	\$ 1,450,000
Inspection and Reactive Pruning Program	\$ 122,000		\$ 122,000
Urban Planning	\$ 2,360,000		\$ 2,360,000
Building Services	\$ 796,638		\$ 796,638
Victoria Building Authority requirements **		\$ 2,748,625	\$ 2,748,625
Libraries and Learning Centres	\$ 3,500,000		\$ 3,500,000
Maternal and Child Health		\$ 150,000	\$ 150,000
Kindergartens		\$ 44,000	\$ 44,000
Immunisation		\$ 200,000	\$ 200,000
Emergency Management	\$ 50,000		\$ 50,000
Total	\$ 6,828,638	\$ 12,092,625	\$ 18,921,263
% of Annual Budget (total cost shifting / total income)	4%	6%	10%

All costs above are annualised except for the following:

* Waste Services (Separate glass stream by 2027) - this is a Victorian Government imposed cost that will be passed on to ratepayers via the waste service charge on a cost recovery basis.

** Victoria Building Authority requirements.

You can find more information on this in the Agenda papers and Minutes from the Ordinary Council meeting held on 13 December 2022 which are available on our website.

Question 2:**Lorraine Finlay, Caulfield East**

Could the Council undertake a survey of the volume of traffic before any decision is taken on the application by the MRC to build a new Glasshouse bistro and gaming facility on the corner of Queens Avenue and Station Street. Urbis who lodged the application have not supplied statistics on the number of vehicles using the roads in the surrounding area. The movement of cars, taxis, buses, delivery trucks along Queens Avenue, Sir John Monash Drive, Station Street, Normanby Road and Dandenong Road is of a high volume, especially at peak hours. Queens Avenue is used as a thoroughfare from Neerim Road connecting all of the above roads. The relocation of the Glasshouse to this site will exacerbate the problems in this already congested area.

Answer:

As part of the assessment of the planning application to relocate the Glasshouse venue, Council will consider whether the road network can suitably accommodate the traffic associated with the proposal. This will not include Council undertaking a survey of traffic volumes on Queens Avenue and Station Street. Council has sufficient information to confirm whether each road can accommodate any increase in traffic associated with the proposal.

Question 3:

Rosetta Manaszewicz, McKinnon

Combined drafts for the Bentleigh Structure Plan and its Urban Design Framework consist of approximately 160 pages. This is asking residents to have the requisite planning knowledge and time to fully absorb the information and to evaluate it prior to their ability to respond meaningfully to any survey/questionnaire. Council has repeatedly failed to highlight its built form proposals via a concise summary, forcing readers in this instance, to plough through the 160+ pages. Will council now commit to providing a short bullet point summary for the Bentleigh structure Plan consultation up front which clearly states which sites are discretionary or mandatory, plus their proposed heights, all setbacks, and shadow analyses for both the winter and summer overshadowing results for 10am to 3pm.

Answer:

Consultation on the draft Bentleigh Structure Plan will start on Monday 31 July 2023. A summary of the Structure Plan will be available as a separate download on Council's Have Your Say project page. The summary will contain the Built Form Framework Plan, indicating heights and setbacks, along with solar access considerations.

Question 4:

Jacquie Robilliard, Elsternwick

At the Council meeting on the 4th July 2023 Councillors approved the installation of a roof, subject to a report covering storm water management, over a green located at the Caulfield Bowls Club contrary to the Council officer's recommendation to reject the application. At this meeting it was argued that the benefit to the whole community was a key factor in Council's decision to approve this application.

Did the applicant provide any evidence to support the argument that it was going to be of a benefit to the **whole** community? If so, can Council please provide this information?

Answer:

Council formed the view that the proposal would provide a benefit for the broader community. In reaching this decision, Council had regard to the documents and plans submitted with the planning application, along with the submissions received from the applicant and the community. Council recognises that some of the community disagree with the decision.

Question 5:**Jacquie Robilliard, Elsternwick**

(In relation to question 4) If no evidence was provided by the applicant, what evidence was provided by or to the Council to support the viewpoint that the roof would be of benefit to the **whole** community?

