



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 16 MARCH 2021

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7:30pm**

Present

The Mayor, Councillor Margaret Esakoff
Councillor Tony Athanasopoulos
Councillor Jim Magee
Councillor Sam Parasol
Councillor Neil Pilling
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

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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

An apology was received from Cr Cade.

Moved: Cr Magee

Seconded: Cr Athanasopoulos

That apology from Cr 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.

- Cr Esakoff - Item Number 8.5 – Heritage in the Bentleigh and Carnegie Structure Plan areas – Independent Planning Panel Report for Planning Scheme (Amendment C190)

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

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 17 March 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 Zmood****Seconded: Cr Parasol**

That the minutes of the Ordinary Council Meeting held on 23 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 Zyngier reported on a recent meeting of the Eastern Alliance for Greenhouse Action (EAGA).

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1 ADVISORY COMMITTEE MINUTES**Moved: Cr Zyngier****Seconded: Cr Zmood**

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. Strategic Transport Advisory Committee Meeting Minutes – 17 February 2021

CARRIED UNANIMOUSLY

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. 9 February 2021
2. 16 February 2021
3. 21 and 22 February 2021 (workshop)
4. 23 February 2021 (pre-meeting)
5. 2 March 2021

CARRIED UNANIMOUSLY

Procedural Motion**Moved: Cr Athanasopoulos****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. Colin McEown – Elsternwick**

- a) How many incidents of dog aggression (dog on dog or dog on human) have been recorded in Glen Eira off-leash parks in the last 5 years? Of these recorded incidents of dog aggression, how many incidents were perpetuated by greyhounds?
- b) Glen Eira Council currently fines greyhounds for being off-leash in OFF-LEASH areas to the tune of \$250, despite there being no signage regarding greyhound access in these areas and no publicly available information in this regard published by Council. Owners of other breeds are subjected to significantly lesser fines for having their dogs off-leash in ON-LEASH areas. Does the Council consider this to be fair and equitable? If so, please explain your reasoning, without referring to state legislation, and purely with reference to your sense of fairness for all dog owners in Glen Eira.

Responses:

- a) Council has had 194 dog related incidents in public open space areas throughout the municipality over the last five years. Of these recorded incidents, there were two incidents involving greyhounds.
- b) Councils across Victoria have an obligation to implement and enforce the requirements of the *Domestic Animals Act 1994*. This includes any requirements specific to greyhounds. In relation to signage, Council does not have any dog breed specific signage in our open space areas. There is a very small proportion of Greyhound owners in the municipality and so the installation of the signage specific to Greyhounds isn't something Council has considered in the past.

It may be a consideration in the future for Council to issue specific information to Greyhound owners as part of the registration renewal process in an effort to increase awareness of the requirements specific to the Greyhound breed. However, there is already a significant body of information available on the State Government's Animal Welfare Victoria Website that outlines the legal requirements for greyhound owners.

In terms of the enforcement process undertaken by Council's Civic Compliance Officers, an educative approach is taken in the first instance to advise dog owners of their obligations. If a pattern of non-compliance persists then Officers do issue infringement notices. Any queries on the statutory fines set under the *Domestic Animals Act 1994*, should be directed to the State Government.

Finally, past questions to Council from you have requested establishing off-leash greyhound dedicated parks in Glen Eira. As you are aware, Council has long held that the current legislation, as it is written, does not enable Council to do so for its public

open space areas. To assist in better understanding Council's position, legal advice received by Council will be included in the letter sent to you following this meeting.

2. Pesa Gottlieb – Caulfield North

A substantial amount of money and internal resources and costs have been spent on preparing and developing the Amendment C214glen.

- a) What has been spent in total on this Amendment including costs of external consultants and costs associated with internal staff?
- b) Will the council agree to remove the heritage controls on the properties belonging to the objectors to Amendment C214glen in order to minimise the costs of finalising and approving Amendment C214glen?

