



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 23 FEBRUARY 2021

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7:32pm**

Present

The Mayor, Councillor Margaret Esakoff
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Jim Magee
Councillor Sam Parasol
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

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The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 23 February 2021 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**

Apology

Moved: Cr Athanasopoulos

Seconded: Cr Magee

That the apology from Cr Neil Pilling 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.

There were no conflicts of interest declared by Councillors.

Procedural Motion

Moved: Cr Parasol

Seconded: Cr Zmood

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 Wednesday 24 February 2021 at 7.30pm 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; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

CARRIED UNANIMOUSLY

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Magee

Seconded: Cr Parasol

That the minutes of the Ordinary Council Meeting held on 2 February 2021 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Athanasopoulos reported on the first Metropolitan Transport Forum meeting held in February 2021.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

This item was dealt with after Item 10.5 Written public questions to Council.

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

Moved: Cr Magee

Seconded: Cr Zmood

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

1. 27 January 2021
2. 28 January 2021
3. 2 February 2021 pre-meeting

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Magee

Seconded: Cr Parasol

That Council changes the order of business to deal with Item 10.5 Written public questions to Council at this stage of the meeting.

CARRIED UNANIMOUSLY

10.5 Written public questions to Council**1. Denny Mileikowski – Caulfield South**

Does the council have any intentions to change or relax the rule regarding greyhounds off leash in off leash areas. For some time we have tried to work with council and nothing seems to get done. Greyhound owners are forced to break the rules so their pets can exercise their basic right to express natural behaviour. As it stands now council seems vigilant in fining responsible owners and causing much distress

Response:

The rule regarding greyhounds off leash is not a Council rule, it is a State Government regulation.

Glen Eira City Council has the least amount of open space of any Victorian municipality, we are continually striving to achieve multi-purpose use of all our open space.

A significant portion of our dog off-leash areas are also sportsgrounds, particularly the larger open spaces. Therefore, the availability of these reserves for broader community use is therefore often dependent on sporting club use.

During 2020 Council did undertake a review of dog off-leash areas and made a number of changes across Glen Eira. The review did not recommend the establishment of a Greyhound Off-Leash area. This was in part because we had no viable location and also reflected current State Government legislation that greyhounds must be leashed when in public open space. This position continues to be supported by Council.

Council does acknowledge the pleasant nature of many greyhounds and we have empathy with the frustration of owners. Council has taken legal advice on this matter which indicates that Council does not have the authority to initiate an order to implement greyhound off leash areas.

Council is however legally obligated to implement and enforce State Government regulations for domestic animals. The requirement for greyhounds across Victoria is that they must be leashed at all times when in public – including council off-leash areas.

2. Leandro Dossantos – Caulfield South

What concrete scientific evidence does the council have to back up its opinion that greyhounds are a danger to the public when exercising and socializing off leash like all other dogs?

Response:

Council does not hold this opinion. However, Council is legally obligated to implement and enforce State Government regulations for domestic animals. The requirement for greyhounds across Victoria is that they must be leashed at all times when in public – including council off-leash areas. As for the scientific evidence behind this requirement, your enquiry should be directed to Agriculture Victoria.

3. Colin McEown – Elsternwick

- a) The Minister for Agriculture has made it clear that Council has the authority to create off-leash spaces for greyhounds. What plans does the Council currently have for providing off-leash spaces for the 250+ greyhound owners in Glen Eira?
- b) A local greyhound owner was recently fined \$250 at Princes Park for having her 13 year old, arthritic greyhound (Boone) off-leash in an off-leash area. At the same time a dog was running off-leash in the adjoining on-leash oval and nothing was done about this. Boone's owner is on a disability pension and cannot afford to pay this fine. Other dog owners who visit this park were outraged by this and feel that greyhound owners are being targeted for punishment. Do you think it's reasonable that Glen Eira park rangers are targeting geriatric, arthritic greyhounds who can hardly walk for \$250 fines while ignoring other, more blatant transgressions of local laws?

Response:

- a) Minister Symes' advice suggest that the Domestic Animal Act does not preclude council from establishing designated pet greyhound off-leash areas. However, the section of the Domestic Animal Act that she refers to (section 26(2)) applies to dogs as a whole and not a specific breed.

