



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 7 JULY 2020

MINUTES

**Meeting was streamed live via Council's website
at 7pm**

Present

The Mayor, Councillor Margaret Esakoff
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Jamie Hyams
Councillor Jim Magee
Councillor Joel Silver

INDEX

1.	ACKNOWLEDGEMENT	4
2.	APOLOGIES.....	4
3.	REMINDER OF DECLARATION BY MEMBERS OF ANY DIRECT AND INDIRECT CONFLICT OF INTEREST OR PERSONAL INTEREST IN ANY ITEMS ON THE AGENDA.....	4
4.	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS	5
5.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....	5
	Nil	
6.	REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS.....	5
	Nil	
7.	REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY	6
	7.1 Advisory Committees	6
	Nil	
	7.2 Records of Assembly.....	6
	Nil	
	10.4 Written public questions to Council	6
8.	OFFICER REPORTS (AS LISTED).....	8
	8.1 Report of the Independent Panel for East Village Planning Scheme Amendment C155	8
9.	URGENT BUSINESS - NIL	11
10.	ORDINARY BUSINESS	11
	10.1 Requests for reports from a member of Council staff - Nil	11
	10.2 Right of reply - Nil	11
	10.3 Councillor questions - Nil	11

10.4 Written public questions to Council 11

11. CONFIDENTIAL ITEMS 11

Nil

2. APOLOGIES 12

12. CLOSURE OF MEETING 12



The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 7 July 2020 virtual Council Meeting. Cr Esakoff advised of the process that would be followed should Council encounter technical difficulties livestreaming the meeting.

The Mayor then confirmed that the Councillors could be recorded as present by ensuring they met the following three criteria:

- They can hear proceedings;
- They can see other members in attendance and can be seen by other members; and
- They can be heard (to speak).

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

An apology for Cr Sztrajt was submitted prior to the closure of the meeting.

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 Silver****Seconded: Cr Delahunty**

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting to be reconvened on Thursday 9 July at 7pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.
3. notes that the Deputy Mayor, Cr Sztrajt will Chair the meeting in accordance with section 21(a) of the Local Government Act 2020 and clause 21(3)(a) of the Council Meeting Procedure Local Law if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting. The Mayor will resume as Chair of the meeting upon return, unless a vote is being taken at the time. The Mayor to resume as Chair after the Deputy Mayor declares the result of the vote.

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

That the minutes of the Ordinary Council Meeting held on 30 June 2020 be confirmed.

CARRIED UNANIMOUSLY**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

Nil

7.2 Records of Assembly

Nil

Procedural Motion**Moved: Cr Silver****Seconded: Cr Athanasopoulos**

That Council changes the order of business to deal with item 10.4
Written public questions to Council at this stage of the meeting.

CARRIED UNANIMOUSLY

10.4 Written public questions to Council**1. Warren Green – Bentleigh**

- a) A recent Officer's Report on the extension of permit time for a seven storey development at 277 Centre Road stated in part that: 1) the scale and massing is acceptable, 2) the proposed development will make a positive contribution to the area and 3) it is generally consistent with the structure plan. These comments are totally inconsistent with previous Council reports, current interim four storey controls and the strategic direction for Bentleigh and hence require explanation. In the absence of any reasonable clarification to previous questions to Council regarding this, can Council specifically clarify how each of these comments in the Officer's Report accurately reflect the planning context?
- b) A \$50M plus redevelopment of the Carnegie Swim Centre would be Council's highest capital spend ever hence full transparency on this project would be expected. Will Council be providing the community with performance projections, business case details and/or operational information prior the completion of the current Carnegie Swim Centre redevelopment consultation process?

Response:

- a) The officer recommendation for the extension of time for the planning permit at 277 Centre Road, Bentleigh analyses the context of the area and the planning history that includes decisions of the Victorian Civil and Administrative Tribunal (VCAT), amongst other things. The *Planning and Environment Act 1987*, sets out matters that need to be considered by the Tribunal and it has been held to include a previous appeal decision of the Tribunal in relation to the subject land.