Responses:

- a) The cost of the heritage consultant for the Post War and Hidden Gem review was \$107,580. This included the original review (which also contained Murrumbena Village which is subject to its own amendment), the citations, statements of significance and the review and responses to all submissions received throughout the exhibition of C214. Council staffing costs are covered by an annual operating budget and cannot be broken down to the project level.
- b) At the Ordinary Council Meeting on 2 February 2021, Council resolved to:
 - note the 19 submissions received during formal exhibition;
 - defer consideration of the submissions and request officers write to all 19 submitters advising of them of the deferment;
 - authorise officers to write to each of the submitters who made a submission to the informal (pre amendment) consultation asking them whether they wish to make a late submission and advising them that late submissions will be accepted; and
 - request a further report following receipt of all submissions, together with the officer response to those submissions, for Council's consideration and a resolution on the next step in the amendment process.

Following Council's resolution at the 2 February 2021 meeting, officers will prepare a follow up report in response to all submissions received.

3. Joe Gottlieb – Caulfield North

- a) Council has a Liquidity ratio of 1.01 and a low Cash Ratio and financial reports suggest that spending needs to be curtailed. The report provides plans to reduce capital spending and make further savings in other areas which should be commended. Pursuit of the Amendment C214glen will require substantial internal resources plus external lawyers and consultants, at substantial cost, in referral to a Planning Panel and further costs will be many times multiplied when the matter is pursued by objectors to a Tribunal hearing. This is not the time to continue with a matter that is of little immediate benefit and should not be pursued now but maybe some time in the future if the Council so chooses and resources are more readily available. Will the Council abandon the Amendment C214glen as part of the current cost reduction measures?

- b) The Consultant confirms that the interior of our home was not inspected yet has concluded that internal controls should be applied to our house. The Consultant specifically mentions many internal features and finishes as being significant. As detailed in our recent additional submission, ALL of these features and finishes have been substantially altered and/or refinished or have been totally misdescribed. If these are all removed from the Citation there remains no elements of the interior that would support internal controls and to apply such controls would be a complete overreach by Council and will be strenuously opposed. Further, the fact that these features and many others have been substantially altered and/or refinished means that any application to Council to change any internal features would be impossible to be sensibly assessed. Will the Council remove the recommendation to apply internal controls to 40 Lumeah Road Caulfield North?

Responses:

- a) A vast proportion of the cost associated with Amendment C214 has already been expended. The remaining cost, including the cost of going to an independent panel, if Council ultimately resolves to do so, can be met through ongoing operational budgets. The Council Plan 2017-2021 makes a commitment to *“review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira’s heritage buildings and precincts”*. In pursuing heritage reviews, Council is demonstrating its progress against this commitment which was subject to consultation and support from the community when the plan was developed. Following Council’s resolution at the Ordinary Council Meeting on 2 February 2021, a further report will be presented to Council, seeking a Council resolution on the next steps with the amendment.
- b) There is information publicly available on the internet and in architectural literature that contain significant detail of 40 Lumeah Road, including several images of the interior, and a comprehensive video interview with the architects about the home. However, Council welcomes any evidence of internal alterations that could have a bearing on the proposed heritage control.

A further report on the amendment is scheduled for late April / May 2021. Should Council resolve to refer the amendment to an independent panel, the panel must consider all written submissions. The process also provides submitters with an opportunity to put their case to the panel in person. It is not compulsory for submitters to appear in person and exercising that choice does not diminish the standing of their written submission. As owners of 40 Lumeah Road, you may wish to further elaborate on your written submission and express why you believe your property is unsuitable for inclusion in the Heritage Overlay at this time. The panel would then make a recommendation to Council about whether the property should be included. When the Panel Report is released and presented, Council would then have a further opportunity to make changes to the amendment, approve or reject the amendment.

4. Warren Green – Bentleigh

- a) The C184 process has been compromised and undermined by the absence of a GE Housing Strategy. Council was fully aware of the requirement for a Housing Strategy and yet has not actioned this. The November 2019 Officer’s Report acknowledged *“the housing strategy needs to be incorporated into the scheme alongside the structure planning amendments, Officers will now review how best to achieve this, which will include bringing an updated Strategy to Council in the short term, to seek adoption”*. The February 2020 Officer’s Report stated, *“without this adopted strategy,*

proposed Planning Scheme amendments for the Bentleigh and Carnegie Structure Plans cannot be considered by the Minister". In addition, relevant state government Practice Notes, the Planning Scheme Review and LGA benchmarking should have identified the criticality of a Housing Strategy for Glen Eira many years ago. Why hasn't Council actioned the adoption of a Housing Strategy?