Section 27 of Domestic Animal Act requires that where a greyhound is outside the premises of its owner it must be under the effective control of some person by means of a chain, cord or leash. The note refers to this section also applying to Council designated off-leash areas. Section 27, also makes it clear that while non-racing greyhounds are not required to be muzzled outside the premises of its owner, they are not allowed to be off leash outside the premises of its owner unless the exemptions apply.

Independent legal advice obtained by Council indicates that Council cannot make an order under section 26(2) permitting greyhounds to be exercised off leash.

Considering this advice and the outcomes of the 2020 Council review of dog off-leash areas Council continues to support the position to not establish greyhound off-leash areas.

- b) Council is not able to elaborate on what enforcement action has been taken nor the status of the infringement notice you have referred to without the person who received the infringement notices giving you clear consent to act on their behalf.

Sometimes dog owners make legitimate mistakes or genuinely forget their obligations in public places. This is why Council officers offer friendly reminders for first time offences. Council does not target individuals or animals. However, when a dog is found to be regularly off lead, our officers have a duty to issue 'official warnings', and infringement notices if the dog owner continues to behave irresponsibly.

Any recipient of an infringement notice is able to lodge an appeal or an 'application for internal review' if the person believes the decision was:

- contrary to law;
- involved a mistake of identity; or
- that special circumstances apply to the person; or
- the conduct for which the infringement notice was served would be excused having regard to any exceptional circumstances relating to the infringement offence.

The appeal must be:

- in writing; and
- must state the grounds on which the decision should be reviewed; and
- must provide the applicants current address for service of the outcome of the decision; and
- may only be made once in relation to any one infringement offence in respect of the applicant.

The appeal can be lodged with Council at any time prior to the matter being listed before the Court.

In response to your concern that another dog owner was exercising their dog off-lead in an on-lead area, understandably an Officer is only able to manage one situation at a time. Regular patrols do occur in the locations you have mentioned and educating owners on their responsibilities in the first instance is our priority.

4. Mark Wallace – St Kilda East

The Caulfield Racecourse Land Management Plan 2020 - 2035 proposes the site of the southern lake be turned into an underground car park. Australia is the driest inhabited continent, and filling in a lake to build a car park would seem to be a questionable recommendation. We believe there are many other areas at the racecourse that could accommodate an underground building.

The Draft Glen Eira 2040 Community Vision Statement. states "Preserve, regenerate and maximise green and natural spaces and develop connected green areas across council boundaries (in both private and public spaces), in consultation with Indigenous Custodians."

With other supporting documentation in "Biodiversity Glen Eira" in favour of retaining both lakes at the racecourse, will Council take meaningful measures to persuade the Caulfield Racecourse Reserve Trustees to change the LMP in support of the retention of both lakes at the Caulfield Racecourse Reserve?.

Response:

The reserve is a complex site with a mixture of priorities that need to be addressed. At this stage however, we are broadly supportive of the Trust's focus on opportunities around the northern lake.

We acknowledge there are concerns about the loss of wetland areas and the protection of biodiversity and wildlife habitat in the reserve. A key part of the Trust's plan is protecting and enhancing these opportunities at the North lake and wetlands. However, there is also strong need for a range of functional open spaces within the reserve, which is why Council has been broadly supportive of the Trust's proposed changes at the southern lake.

Council generally supports the overall vision outlined within the Draft Caulfield Racecourse Reserve Trust Land Management Plan. Our last major input into the project was at the Draft Plan stage in September 2020 – you can read our submission in Council meeting minutes of 01 September 2020. In our submission we acknowledged that there is more work required to understand and finalise detailed designs and implementation.

Council will be working with the Trust to help shape how the plan is implemented and is keen to understand how environmental protections, sustainability, green spaces and links, and Aboriginal Cultural Heritage Values can be better embedded across the various precincts.

5. Kerry Gore – Bentleigh

The City presented its DRAFT Urban Forest Strategy for public consultation in September 2020. The public consultation period closed in October 2020. Please can the Council Meeting advise of:

1. the anticipated outcomes of this exciting and environmental supporting strategy
2. the expected timetable for the release of the City's (our) Urban Forest Strategy. After considerable community feedback supporting the restoration of Glen Eira's tree canopy supporting liveability and generational health - public and private - it is very well supported, and the release of our Urban Forest Strategy (Version 1) will be an exciting next step for Glen Eira to be one of the first city councils to release its policy - and to start re-building its tree canopy - under the Living Melbourne (Plan Melbourne) framework.

