



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**

**TUESDAY 28 APRIL 2020**

**MINUTES**

**Meeting was held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
at 7.32pm**

Present

Councillor Dan Sztrajt (Deputy Mayor)  
Councillor Clare Davey  
Councillor Jamie Hyams  
Councillor Jim Magee  
Councillor Joel Silver

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## 1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

## 2. APOLOGIES

Apologies were received from Cr Athanasopoulos, Cr Delahunty, Cr Esakoff and Cr Cade.

**Moved: Cr Hyams**

**Seconded: Cr Silver**

That apologies from Cr Esakoff, Athanasopoulos, Cr Delahunty and Cr Cade be received and noted.

**CARRIED UNANIMOUSLY**

## 3. REMINDER OF DECLARATION BY MEMBERS OF ANY DIRECT AND INDIRECT CONFLICT OF INTEREST OR PERSONAL INTEREST IN ANY ITEMS ON THE AGENDA

Councillors are also 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 Sections 77 to 79 of the Local Government Act.

### **Procedural Motion**

**Moved: Cr Sztrajt**

**Seconded: Cr Silver**

That Council brings forward Item 9 - Urgent Business to be dealt with at this stage of the meeting.

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS****9.1 CONDOLENCE MOTION****Moved: Cr Sztrajt****Seconded: Cr Silver**

That Council considers a motion of urgent business at this stage of the meeting expressing our condolences for the four Victorian Police Officers who lost their lives last week in the course of their duties.

**CARRIED UNANIMOUSLY**

**Moved: Cr Sztrajt****Seconded: Cr Magee**

That Council adopts the following motion:

On behalf of Council and the residents of Glen Eira we extend our sincere condolences to the families, friends and colleagues of the four Victorian Police Officers who, in the course of their duties, were tragically killed last Wednesday.

Leading Senior Constable Lynette Taylor;

Senior Constable Kevin King;

Constable Glen Humphris and

Constable Joshua Prestney

At times like these, we are reminded of the bravery and dedication of our police force.

Risking their lives in the service of others and to protect our safety.

To the police colleagues of those killed, we thank you for your daily bravery and outstanding contribution to our society.

To the families and loved ones, we stand with you in your grief; we know that loss of life in such tragic circumstances compounds your sorrow. We can only hope that knowledge of the loving community support and the dedication and bravery of those involved is in some way a small consolation to your loss.

**CARRIED UNANIMOUSLY**

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS****Moved: Cr Silver****Seconded: Cr Magee**

That the minutes of the Ordinary Council Meeting held on 7 April 2020 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: CLIMATE EMERGENCY DECLARATION AND ACTION PLAN**

A petition containing 618 signatures was submitted to the Council Meeting.

The petition read as follows:

‘This petition draws to the attention of the Council the need for a Climate Emergency Declaration and Action Plan.

We the undersigned call on the City of Glen Eira to Declare a Climate Emergency and to upgrade their action plan to address the climate crisis.’

**Moved: Cr Davey****Seconded: Cr Magee**

That Council:

1. receives and notes the petition; and
2. considers the petition in conjunction with the Action on Climate Change report being presented to the 5 May 2020 Special Council Meeting.

**CARRIED UNANIMOUSLY**

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

Nil

**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY**

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**7.1 Advisory Committees**

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**7.1.1 ADVISORY COMMITTEE MINUTES****Moved: Cr Hyams****Seconded: Cr Silver**

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 Engagement Advisory Committee Meeting Minutes – 1 April 2020

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS****Moved: Cr Silver****Seconded: Cr Hyams**

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

1. 24 March 2020
2. 31 March 2020
3. 7 April 2020 Pre-meeting

**CARRIED UNANIMOUSLY**

**Procedural Motion****Moved: Cr Sztrajt****Seconded: Cr Davey**

That Council changes the order of business to bring forward item 10.4 Written questions to Council to be dealt with at this stage of the meeting.