- b) Unlike surrounding municipalities, GE has no structure plans or permanent height controls in activity centres. GE also hasn't adopted a Housing Strategy. Even with this background, in 2015 Council requested to defer its statutory obligation of a Planning Scheme Review. Ultimately the Planning Minister compelled Council to act noting his concern about the strategic planning framework. Some five years later, we now have an absolute mess with C184 with Council Officers recommending abandoning the process. Ironically this is due to a lack of strategic justification including the absence of a Housing Strategy. So we have a common theme in Glen Eira over a long period of time, the lack of prioritisation, capability and/or desire to implement a reasonable strategic planning framework for activity centres. Given the significant waste of resourcing, resident's time and the lack of a meaningful outcome, will Council be undertaking a full investigation of this situation?

Responses:

- a) In November 2019 Council received a formal response from the Minister for Planning. The Minister refused to grant authorisation based on the 'as submitted' form of the amendment. The Minister outlined a number of concerns with the amendment, including the lack of an adopted Housing Strategy. Council accepted the Minister's offer to work with DELWP senior staff to resolve the identified issues. In good faith, Council officers accepted the guidance provided by DELWP staff that a housing-focused update to Council's *Activity Centre, Housing and Local Economy Strategy* could fulfil the purpose of a housing strategy. Council did so, amongst other changes to the amendment itself, and ultimately this resulted in the Minister granting authorisation. This provided Council with confidence at the time that the amendment package had merit. This view was further reinforced by the granting of interim controls by the Minister. In hindsight, Council would have benefitted from seeking expert advice during this time to identify any risks or gaps with the authorised, but modified amendment.

Council's *Activity Centre, Housing and Local Economy Strategy* was updated to form *City Plan*. This fulfilled the authorisation request for direction on housing growth in the City. However, *City Plan* does not provide the more granular level of detail and justification that would be required to respond to a Panel's deeper scrutiny of how Council would accommodate future growth.

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, and this is expected to occur late this year and throughout next year.

- b) The Council report tabled for tonight provides a highly detailed review of the process associated with the development of the structure plans and the progression of the amendment. This report, in essence, provides a form of investigation including further options available to Council in making a decision on the amendment. If Council resolves to support a revised process, including the development of a housing strategy, this will lead to greater certainty and a more meaningful outcome for the community which will help in the resolution and implementation of the planning controls.

5. Catherine McNaughton – Glen Huntly

Noting agendas financial report on council's reduced financial position - please aspire to improve to average council's services, planning, infrastructure & open space by changing the key financial objective from 'keeping rates below peers' to increase progressively to average of peers - even if this requires lobbying to adjust state rate cap to average. Is the lack of progress in safe streets for walking & cycling & lack of a housing strategy to support activity centre structure plans because of doing planning & infrastructure on the cheap & after years of neglect because of lower than average rates?

Response:

Glen Eira Council is the second-lowest rating Council amongst neighbouring municipalities. This means that we raise approximately \$16m less in rates per annum compared to the average of neighbouring councils. It is likely to remain this way under the State Government's Rate Capping Regime.

Notwithstanding our lower than average rates, the majority of the Glen Eira community is still opposed to rate increases. For this reason, Council has over the years, kept increases to a minimum, and has not sought to vary the State Government set rate cap in order to generate more rate revenue. In a post COVID context Council recognises that financial prudence is even more important than ever.

We continue to supply essential services and upgrade and renew community assets within the constraints set by the rate cap. This includes providing sufficient funding for community safety initiatives such as: cross intersections, pedestrian and safer speed limits; school safety; shopping centres; sustainable transport and disabled parking upgrades as well as supporting structure plan works.