Response:

Officers are further developing the Urban Forest Strategy Implementation Plan based on feedback received during community engagement. Consistent with the *Living Melbourne* framework, this Glen Eira specific analysis will determine appropriate canopy targets. These targets will be both realistic and achievable given Glen Eira's inherited legacy of minimal open space and increasingly urbanised suburbs.

This analysis will also provide a detailed understanding of the resource requirements and strategic implications in seeking higher canopy targets.

The draft Urban Forest Strategy will be considered by Councillors in early March.

6. Warren Green – Bentleigh

As per the Officer's recommendation, if Council were to abandon C184, can Council please advise of the process, indicative timeframes and associated costs to finalise a structure plan for Bentleigh?

Response:

If C184 is abandoned, officers will reset the work program. The recommendation to abandon seeks endorsement for the *commencement of a new process beginning with a Housing Strategy, a revised Carnegie Structure Plan, an updated Bentleigh Structure Plan and two new planning scheme amendments based on the revised structure plans*. The proposed housing strategy and structure plan updates will build on the extensive body of work produced to date, and involve further community consultation so the new work program will need to provide sufficient time for that to occur.

It is anticipated that a Housing Strategy can be completed within the next 12 months. Should C184 be abandoned, officers will also be working concurrently to prepare revised structure plans. Officers will communicate a more detailed program should C184 be abandoned.

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

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

1. Community Grants Advisory Committee Meeting Minutes – 3 February 2021

CARRIED UNANIMOUSLY

8. OFFICER REPORTS (AS LISTED)

8.1 99 BREWER ROAD, BENTLEIGH

Moved: Cr Magee**Seconded: Cr Zhang**

That Council issues a Notice of Decision to Refuse to Grant a Permit for Application No. GE/DP-33820/2020 for demolition of the existing building, construction of a four storey building and associated works, use of land for a restricted recreational facility, medical centre, child care centre and a food and drinks premises, reduction in the car parking requirements and display of business identification signage on land affected by the Heritage Overlay, at 99 Brewer Road, Bentleigh, on the following grounds:

1. The mass and scale of the proposed building is not appropriate having regard to the existing and preferred character of the area and its location within a heritage precinct and fails to satisfy the provisions of Clauses 15 (Built form and heritage), 22.01 (Heritage Policy), 33.03 (Industrial 3 Zone) 43.01 (Heritage Overlay) of the Glen Eira Planning Scheme.
2. The proposed uses and their intensity are not appropriate and would adversely impact the amenity of the surrounding residential area including parking availability, traffic movement and activity. The proposal fails to satisfy the provisions of Clauses 18 (Transport), 21.06 (Business), 21.12 (Transport), 22.11 (Child Care Centres Policy) and 33.03 (Industrial 3 Zone) of the Glen Eira Planning Scheme.
3. The proposed onsite car parking is insufficient and the proposed car parking demand for the uses will unreasonably impact on the existing parking availability within the surrounding residential streets, failing to satisfy the provisions of Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme.

CARRIED UNANIMOUSLY

8.2 380 DANDENONG ROAD, CAULFIELD NORTH

Moved: Cr Zmood**Seconded: Cr Parasol**

That Council:

1. defers its decision on Application No. GE/DP-33271/2019 for demolition of the existing dwelling and construction of a three storey building above a basement car park comprising 16 dwellings on land affected by a Heritage Overlay and alteration of access to a road in a Road Zone Category 1, at 380 Dandenong Road, Caulfield North, based on updated advice from the Department of Transport that it will revise its position on the application.
2. receives a further report and recommendation for Application No. GE/DP-33271/2019.