Answer:

The permit applicant provided written submissions throughout the process, including in response to the objections that were received about the proposal. This included information about the various users of the facility including school children, the elderly, and people with disability. They highlighted that if the proposal was approved it would be the only roofed bowling green in the municipality and that it would enable all weather use. These factors weighed in favour of supporting the proposal for the broader benefit of the community.

Question 6:**Tamara de Silva, Caulfield East**

What is the total size in sqm of current glasshouse located at Caulfield Racecourse Reserve and just the gaming room?

Answer:

The total floor area for all internal areas of the Glasshouse venue is approximately 7788 square metres. The total floor area of the gaming room is approximately 1908 square metres. These measurements have been taken from a historical building plan.

Question 7:**Tamara de Silva, Caulfield East**

Has Council received clarification of precise location of proposed new Glasshouse? The advertised plans don't have an exact location and at the planning conference we asked the MRC spokesperson the precise location in relation to Queens Avenue entry gates and didn't get a response.

Answer:

The plans provided as part of the application are scaled, which enables a proper understanding of the location of the proposal for the purpose of assessing the planning permit application.

Question 8:**Murray Cooke, Caulfield East**

Even from a cursory review of the acoustics report for the new gaming venue, it is clear that there are factual inaccuracies. Streets referenced as being near the racecourse are in fact in the northern suburbs. It is evident that this report is a cut and paste from another report, casting doubt on the care taken in its drafting and veracity. If the planning department of the Council accepts this flawed report, which in the eyes of the community constitutes a significant aspect of the MRC planning application, Council cannot expect to have the public's confidence. As it appears likely that the proposed gaming venue will be a significant noise nuisance, what resources will the council commit to the monitoring of excessive late-night noise, given the proposed 4 am, closing time for 365 days a year? How will noise abatement occur to address the loss of sleep for local residents?

Answer:

You asked a similar question at the Ordinary Council Meeting of 23 May 2023. As indicated at that time, the acoustic report will be given appropriate scrutiny as part of the assessment of the proposal. If the proposal is supported, it is typical to require the attenuation measures to be confirmed as part of a condition of the planning permit to demonstrate that it will meet a relevant noise standard.

Question 9:**Jane Karlake, Caulfield East**

Members of the local community have expressed repeated concerns about the standard of the planning application for the new Pokies venue on Station Street. There has been no clarity on the precise location of the building, and there are no clear measurements, that provide an indication of the exact location or the building's size. This is not a housing development with a clearly defined building site. Many people have expressed dismay about being able to offer comment when the venue is so undefined and concerns about unforeseen impacts associated with size and location given one of the concerns has been a nightclub-style venue with a 365-day-per-year 4.00am licence abutting a residential street. This combined with concerns about the acoustics report beg the question when does Council request a new or revised planning application from an applicant? I am doubtful that a planning application from a local resident would be accepted with this degree of imprecision given one of the concerns has been a nightclub-style venue with a 365 day per year 4.00am licence abutting a residential street.

Answer:

The plans provided as part of the application are scaled which enables a proper understanding of the location of the proposal for the purpose of assessing the planning permit application.

Question 10:**L Reynolds, Carnegie**

Do utility companies require permission from the Council to erect structures on Council land?

Answer:

The powers of utility companies to erect structures on land, including on Council land, is covered under various pieces of legislation. In some circumstances, a utility company will require permission from Council, but in others they don't. It will depend on what is being erected.

Question 11:**L Reynolds, Carnegie**

Do utility companies require permission from the Council to modify or add to existing structures they have previously erected on Council Land?

Answer:

The powers of utility companies to modify or add to existing structures they have previously erected on Council Land, is covered under various pieces of legislation. In some circumstances, a utility company will require permission from Council, but in others they don't. It will depend on what is being modified or added.

Question 12:**T Antonio, Murrumbena**

How do Councillors proactively engage with their residents/ratepayers?

Answer:

Council is committed to openly and transparently engaging with the community and ensuring that their voices are heard, especially on issues that directly impact them now and into the future. Our *Community Engagement Policy*, *Community Engagement Strategy 2022—2026* and Community Engagement Advisory Committee all guide our approach.