It is relevant that in the 2019 decision of VCAT which approved the first extension of time for the permit, that VCAT found: (1) the scale and massing to be appropriate; (2) the introduction of additional commercial space within the Bentleigh Urban Village and an increase in dwelling density amounts to a positive outcome; and (3) that the State planning policy and local policy supports the proposed development in the Bentleigh Activity Centre. These are all factors that Urban Planning has considered when preparing their recommendation and commenting on its acceptability.

It is however common for people to have different views on matters that are open for consideration. This is evident from Council forming a different view than the officers in refusing to extend the permit. This does not make the assessment wrong, it merely indicates that there can be different perspectives where there is a level of subjectivity to be applied.

- b) Reports will be prepared and presented to Council as the project progresses. The current public consultation process is scheduled to conclude on 12 August 2020. A report will be prepared for Council's consideration following the consultation process considering the community feedback, in the context of the business case. At this stage it is anticipated that the report will be prepared for presentation to Council in early September.

8. OFFICER REPORTS (AS LISTED)

8.1 REPORT OF THE INDEPENDENT PANEL FOR EAST VILLAGE PLANNING SCHEME AMENDMENT C155

Moved: Cr Hyams**Seconded: Cr Cade**

That Council:

1. notes the officer report regarding Amendment C155 including the Panel Report and officer recommendations;
 2. (a) adopts Amendment C155 to the Glen Eira Planning Scheme in accordance with Section 29 (1) of the Planning and Environment Act 1987 with;
 - the changes set out in Attachments 2, 3, 4 and 5 of this report except that;
 - In the Comprehensive Development Zone (Schedule 2) at Section 2 of the table of uses an additional condition is inserted that reads:
 - “Must be no more than 3000 dwellings in the precinct boundary shown in Plan 1.”
 - In the East Village Comprehensive Development Plan at clause 2.2, “Built Form & Landscape” Table 1 and Table 2 are combined into one table (new Table 1) with the same entries as to height and Guideline G7 is deleted. All subsequent Guidelines and cross-references are then to be renumbered consequentially.
 - In the East Village Comprehensive Development Plan at clause 2.2, “Built Form & Landscape”, in the new Table 1 delete all references to the number of storeys where they appear. (so as to leave all height measured by metres).
 - (b) resolves that the reasons for the additional changes resolved in clause 2(a) is that these changes are necessary in order to make the controls mandatory. Making the controls mandatory in this precinct which is designated for change will provide the residents in the area immediately surrounding the precinct with more certainty about what development will transpire in the context that the planning controls provides exemptions from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if an application is generally in accordance with the East Village Comprehensive Development Plan.
 - (c) adopts Amendment C155 to the Glen Eira Planning Scheme in accordance with Section 29 (1) of the Planning and Environment Act 1987 with;
 - the changes set out in Attachments 2, 3, 4 and 5 of this report and in clause 2(a) and 2(b) of this motion except that;
 - In the Comprehensive Development Zone (Schedule 2) at clause 4.0 “Buildings and Works” insert a new requirement as follows:
-

- “For the purpose of determining whether or not notice of an application is required, a building which exceeds a height measurement unit set out in Table 2 of clause 2.2 of the East Village Comprehensive Development Plan is to be deemed to be not generally consistent with the East Village Comprehensive Development Plan.”
 - In the Comprehensive Development Zone (Schedule 2) at Clause 2.0 the clause for “Exemption from notice and review” is amended by adding the following sentence to the paragraph:

“This does not apply to an application for the use of land if the application would result in there being more than 3000 dwellings within the area covered by the East Village Comprehensive Development Plan.”
- (d) resolves that the reason for the additional changes resolved in clause 2(c) are that these changes are necessary in order to ensure that
- if an application proposes a building which is higher than the discretionary heights set out in the East Village Comprehensive Development Plan, notice of that application is required to be given; and
 - if the soft cap of 3000 dwellings is exceeded, notice of that permit application must be given and the normal notice, decision and review entitlements will apply.