CARRIED UNANIMOUSLY

8.3 9-13 DERBY ROAD, CAULFIELD EAST

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

That Council resolves to support Planning Permit application GE/DP-32984/2019 by agreeing to terms of settlement at the Victorian Civil and Administrative Tribunal, for the, partial demolition of 9 Derby Road, demolition of 13 Derby Road, construction of a 12 storey mixed-use building with a basement, use of the land for Accommodation (Student Housing) and reduction of the car parking requirements for the Student Housing and a Food and Drink Premises, on land affected by the Heritage Overlay, at 9-13 Derby Road, Caulfield East, subject to the following conditions (with any minor variations that do not change the intent of the approval so as to enable a settlement to be reached):

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans 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 plans substituted by the Victorian Civil and Administrative Tribunal (identified as Drawing No's. TP03-E to TP18-E, dated 11 November 2020, TP19-D and TP-20-D, dated 22 October 2020, TP21-E to TP-27-E, dated 11 November 2020 and F01-E and WO1, dated 11 November 2020, prepared by Coeve Design) but modified to show:
 - (a) Any changes required as recommended in the Acoustic Report referred to in Condition 6.
 - (b) The addition of detailed notes and information to demonstrate rainwater collection for non-drinking purposes and the provision of a stormwater management system in accordance with Clause 58.03-8 of the Glen Eira Planning Scheme.
 - (c) Any changes required as a consequence of the Façade Strategy referred to in Condition 3.
 - (d) Screening must be provided to ensure that there are no direct views into the Student Housing rooms. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.
 - (e) All trafficable external balconies (including the balcony to the communal area and kitchen) must have a balustrade to a height of at least 1.2 metres above balcony floor level.
 - (f) All non-trafficable balconies must not allow access from adjacent windows.
 - (g) Drawing No. TP26 to show the vertical planter screen that is shown on Drawing No. TP05.
 - (h) Notes to state that there will be no air conditioner condenser units located on private balconies or in locations visible from any street.
 - (i) The location, material and colour of the TBA element on Drawing No. TP23 (north elevation) to be clearly identified.

- (j) All Student Housing rooms to have ventilation provided through openable windows and adequate access to daylight through light courts of at least 3 square metres with a minimum dimension of 1 metre clear to the sky.
- (k) Privacy screens between adjacent balconies to a height of at least 1.7 metres above balcony floor level.
- (l) Replacement of the proposed “brick style coloured concrete” with an alternative cladding system equivalent to CSR “Inbrick” or Austral “Panel brick” or an alternative product of an equal or similar quality which provides an acceptable brick style or an alternate higher quality brick or brick cladding.
- (m) The outlines of the adjoining buildings at 7 and 15 Derby Road to be shown on the south and north elevations, respectively.
- (n) The design details of the external windows or glazed curtain wall system, including details of the colour and reflectivity of the glazing.
- (o) The design of bicycle parking facilities to accord with Clause 52.34 of the Glen Eira Planning Scheme or Australian Standard AS2890.3-1993.
- (p) Car parking provided in accordance with condition 16, which may necessitate additional basement levels or the provision of a mechanical car stacker system.

When approved, the plans will be endorsed and will then form part of this Permit.

Layout not to be Altered

2. The development 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.

Façade Strategy

3. Before the development starts, a Façade Strategy to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Façade Strategy will be endorsed and will form part of the permit. The Façade Strategy must be prepared by a suitably qualified person with expertise in urban design, architecture and heritage buildings and must provide details of the construction documentation of all facade elements that will contribute to the external presentation and function of the building, including:
 - (a) Detail of all external materials and finishes for all aspects of the building, including the use of high quality architectural treatments.
 - (b) A report which substantiates that the Façade Strategy is appropriate in its context including the relationship with the surrounding heritage context.
4. The provisions, recommendations and requirements of the endorsed Façade Strategy 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.

Street Tree

5. Before the development starts (including any demolition, excavation or construction), tree protection measures must be established around the street trees on the Derby Road frontage in accordance with the standard and guidance prescribed in AS 4970 –2009: Protection of Tree on Development Sites. The tree protection measures must identify and isolate a tree protection zone (TPZ) and include the restriction of activities within the TPZ; provide for protective fencing; and signs identifying the TPZ. The area within the TPZ should be watered and be maintained free of weeds.
 - (a) The TPZ on the nature strip area should form a rectangle along the back of the kerb, across the nature strip either side of the tree, and along the edge of the footpath. The footpath must remain open for public access. One metre clearance must always be maintained from the tree's crown/canopy.
 - (b) The tree protection measures must remain in place until the development is complete and no alteration to the TPZ or works inside the TPZ may be undertaken except with the prior written consent of the Responsible Authority. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.