**CARRIED UNANIMOUSLY****10.4 Written public questions to Council****1. Helen Deyssing – Carnegie**

The lights at Lord reserve are often left on until late for sports but now during the Covid crisis - why can't they be left on until later (7.30 – 8.00 pm) so people can still exercise in the evening?

**Response:**

With the Stage 3 government restrictions in response to Covid-19 now in place, many sport and recreation facilities are closed. One of the reasons people can leave their home is to exercise, and we acknowledge that lighting our sports grounds would provide extended time for exercising.

However, whilst many people are being responsible about social distancing, we do not want to provide further opportunity for social gatherings on our sports grounds after dark. As per the government direction, we encourage people to stay home.

For community members who are unable to exercise during the day, many of our parks and reserves have shared pathway lighting to enable some night time exercise.

We will continue to monitor the use of our parks and reserves in line with the government regulations to stop to the spread of Covid-19 and will review this position following further government advice expected on 11 May 2020.

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**2. Warren Green – Bentleigh**

- a) The VPA has advised that 95% of residents should be located within a safe 5 minute walk to open space for equitable distribution. What percentage of Glen Eira residents are currently within a safe 5 minute walk to open space and is there a documented future goal for this in the Open Space Strategy Refresh?
- b)
  - i) Has Council undertaken a business case, feasibility study, car parking demand assessment, traffic management analysis or any other background research on the potential development of a multi-deck car park at Bleazby Street Bentleigh and if so what specifically has been completed and will this be made available to residents?



**Response:**

- a) The Victorian Planning Authority (VPA) identifies six open space planning principles to guide assessment of open space. A 5 minute walk (or 400m distance) to 95% of residents is one of these principles, along with access/connectivity, quality, quantity, diversity and sustainability. The VPA also notes that one element or factor in isolation cannot deliver a high quality open space network.

We don't capture the percentage of population outside the 5 minute catchment. Instead, Council's Open Space Strategy (Section 6) analyses the open space catchments and provides a detailed needs assessment for each area. This level of detail recognises the unique attributes and opportunities that different urban environments can play in meeting different community requirements. The methodology is consistent with best practice open space planning principles.

b)

- i) Has Council undertaken a business case, feasibility study, car parking demand assessment A feasibility study and traffic management assessment has been undertaken to ascertain both the parking needs of the centre and the impacts on the local traffic network if the Bleazby Street car park increased in capacity.

This information will be made publicly available during future planned community consultation and engagement on this project.

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**3. Jeremy Joubbran – Murrumbeena**

LXRA used many local roads to gain access to the rail corridor when undertaking construction works to remove the level crossing at Murrumbeena. Ella Street is one of these streets which was used by LXRA to get heavy plant and materials to the work face. Heavy vehicles caused extensive damage to the road pavement and created a safety issue, particularly for cyclist with thin road wheels. You would expect that a pre-condition survey would have been conducted on the local roads before works commenced and so it would be relatively easy to verify what damage has occurred during this time. As a resident in Ella Street, keen to know when LXRA and/or Glen Eira Council will resurface the pavement and reduce the risk of cyclists being injured.

**Response:**

A pre-condition survey (dilapidation survey) was undertaken by Council to assess the condition of all Glen Eira Council assets prior to the commencement of Level Crossing Removal works, including road condition.

Council is currently working with the State Government on assessing the post-works condition of these assets and the rectification process.

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**4. Marlene Laurent – East Bentleigh**

When will Council be making a decision regarding East Village?

**Response:**

It is anticipated that Council will consider the Planning Scheme Amendment for East Village at the 30 June Ordinary Council Meeting. Council will take into account the Planning Panel's recommendations for the Amendment and make its own decision on whether to adopt or abandon the Amendment (with or without modifications).

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**5. Markus Oswald – Carnegie**

1. With a current open space reserve balance of \$23,978,716 and net increase in reserves of \$4,393,967 this financial year as at 31 March 2020, and only an adjustment for prior year expenses on eligible open space capital works projects this financial year, when and what on was the last expenditure for new open space made using the reserve? In addition, when does the council anticipate implementing and spending its proposed increased open space levy?
2. Will public questions be allowed at next week's Special Council Meeting?