Each of these elements plays an important role in ensuring that Council's community engagement is proactive, well planned and involves as many community members as possible.

Council regularly engages with the community via a range of methods including through its Community Voice Panel, a group of approximately 400 residents who participate regularly in online surveys and quick polls between four and eight times a year on a range of issues. We also engage with the broader community through our Have Your Say website, which hosts a range of surveys and engagement opportunities, via the Glen Eira News, face to face at 'pop-up' events across the municipality, at information sessions, festivals and local events.

Council's Community Advisory Committees also provide a valuable forum for Councillors to directly engage with community members, business owners and other local stakeholders multiple times each year on a range of matters that are important to the Glen Eira community.

Further information about the broad range of engagement activities can be found on Council's website.

Question 13: - T Antonio, Murrumbidgee

How many full-time and how many part-time staff does the Council have as permanent employees and has this number increased or decreased over the last 4 years?

Answer:

Council publishes its data on employee numbers each year in its Annual Report. In the last report published for the 2021/22 financial year, Council had a total of 1528 staff comprising of 438 full time permanent staff, 448 part-time permanent staff and 642 casual staff. This staff level represents a Full-Time equivalent staff of 792.

This staff level compares to similar data for the 2017/18 year where Council had 1459 staff in total with a Full-Time Equivalent of 779.

Employee data for the 2022/23 financial year will shortly be available when Council publishes its Annual Report in October.

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

That the minutes of the Ordinary Council Meeting held on 4 July 2023 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: NO MORE PUBLIC LAND FOR PRIVATE GAIN**

A petition containing **428** signatures was submitted to the Council Meeting.

The petition read as follows:

We, the petitioners below, call on the Caulfield Racecourse Reserve Trust and the Councillors of Glen Eira to work together to ensure that the interests of the community are represented in development plans for the racecourse. The Caulfield Racecourse Reserve Trust's (CRRT) legislated purpose is to ensure that the reserve's three purposes - a racecourse, recreation and public park are supported by their Land Management Plan. The Land Management Plan that the Trust approved shows a multipurpose building with indoor sporting facilities for community use and does not show a new entertainment (pokies) venue. The new trust was set up in 2018 so that community interests could be better managed as the 2016 Victorian Auditor General' Report found "Historically, the trust's decisions have disproportionately favoured racing interests. A larger pokies venue on public land to increase private revenue is not in the public interest. We demand the Trust withdraw permission for the NEW GIASSHOUSE. We ask that Glen Eira City Council reject the planning application and work with the Trust to represent community interests.

NO MORE PUBLIC LAND FOR PRIVATE GAIN.

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council:

1. receives and notes the petition; and
2. refers this to the relevant member of Council staff for appropriate action and response.

CARRIED UNANIMOUSLY

5.2 PETITION: COMMUNITY CONCERNS REGARDING THE PROPOSED NEW GLASSHOUSE DEVELOPMENT

A petition containing **18** signatures was submitted to the Council Meeting.

The petition read as follows:

We the undersigned residents request that Council:

reject the planning application for the proposed new Glasshouse at the Caulfield Racecourse Reserve because it is an inappropriate development on public land that will negatively impact on residents, including by being open 21 hours a day. We also ask that the Council works with the Caulfield Racecourse Reserve Trust to ensure that the interests of the community are represented in development plans for the racecourse. The Land Management Plan that the Trust approved shows a multi-purpose building with indoor sporting facilities for community use and does not show a new entertainment (pokies) venue. We believe that a larger pokies venue on public land which increases private revenue is not in the public interest. Furthermore, it has no connection with the historic use of the reserve for horse-racing.

Moved: Cr Zyngier

Seconded: Cr Zmood

That Council:

1. receives and notes the petition; and
2. refers this to the relevant member of Council staff for appropriate action and response.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Zmood – Eastern Alliance for Greenhouse Action

Cr Athanasopoulos – Metropolitan Transport Forum

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Arts and Culture Advisory Committee Minutes – 13 June 2023;
2. Community Grants Advisory Committee Minutes – 26 June 2023; and
3. Community Engagement Advisory Committee Minutes - 26 June 2023

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 20 June 2023 Assembly;
2. 27 June 2023 Assembly; and
3. 4 July 2023 Pre-meeting.