Acoustic Report

6. Before the development starts, an Acoustic Report 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 be prepared by a suitably qualified Acoustician and must detail any attenuation measures required to protect residents within the building from external noise associated with the nearby railway line and major roads. These measures must achieve noise level in the bedrooms and other rooms in accordance with Australian Standard AS2107, or otherwise, to the satisfaction of the Responsible Authority.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written approval of the Responsible Authority.

Section 173 Agreement

8. Before the building is occupied, the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - (a) That no person may reside in the student housing unless that person is a student, whether part time, full time or short term, or resides at the student housing in a supervisory, management or caretaker capacity;
 - (b) That a Student Housing Management Plan be submitted to the Responsible Authority for approval. Such plan must make provision for (amongst other matters), a suitably qualified full time designated manager to be available to the site, 24 hours a day, 7 days a week (with the manager's contact details to be displayed in a manner that is visible to any person entering the site);

- (c) Should the land cease to be used for student housing that a new planning permit will be required for an alternative use. It is noted that any dispensations for car parking given to the student housing development are not transferable to any proposed alternative use of the land. Any subsequent use will be assessed in accordance with the car parking requirements of the planning scheme;
- (d) The owner of the property to be developed and used for student housing must pay all of the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

The Section 173 Agreement must be registered on the title to the land. All expenses involved in the drafting, negotiating, reviewing, lodging, executing and registering the Agreement, including those incurred by the Responsible Authority must be met by the owner of the land.

Student Housing Management Plan

- 9. Before the building is occupied, a Student Housing Management Plan (SHMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the SHMP will be endorsed and will then form part of the permit. The SHMP must provide details of the following:
 - (a) A standard lease for the Student Housing rooms (consistent with the *Residential Tenancies Act 1997*);
 - (b) The nature of the management of the building and contact details and experience of the manager and/or caretaker;
 - (c) The means by which car spaces are to be allocated and a register that documents allocation of these spaces;
 - (d) Rules regarding occupancy and behaviour of residents and visitors and grievance procedures;
 - (e) Inter-resident disputes resolution process;
 - (f) A detailed procedure for the resolution of all grievances and details of how these requirements will be communicated to all occupants;
 - (g) Training to be undertaken by the manager which includes, but is not limited to, training in Residential Tenancies Act compliance and physical and mental health first aid;
 - (h) Social activity/community engagement protocols;
 - (i) Cultural awareness procedures;
 - (j) Critical Incident Management Protocols;
 - (k) Emergency and evacuation procedures;
 - (l) Maintenance and cleaning schedules;
 - (m) Details of management procedures over holiday periods; and
 - (n) That a copy of the approved Student Housing Management Plan must be permanently displayed in a common area of the student housing building.

10. The provisions, recommendations and requirements of the endorsed Student Housing Management Plan 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.
11. A manager must be employed in association with the use of the land for Student Housing hereby approved. The role of the manager will include ensuring that the student housing does not cause or contribute to detrimental amenity impacts on the surrounding area.

Waste Management Plan

12. Before the building is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, including the following:
 - (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the times of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Construction Management Plan

14. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
 - (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;

- (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (g) Hours for construction activity in accordance with any other condition of this permit;
 - (h) Measures to control noise, dust, water and sediment laden runoff;
 - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
15. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Car Parking

16. The car parking allocation for the approved development must be:
- (a) Student housing; 0.2 spaces for each bed available. This can be inclusive of the 3 car share spaces and 1 student housing office/reception space;
 - (b) Food and Drink Premises staff; 2 car spaces.
17. The car share spaces must:
- (a) be accessible 24 hours a day, 7 days a week by any member of the car share provider, and by employees or contractors of the car share operator in order to clean, detail or service the car;
 - (b) have clear signage and line markings to separate regular car spaces from carshare spaces; and
 - (c) be operated in accordance with an agreement with a car share operator to provide 3 car share vehicles.
18. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes;
- to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

19. Where car parking is provided in a car stacker system, before the building is occupied, a Car Stacker System Management Plan (CSSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CSSMP must show:
 - (a) Allocation of car spaces according to vehicle size and type;
 - (b) Ongoing maintenance of the car stacker system;
 - (c) Instructions to occupiers about the operation of the car stacker system; and
 - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.
20. The provisions, recommendations and requirements of the endorsed Car Stacker System Management Plan 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.
21. Before the building is occupied, the vehicular crossings must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Boundary Walls

22. Before the building is occupied, the boundary walls must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or un-rendered walls must have all excess mortar removed.