Should the above provisions contained in 2(c) and 2(d) not be approved by the Minister for Planning, for the purpose of the Responsible Authority determining whether or not notice of an application is required, a building which exceeds a height measurement unit set out in Table 2 of clause 2.2 of the East Village Comprehensive Development Plan is to be deemed to be not generally consistent with the East Village Comprehensive Development Plan, and if the soft cap of 3000 dwellings is exceeded, notice of that permit application must be given and the normal notice, decision and review entitlements will apply.

3. submits the adopted Amendment C155 to the Minister for Planning for approval, in accordance with Section 31(1) of the Planning and Environment Act 1987;
4. submits the information prescribed under Section 31 of the Planning and Environment Act 1987 with the adopted amendment, including:
 - (a) The reasons why any recommendations of the Panel were not adopted as outlined in this report; and
 - (b) A description of and reasons for the changes made to Amendment C155 between exhibition and adoption as outlined in Attachments 2, 3, 4 and 5 of this report.
5. resolves that prior to submitting the adopted Amendment to the Minister for Planning the Owner must enter into an agreement with Council under section 173 of the Planning and Environment Act 1987.

The agreement must require the owner to provide at no cost to Council, space comprising gross floor area of 1200 square metres which is suitably located for a community facility to the satisfaction of Council as Collecting Agency and Development Agency. Without limiting the characteristics of this space, it and the building which it comprises must:

- Be located in the town centre sub- precinct on Plan 1 in the Comprehensive Development Plan.
- Include ground floor space of an area to be specified by Council with the balance of the required floor space above ground level.
- Provide its main access point relatively direct to North Drive.
- Be accessible to all and provide for disability compliant access from ground floor entrance to the above ground floor tenancy.
- Have all utility services available for connection.
- Include an agreed number of car spaces within the building or in another form agreed by Council.
- Be of an appropriate shape and dimension to reasonably accommodate the community use intended by Council.
- Achieve a high level of ESD.
- Be ready for fit out by Council at Council's cost; and
- Comprise such other characteristics or features as Council may reasonably require

and the agreement must contain a process for the approval of plans of the space.

The costs of the agreement must be met by the Owner.

6. reviews the DCP projects and costings more frequently than 5 years (as stated in the DCP) if deemed necessary.
7. delegates the Manager City Futures the authority to finalise Amendment C155 in accordance with Council's resolution, and make any administrative changes required to correct errors, grammatical changes and maps changes;
8. advises all submitters to the Amendment of Council's determination in relation to Amendment C155; and
9. strongly advocates to the State Government for the extension of the light rail network from Elsternwick to Clayton servicing East Village along North Rd as detailed in the East Village Structure Plan 2018-2031, the Glen Eira Integrated Transport Strategy 2018-2031 and the Glen Eira Public Transport Advocacy Plan (2019).

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Delahunty

That Council grants Cr Hyams a 5 minute extension of speaking time.

CARRIED UNANIMOUSLY

Procedural Motion**Moved: Cr Athanasopoulos****Seconded: Cr Hyams**

That Council grants Cr Magee a 5 minute extension of speaking time.

CARRIED UNANIMOUSLY**Procedural Motion****Moved: Cr Magee****Seconded: Cr Davey**

That Council grants Cr Delahunty a 3 minute extension of speaking time.

CARRIED UNANIMOUSLYThe Motion moved by Cr Hyams and seconded by Cr Cade was **CARRIED**

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 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**Nil**

12. APOLOGIES

Moved: Cr Silver

Seconded: Cr Athanasopoulos

That the apology from Cr Sztrajt be received and noted.

CARRIED UNANIMOUSLY

13. CLOSURE OF MEETING

The meeting closed at 8.08pm.

Confirmed this 21 day of July 2020

Chairperson.....