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 437 KOOYONG ROAD ELSTERNWICK

Moved: Cr Zyngier**Seconded: Cr Parasol**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-36078/2023 at 437 Kooyong Road Elsternwick in accordance with the following conditions:

Permit Preamble:

Use and development of the land for a food and drink premises (café) and installation of signage and reduction of car parking in accordance with the endorsed plans.

Permit ConditionsAmended Plans

1. Before the development and use starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans identified as *The Kooyong Road General plans sheets 1 -10* but amended to show:
 - (a). The provision of two bicycle spaces, one for employees and one for visitors in accordance with Clause 52.34 (Bicycle facilities) of the Glen Eira Planning Scheme.
 - (b). All noise attenuation measures as outlined by the Acoustic Report required by Condition 7 of the Permit.

Layout not to be altered

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

Hours of Operation

3. The use must operate only between the hours of:
 - (a) Monday to Friday: 6:30am – 7:00pm
 - (b) Saturday: 7:00am – 7:00pm
 - (c) Sunday: 7:30am – 7:00pm
 - (d) The café component of the use closes at 4pm each day.
 - (e) The courtyard at the rear only used between 9am and 4pm.

Number of Patrons

4. Not more than 40 patrons may be present on the site at any one time, with a maximum of 20 in the courtyard at the rear.

Amenity

5. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) appearance of any building, works, stored goods or materials.
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

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

Ongoing management of noise levels

6. Noise levels to and from the use must not exceed those required to be met under the *Environment Protection Regulations 2021* and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy.

Acoustic Report

7. Before the development and use starts, an Acoustic Report prepared by a qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of the permit. The Acoustic Report must outline the following:
 - (a) The anticipated noise impacts generated by the use.
 - (b) Assessment of compliance with Condition 6 of the Permit.
 - (c) Mitigation measures required to ensure compliance with Condition 6 is achieved and maintained.

Implementation of the Acoustic Report

8. The provisions, recommendations and requirements of the endorsed Acoustic Report required by Condition 7 must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Acoustic Report after use starts

9. Unless otherwise approved in writing by the Responsible Authority, within two months of the use starting, an updated Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated Acoustic Report must demonstrate compliance with Condition 6 and that the required level of noise attenuation has been achieved in accordance with Condition's 6 and 7 of the Permit or if not, what works must be undertaken to achieve the required levels of noise attenuation. The additional works must be implemented within two months of the approval of

the updated Acoustic Report, or to the satisfaction of the Responsible Authority.

Loudspeakers

10. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.

External Lighting

11. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.

Security Alarms

12. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

Screening of Bins

13. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

Signs not Altered

14. The location and details of the signs including their structures as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Signs maintenance

15. The signs must be maintained in good condition to the satisfaction of the Responsible Authority.

Time for Starting and Completion

16. This Permit will expire if:
 - (a). The development does not start within two years from the date of this Permit.
 - (b). The development is not completed within four years of the date of this Permit.

- (c). The use is not started within four years of the date of this Permit.
- (d). The use is discontinued for a period of two years.
- (e). The advertising signs are not displayed within two years of the date of this Permit.

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*.

Signs expiry

17. The signs approved by this permit will expire fifteen years from the date of this permit at which stage all signs and their supporting structures must be permanently removed from the land.

Notes

Amended plans

- The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the *Planning and Environment Act 1987*. An amendment application is subject to the procedures set out in Section 73 of the *Planning and Environment Act 1987*.

Planning approval only

- This Planning Permit represents the Planning approval for the use and development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Failure to comply

- Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Environmental Health Department

- The use of the land may require approval by and/or registration with Council’s Environmental Health Department under the provisions of the *Food Act 1984*, *Health Act 1958* and/or *Tobacco Act 1996* (as amended).