Easements

23. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.

Transport for Victoria Condition

24. The permit holder must avoid disruption to tram operation along Sir John Monash Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.

The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Permit Expiry

25. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five years of the date of this permit.
 - (c) The use is not started within two years of the completion of the development.

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*.

FOR: Crs Esakoff, Cade, Parasol, Zhang, Zmood and Zyngier (6)

AGAINST: Crs Athanasopoulos and Magee (2)

CARRIED

8.4 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Magee**

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

CARRIED UNANIMOUSLY

8.5 PLANNING SCHEME AMENDMENT C184 - BENTLEIGH AND CARNEGIE STRUCTURE PLANS

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

That Council:

1. notes the submissions received following the exhibition of Amendment C184 to the Glen Eira Planning Scheme and thanks all submitters;
2. defers consideration of Amendment C184 to the Glen Eira Planning Scheme; and
3. receives a further report detailing the merits of referring Amendment C184 to an independent panel, and the extent to which Council could present an advocacy position to the panel; a position which varies from the 'as exhibited' amendment.

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

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

CARRIED UNANIMOUSLY

CARRIED UNANIMOUSLY

8.6 GLEN EIRA COMMUNITY ENGAGEMENT POLICY

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

That Council endorses the Glen Eira Community Engagement Policy 2021 as attached to the report with the following changes made to Table 2:

Section 6.4 Statutory Requirements – Table 2 matter and form of engagement

- Budget and any Revised Budget (Subject to section 96(2) of the Act) – Minimum level of community engagement to change from ‘Consult’ to ‘Consult or Involve’;
- Other forms of strategic planning, strategic decision making or policy development – Minimum level of community engagement to change from ‘Consult’ to ‘Consult, Involve or Collaborate’ and remove the asterisk “*”; and
- Delete the following Table note:

*It is anticipated that all engagement for strategic planning, decision-making and policy development will be conducted over and above the ‘Consult’ level i.e. frequently at the ‘Involve’ level.

CARRIED UNANIMOUSLY

8.7 SUSTAINABLE BUILDING AND INFRASTRUCTURE POLICY

Moved: Cr Zhang**Seconded: Cr Athanasopoulos**

That Council endorses the *Sustainable Building and Infrastructure Policy* as shown in Attachment 1 to this report.

It is recorded that Cr Parasol left the virtual meeting at 8:59pm and re-entered at 9.02pm.

CARRIED UNANIMOUSLY

8.8 RELEASE OF ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) ROADMAP FROM VICTORIAN GOVERNMENT

Moved: Cr Zmood**Seconded: Cr Magee**

That Council:

1. notes this report that provides details on the proposed Environmentally Sustainable Development of Buildings and Subdivisions (ESD) roadmap from the Victorian State Government; and
2. endorses the submission shown as Attachment 1 to the report, providing feedback on the ESD roadmap and includes the following changes:
 - Removes from the last dot point of the letter:
'This section should also consider reviewing parking provisions in areas that have different needs, including transport corridors or activity centres': and
 - Amends the next sentence so that it reads :
'Promoting sustainable and active transport in transport corridors and activity centres areas could be investigated.'

It is recorded that Cr Athanasopoulos left the virtual meeting at 9:10pm and re-entered at 9.12pm.

FOR: Crs Esakoff, Magee, Cade, Parasol, Zhang and Zmood (6)
AGAINST: Crs Athanasopoulos and Zyngier (2)

CARRIED

8.9 PROVISION OF LANDFILL SERVICES

Moved: Cr Magee**Seconded: Cr Zyngier**

That Council:

1. authorises the Chief Executive Officer to execute Agreements with Metropolitan Waste and Resource Recovery Group, Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd for the provision of Landfill Services under a Common Gate Fee arrangement on a guaranteed basis for a four-year term commencing 1 April 2021;
2. delegates to the Chief Executive Officer the execution of all documents to bring recommendation 1 into effect;
3. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the Local Government Act 2020 or until Council resolves otherwise; and
4. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.10 QUARTERLY SERVICE PERFORMANCE REPORT

Moved: Cr Magee**Seconded: Cr Cade**

That Council notes the Quarterly Service Performance Report for the period ending December 2020 (as attached to the report).