**Response:**

1. During 2019-20, works at the following reserves are being partially funded by the Open Space Reserve in accordance with the Open Space Strategy:  
EE Gunn Reserve ; Duncan MacKinnon Reserve; McKinnon Reserve; Caulfield Park and new open space for the Outer Circle Railway management plan as well as other minor works across the municipality.  
  
The costs for these projects will be transferred from the Open Space reserve either at year-end or upon completion of the project.  
  
The updated 10-year strategic resource plan will also have funds allocated for Open Space Strategy spending.  
  
The new Open Space levy will only apply once it has been embedded into the Planning Scheme which ideally would occur in early 2021 but is dependent on receiving authorisation from the Minister for Planning, and the timing of the independent planning panel process.
  2. No public questions will not form part of the agenda for next week's Special Council Meeting. Public questions may only be submitted for Ordinary Meetings of Council in accordance with clauses 31 and 32 of the Council Meeting Procedure Local Law.
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**6. Bernadette Pierce – Caulfield South**

1. Council passed unanimously the motions 8.3 and 8.4 at the Council meeting of April 7<sup>th</sup> 2020: Instrument of Delegation to the Chief Executive Officer- Covid-19 Contingency Planning; Delegations under the Planning and Environment Act 1987- Novel Coronavirus Contingency Planning. The reason for these motions was to allow the efficient continuation of Council business should the Council not be able to achieve a quorum at Council meetings. There was much concern from residents that Local Government democracy was disregarded.

Given the change in circumstances, and the ability now for Councillors to attend meetings online, when will Councillors revoke the Instruments of Delegation?

2. We note that Council is **presently working towards instituting online platforms** which will allow a Delegated Planning Forum and a Planning Conference to be conducted without having to physically meet. Given the nature of these meetings and the diversity of stakeholders in the planning process, it is important to ensure that any on-line platform is stable, reliable and facilitates accessibility, inclusiveness and transparency in the planning process.

We also note that Glen Eira City Council has spent a significant sum of money updating their online technology. Transparency and community consultation are the pillars of Local Government.

When will Council allow residents to again participate in Delegated Planning forums and Planning Conferences?

**Response:**

1. While the ability to conduct Council meetings via video conference should help in ensuring Council is able to achieve quorum, there is no guarantee of this should the pandemic adversely affect the health of 5 or more Councillors.  
  
The resolution made at the 7 April Council Meeting, commits that the Instrument of Delegation, when in force, will be reviewed at least once every three months and that Council at an ordinary council meeting or special council meeting will resolve whether to vary, revoke it or leave it in place.
2. Council is continuing to work towards building appropriate online platforms to enable Delegated Planning Forums and Planning Conferences to recommence. It is important to note that local government is not the only sector body facing these challenges. Both the VCAT and Planning Panels Victoria are similarly working on their processes and systems to enable effective online platforms. At this time, we do not have a firm date in which this platform will become available. Notwithstanding this, Council continues to monitor the advice of the Chief Health Officer and the State Government regarding social distancing measures with the view to recommence these forums and conferences in a face to face format as soon as it is declared safe to do so. In the meantime, if you have an interest in a particular planning matter, we would encourage you to contact Council's Urban Planning Team to discuss the matter with the relevant planning officer.

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**7. Bette Hatfield – Caulfield North**

- a) Re Agenda Item 8.3 Proposed Heritage Protection for 87 & 89 Kambrook Road, Caulfield North

This Agenda Item recommends removing these two properties from the Kambrook Road Heritage Precinct interim (Amendment C208) and permanent heritage listings which will enable redevelopment of the site.

Given the Council's recent (2019-2020) recognition of both the significance of heritage in shaping our urban environment and that the properties contribute to the Kambrook Road Heritage Precinct, could Council advise what controls are proposed to be introduced to ensure that any proposed redevelopment includes design features that will enhance, rather than diminish, the character of this Heritage Precinct?