Permit to Building Surveyor

- The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

CARRIED UNANIMOUSLY

Extension of Speaking Time

Moved: Cr Magee

Seconded: Cr Zmood

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

CARRIED UNANIMOUSLY

8.2 VCAT WATCH

Moved: Cr Zhang

Seconded: Cr Parasol

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

CARRIED UNANIMOUSLY

8.3 PRIORITY ADVOCACY PROJECTS 2023-2024

Moved: Cr Magee**Seconded: Cr Pennicuik**

That Council:

1. endorse the attached Priority Advocacy Projects 2023—2024.
2. notes the attached Priority Advocacy Projects 2023—2024 underscore the current unmet need for affordable housing in Glen Eira of 5,833 dwellings, with only 1.4% of Glen Eira dwellings being social and affordable housing compared to the Melbourne average of 3.3%; and despite this, 44 sites of Victorian Government-owned houses and units in Glen Eira have been listed on the Treasury and Finance website as land being prepared for future sale.
3. as a matter of urgency, writes to the Treasurer, Minister for Housing and Minister for Transport and Infrastructure, calling on them to: stop the planned sale of these properties; provide these properties for the purpose of social and affordable housing; and make them available to people and families on the Victorian Housing Register.
4. enhances the planning reform section on page 13 of the attached Priority Advocacy Projects 2023—2024 by calling on the Victorian Government to amend the Victorian Civil and Administrative Tribunal (VCAT) rules to require VCAT to apply Council planning policy when making decisions, rather than merely consider it.

CARRIED UNANIMOUSLY

8.4 MUNICIPAL ASSOCIATION OF VICTORIA (MAV) OCTOBER 2023 STATE COUNCIL MEETING MOTION

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

That Council endorses the following motion for submission to the October 2023 MAV State Council meeting:

That the Municipal Association of Victoria calls on the Victorian Government to support councils and communities to improve community access to underutilised land, and meet broader community open space needs by:

1. mandating higher minimum public open space requirements as part of any state-approved planning proposal;
2. reforming joint-use agreements to provide greater public access to public school grounds to meet broader community open space needs; and
3. ensuring greater local government involvement in Victorian Government planning decisions to identify new opportunities for open space, particularly as part of large infrastructure projects.

CARRIED UNANIMOUSLY

8.5 INCLUSION OF 9 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) Flax Leaf Paperbark (*Melaleuca linariifolia*) located at 1 Gladwyn Ave, Bentleigh – 271/CTR/2021;
 - b) Narrow Leaved Black Peppermint (*Eucalyptus nicholii*) located at 5 Exhibition St, McKinnon – 456/CTR/2022;
 - c) Canary Island Date Palm x 7 (*Phoenix canariensis*) located in Caulfield Park, Caulfield North – 502/CTR/2023;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.

CARRIED UNANIMOUSLY

8.6 LEASE TO GLEN EIRA MCKINNON BOWLS CLUB INC.

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

That Council:

1. authorises officers to finalise a Deed of Variation of Lease with Glen Eira McKinnon Bowls Club Inc (A0044002H) for their continued occupation of Council freehold land at Joyce Park for a new, initial term of five years, plus one further option of four years; and
2. executes the Deed of Variation of Lease with Glen Eira McKinnon Bowls Club Inc (A0044002H) in an appropriate manner by affixing the common seal of Council;

CARRIED UNANIMOUSLY

8.7 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY 2023

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

That Council notes the report on the Australian Local Government Association National General Assembly 2023.

CARRIED UNANIMOUSLY

8.8 PROVISION OF MICROSOFT LICENSING AGREEMENT - CONTRACT VARIATION

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

That Council:

1. Approves that the Chief Executive Officer executes the new Microsoft Licencing Contract; and
2. Approves the contract variation and increase in annual costs for Microsoft Licencing by \$335,000 per annum in accordance with the MAV Microsoft Select Arrangement (NPN 2.17-3).

CARRIED UNANIMOUSLY

9. URGENT BUSINESS

Nil

10. ORDINARY BUSINESS

10.1 Requests for reports from a member of Council staff

Nil

10.2 Right of reply

Nil

10.3 Notice of Motion

Nil

10.4 Councillor questions

Nil

10.5 Written public questions to Council

Heard at an earlier stage of the meeting

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 9.24pm.

Confirmed this 15 August 2023

Chairperson.....