CARRIED UNANIMOUSLY

8.11 COUNCILLOR CODE OF CONDUCT

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

That Council:

1. adopts the Code of Conduct which is attachment 1 to this paper with section three Oath of Office to be deleted and noted that clause 3 will remain blank; and
2. holds a Councillor workshop to review the Code within six months.

CARRIED UNANIMOUSLY

8.12 TENDER 2020.177 MURRUMBEENA COMMUNITY HUB REDEVELOPMENT

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

That Council having reviewed and considered the attached confidential Tender Evaluation report:

1. appoints Lloyd Group Pty Ltd, ABN 96 069 674 479 as the contractor under Tender number 2020.117 – Murrumbeena Community hub Redevelopment – Main Works Contractor Services for an amount of \$8,379,900 exclusive of GST;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to finalise contract negotiations and to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the Local Government Act 2020 or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.13 TENDER 2021.43 BENTLEIGH LIBRARY BUILDING UPGRADE

Moved: Cr Cade**Seconded: Cr Magee**

That Council having reviewed and considered the attached confidential Tender Evaluation report

1. appoints Connell Design & Construction Pty Ltd, A.C.N. 125 129 240 as the contractor under Tender number 2021.43 for an amount of \$5,851,230 inclusive of GST in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the Local Government Act 2020 or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

It is recorded that Cr Athanasopoulos vacated the Chamber at 9:32pm and re-entered at 9.38pm.

CARRIED UNANIMOUSLY

8.14 TENDER 2020.165 PROVISION OF PHYSIOTHERAPY SERVICES TO COUNCIL'S RESIDENTIAL AGED CARE FACILITIES

Moved: Cr Zmood**Seconded: Cr Magee**

That Council:

1. appoints United Physiotherapy Group Pty Ltd, ACN 108 180 589 as the contractor under Tender number 2020.165 in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract/s on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the Local Government Act 2020 or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

8.15 TENDER 2021.23 PROVISION OF MECHANICAL MAINTENANCE SERVICES

Moved: Cr Magee**Seconded: Cr Cade**

That Council

1. appoints Engie Mechanical Services Australia Pty Ltd, A.C.N 160 365 471 as the contractor under Tender number 2021.23 for an amount of \$1,599,827.26 exclusive of GST in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender as negotiated and agreed to by Council's Corporate Counsel;
3. authorises the CEO to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the Local Government Act 2020 or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS - NIL**10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1.1 Proposed Establishment of a Youth Advisory Committee to Council**

The Glen Eira Connecting with Young People 2018-2021 states: 'Youth Engagement occurs when young people are involved in responsible, challenging actions to create positive social change and where the process is structured as a partnership so all parties contribute, teach, and learn from each other. Empowering young leaders within the local community to advocate on behalf of young people is a powerful approach to improving youth engagement and the reach of Council-youth consultation activities'.

Moved: Cr Zyngier**Seconded: Cr Athanasopoulos**

That officers:

1. prepare a report that considers establishing a formal Glen Eira Youth Advisory Committee to Council, to provide an opportunity for young people to share their views about Council plans and strategies;
2. include this report on the agenda for 6 April 2021; and
3. include in the report a comparison to approaches adopted by similar Councils and identify the resources required to administer the Committee.

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

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

10.1.2 Increasing Transparency in Council**Moved: Cr Zyngier****Seconded: Cr Athanasopoulos**

That officers prepare a report regarding how to increase transparency in Council's relationship with developers, with a view to developing a policy position and public register. The report should consider:

1. Matters related to Council/Councillor meetings and communications with developers;
2. Any other options for how relationships with developers and their associates may otherwise be made clear and transparent to the public in planning and other Council business,
3. How best to engage with the community in considering and developing the policy; and
4. What other councils are doing in relation to this matter.

CARRIED UNANIMOUSLY

10.2 Right of reply - Nil**10.3 Notice of Motion - Nil****10.4 Councillor questions - Nil****10.5 Written public questions to Council**

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

11. CONFIDENTIAL ITEMS

Nil

12. CLOSURE OF MEETING

The meeting closed at 10.06pm

Confirmed this 16 day of March 2021

Chairperson.....