**b) Interim Height Limits for Neighbourhood Activity Centres**

In February, 2018 Council approved and authorised preparation of planning scheme amendments for a 5 storey height limit for the Commercial and Mixed Use Zones in Glen Eira's Neighbourhood Activity Centres. At the last Council Meeting (7/04/2020), in response to a public question Council advised that this "*work is currently underway*", however, no scheduled completion date was mentioned.

Currently a number of these Activity Centres are receiving planning permit applications which exceed

- that 5 storey limit, and
- the interim height controls that exist in Glen Eira's 3 major activity centres.

Since Agenda Item 8.5 mentions the effectiveness of the Interim Height Controls in the major activity centres, is Council proposing to introduce similar interim height controls (Design & Development Overlays) for Glen Eira's Neighbourhood Activity Centres? If not, when will Council complete preparation of the amendments approved earlier.

**Response:**

- a) The report refers to removing 87 and 89 Kambrook Road as 'contributory' buildings within the draft Kambrook Road Precinct. In doing this it may still be appropriate to include these properties in the Heritage Overlay but as 'non-contributory'. This is to be confirmed. If this is the outcome and a permit application is made after such controls are in place, there is policy in the planning scheme that new development is respectful of the existing scale, rhythm, massing, form and siting of significant and contributory buildings when viewed from the street.
- b) In order to substantiate a request for interim height controls, councils are required to undertake place-based strategic work. This process takes both extensive time and resources, and Council is unable to undertake this process across all of our activity centres concurrently. As such, Council has committed to a staged rollout, with work presently underway for Caulfield Station Precinct and Glen Huntly. Focus will then move onto neighbourhood activity centres.

The initial strategic work for our activity centres has been set by Council through the adoption of the Glen Eira City Plan and Quality Design Guidelines. Officers are currently working on translating these documents into the Glen Eira Planning Scheme, which will enable these policies to carry statutory weight when considering planning applications.

**8. OFFICER REPORTS (AS LISTED)**

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**8.1 501-503 HAWTHORN ROAD CAULFIELD SOUTH**

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**Moved: Cr Silver****Seconded: Cr Sztrajt**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/DP-32799/2019 for construction of a three storey building containing 16 dwellings over one level of basement car parking at 501-503 Hawthorn Road Caulfield South in accordance with the following grounds:

1. The bulk, scale and form of the proposed development is excessive and will appear overly dominant from the immediate surrounding streets and will not adequately respect the existing or preferred neighbourhood character contrary to Clause 15.01-1R (Urban design – Metropolitan Melbourne), Clause 15.01-1S (Building Design), Clause 15.-1-5S (Neighbourhood Character) and Clause 22.07 (Housing Diversity Area).
2. The height, bulk, scale and form of the proposed is excessive and is not complementary to the role and scale of the Hawthorn Road tram route.
3. The proposed development does not satisfy the objectives of Clause 55 as follows:
  - 55.02-1: Neighbourhood Character
  - 55.02-2: Residential Policy
  - 55.03-1: Street Setback
  - 55.03-3: Site Coverage
  - 55.04-1: Side and Rear Setbacks

**CARRIED UNANIMOUSLY**

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**8.2 HERITAGE REVIEW OF 58 LUMEAH ROAD, CAULFIELD NORTH**

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**Moved: Cr Silver****Seconded: Cr Sztrajt**

That Council:

1. In considering the 'Light House', 58 Lumeah Road, Caulfield North heritage citation, does not endorse it.
2. Requests officers to advise the Department of Environment, Land, Water and Planning that the request for interim heritage controls is withdrawn.

**CARRIED**

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**8.3 PROPOSED HERITAGE PROTECTION FOR 87 AND 89 KAMBROOK ROAD  
CAULFIELD NORTH**

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**Moved: Cr Silver****Seconded: Cr Sztrajt**

That Council resolves to:

1. remove 87 and 89 Kambrook Road, Caulfield North from the proposed Kambrook Road Precinct.
2. authorise Council officers to withdraw the interim controls C208glen lodged with the Department of Environment, Land, Water and Planning (DELWP).
3. not pursue permanent heritage controls for 87 and 89 Kambrook Road, Caulfield North.

**CARRIED UNANIMOUSLY**

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**8.4 VCAT WATCH**

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**Moved: Cr Hyams****Seconded: Cr Magee**

That Council notes the applications currently before the Victorian Civil and Administrative Tribunal.

**CARRIED UNANIMOUSLY**

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**8.5 NEW DWELLINGS APPROVED BY VCAT DECISIONS THAT HAVE SET ASIDE COUNCIL'S DECISION**

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**Moved: Cr Magee****Seconded: Cr Hyams**

That Council notes:

1. there has been a reduction in the number of planning decisions by Council being appealed to VCAT;
2. the number of dwellings approved by VCAT, through 'set aside' decisions, have decreased substantially;
3. the implementation of the interim Structure Plan controls for the Bentleigh, Carnegie and Elsternwick activity centres have contributed to these reductions; and,
4. the changes implemented by the Urban Planning team in respect to improved processes and engagement with all parties have also contributed to these reductions.

**CARRIED UNANIMOUSLY**

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**8.6 LEASE WITH SCOUT ASSOCIATION OF AUSTRALIA (VICTORIA)**

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**Moved: Cr Davey****Seconded: Cr Hyams**

That Council:

1. seeks the formal approval of the Department of Environment, Land, Water and Planning to enter into a new lease with the Scout Association of Australia, Victorian Branch for occupation of Crown Land at Boyd Park, Murrumbeena; and
2. subject to that approval, authorises officers to finalise the terms of a new lease with both parties noted above; and
3. executes the above lease in an appropriate manner by affixing the Council Seal.

**CARRIED UNANIMOUSLY**

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**8.7 LEASE WITH CAMELOT TRAFFIC SCHOOL**

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**Moved: Cr Hyams****Seconded: Cr Magee**

That Council:

1. authorises officers to finalise the terms of a new year lease with Camelot Traffic School Pty Ltd including a lease term of 1 year with an option for a further 1 year; and
2. executes the above lease in an appropriate manner by affixing the Council Seal.

**CARRIED UNANIMOUSLY**

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**8.8 LEASE WITH VICTORIAN RAIL TRACK CORPORATION (VICTRACK) - RAILWAY LOT 20 ELSTERNWICK**

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**Moved: Cr Silver****Seconded: Cr Davey**

That Council:

1. authorises officers to finalise the terms of a five (5) year lease with Victorian Rail Track Corporation (VicTrack) ABN 55 047 316 805; and
2. executes the above lease in an appropriate manner and by affixing the Council Seal.

**CARRIED UNANIMOUSLY**

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**8.9 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 MARCH 2020**

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**Moved: Cr Magee****Seconded: Cr Hyams**

That Council notes the Financial Management Report for the period ending 31 March 2020.

**CARRIED UNANIMOUSLY**



**9. URGENT BUSINESS**

This item was dealt with at an earlier stage of the meeting.

**10. ORDINARY BUSINESS**

**10.1 Requests for reports from a member of Council staff - Nil**

**10.2 Right of reply - Nil**

**10.3 Councillor questions - Nil**

**10.4 Written public questions to Council**

This item was dealt with at an earlier stage of the meeting.

**11. CONFIDENTIAL ITEMS****Moved: Cr Hyams****Seconded: Cr Magee**

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

- 11.1 Tender 2020.48 - Provision for Internal Audit Services  
*Local Government Act 1989 - Section 89(2) (d)*

**CARRIED UNANIMOUSLY**

The Deputy Mayor advised that after consideration of the confidential item the meeting will be closed.

**12. CLOSURE OF MEETING**

The meeting closed at 9.23pm

Confirmed this 19 day of May 2020

**Chairperson**.....