6. Sue Nolle – Glen Huntly

- a) On Saturday, 13 March, a Camden Ward councillor was observed spruiking for a political party. This was clearly evident by the party's advertising on two sandwich boards as well as paraphernalia on a card table covered with a green tablecloth. Concerningly, the party member wore his councillor badge and he had Council related material on display. Will this councillor offer a public apology for misemploying his status, as a publicly elected representative to a nonpartisan municipal role, by spruiking for the Greens ?
- b) In the March issue of Glen Eira News a councillor is squatting to have his photograph taken above an Indigenous Smoking Ceremony receptacle. I have taken part in a formal welcoming ceremony to country. At all times my fellow travellers and I showed respect for the deep significance of the event and did not use our involvement for personal promotion. The Booran Reserve ceremony may have been part of a more informal gathering than the one I attended. However, squatting with one's head in the smoke for a photo opportunity while wearing darkened spectacle lenses, seems crass and disrespectful to the solemnity and intention of this Indigenous ritual. Why did the councillor pose in such a way?

Responses:

- a) Response from Cr Zyngier - I thank Ms. Nolle for her questions and for coming to visit my weekly "listening to Camden residents" in our local shopping centres.

When I ran for council, I was entirely transparent about my membership in the Victoria Greens and an endorsed candidate of the Greens Party. I stood on a platform of

greater openness and transparency, supporting the previous Council declaration of a Climate Emergency, and pledging to act on the issues of sustainability, increasing tree canopy and protection of our wonderful heritage and environment.

Democracy thrives on dialogue. By understanding residents' perspectives, I can better perform my Councillor duties for the benefit of all. We should be glad that we live in a democracy where we can all do that.

- b) Response from the Mayor - A Smoking Ceremony symbolises cleansing and the protection and well-being of those who enter the area and people can pass through the smoke as part of the ceremony. They may also choose to lean in and pull the smoke towards them, take a moment to be present or to be contemplative in the space.

In this particular case, the Councillor was not posing for a photograph, in fact he was unaware the shot was being taken as the photographer used a zoom lens. The photograph was taken at a Council event, conducted in partnership with the Boon Wurrung Foundation.

7. Richard Smith – Carnegie

A recent Facebook comment by an ex-councillor asserted that "GECC does believe in standards and fairness". What does the word "fairness" mean to councillors and Council in the context of Planning, and how has this been demonstrated in the development of the Glen Eira Planning Scheme, including the drafting of Amendments C110 and C184, and planning decisions made under the Scheme?

Response:

Like most municipalities in Melbourne, Glen Eira has the challenging task of managing growth and new development. In carrying out its planning functions under the Planning and Environment Act 1987, a council sets the strategic policy framework for the municipality and initiates changes to the planning scheme.

In planning, 'fairness' is striking the balance between the community's wants and needs as well as State expectations through strategies like Plan Melbourne and other related policies. Council's planning strategies and processes need to be robust and consistently applied to achieve and respond to local objectives in an often difficult legal framework.

In the context of Amendment C184, Council has considered 128 submissions, with some of these clearly raising issues with the strategic and technical merit of some components of the amendment. This amongst other advice, requires Council to consider resetting the process. If this is the decision of the Council, this reset will allow for further discussion with the community to strike the balance we are all seeking. In the meantime, interim controls are still in place for Bentleigh and Carnegie and will be further pursued throughout the revised process.

With regards to Amendment C110, which introduced the new Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone into the Glen Eira Planning Scheme, this was considered of significant benefit to the Glen Eira community by providing mandatory height controls of 2 storeys, 3 storeys and 4 storeys respectively.

8. OFFICER REPORTS (AS LISTED)

8.1 8 ARDYNE STREET, MURRUMBEENA

Moved: Cr Pilling**Seconded: Cr Athanasopoulos**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33438/2020 for construction of a three storey apartment building above a basement car park containing up to 10 dwellings, at 8 Ardyne Street, Murrumbeena, in accordance with the following conditions:

Amended plans

1. Before the development 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 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 TP03 and TP04, Revision B, dated 1 December 2020 and TP05, TP06, TP07, TP08 and TP13, Revision A and dated 3 September 2020, drawn by FD Architects, but modified to show:
 - (a) The rear ground floor wall of dwelling G.05 to be setback a minimum of 3m with this change absorbed within the remainder of the building envelope. The rear setback is to be replaced with landscaping along the boundary to the satisfaction of the Responsible Authority
 - (b) The front fence to be setback 1m inside the property with screen planting between the street and the front fence
 - (c) Where balcony balustrades/external window screens are shown on the east, north and south elevations, an annotation confirming they are to be fixed screens with no more than 25 per cent transparency
 - (d) The front fence, along the edge of the secluded private open space of G.01 to be a height of 1.8m
 - (e) Annotation on plans showing measures in place to ensure compliance with Standard B40 (Noise impacts objectives) at clause 55.07-6 of the Glen Eira Planning Scheme and the within the required decibel levels
 - (f) Widths on entrance doors, bathroom doors and access ways to be annotated on the relevant apartments to show compliance with Standard B41 (Accessibility objective) at clause 55.07-7 of the Glen Eira Planning Scheme
 - (g) Annotation on the plans to show cross breeze ventilation in accordance with Standard B49 (Natural ventilation objectives) at clause 55.07-15 of the Glen Eira Planning Scheme
 - (h) Details of the proposed stormwater management systems that meet best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), with required provisions shown on the plans (including the capacity of the water tank/s provided)
 - (i) Pedestrian site visibility triangles in accordance with Clause 52.06-9 (Design standards for car parking) of the Glen Eira Planning Scheme shown on the ground floor plan

- (j) The maximum height of the kerbs on either side of the basement ramp noted to be 150mm
- (k) Annotation of the length of the pillars within the basement between car parks to be no more than 950mm
- (l) The Waste Management Plan prepared by FD Architects and dated 25 August 2020 amended to include the following requirements:
 - i. That Council hard rubbish collection services apply
 - ii. That waste is collected directly from the waste room by the private waste contractor and removal of reference to the body corporates responsibility to bring bins out to the kerbside as set out on page 10 of the Waste Management Plan.

Development not to be altered

- 2. The development and layout and description of the uses 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.

Landscaping and tree protection

- 3. Before the development starts, a detailed Landscape Plan 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 landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
 - (a) All existing retained vegetation to be identified.
 - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (d) Landscaping and planting within all open space areas of the site, including along the rear boundary.
 - (e) Canopy trees (minimum 3m tall when planted) in the secluded private open space areas of all ground floor apartments to the satisfaction of the Responsible Authority.
- 4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
- 5. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.
- 6. Before the development starts (including any demolition, excavation or construction), tree protection measures must be established around the street trees on the Ardyne Street 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 mulched, watered and be maintained free of weeds.

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. The TPZ fencing erected across the nature strip should extend 2m to the north and 2m to the west of the tree. One metre clearance must always be maintained from the tree's crown/canopy.

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.

7. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of trees in group 2 and 3 within the Arboricultural Assessment Report (identified on pages 4, 5 and 6) 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 TPMP must show.
 - (a) The specification of tree protection zone (TPZ);
 - (b) The type, installation and maintenance of tree protection fencing;
 - (c) Vehicular or pedestrian access within a tree protection zone
 - (d) The protection of the canopies and trunks of the specified tree;
 - (e) Specific details of any works proposed in any TPZ and how impacts will be mitigated;
 - (f) How canopies will be managed, including pruning;
 - (g) Excavation within or near a tree protection zone;
 - (h) Maintenance, including mulching and watering, of tree protection zone;
 - (i) Schedule of Project Arborist inspections.

8. The Tree Protection Management Plan (TPMP) must include a program to implement the proposed measures before, during and on completing construction (including demolition). The tree protection measures set out in the TPMP must be implemented to the satisfaction of the Responsible Authority, except with the prior written consent of the Responsible Authority.

Car parking and access

9. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) fully constructed.
 - (b) properly formed to such levels that may be used in accordance with the plans.
 - (c) surfaced with an all weather surface or seal coat (as appropriate).
 - (d) drained and maintained in a continuously usable condition.
 - (e) line marked to indicate each car space, loading bay and/or access lane.
 - (f) clearly marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

10. All future purchasers and tenants of the dwellings must be notified of the low height clearance of the parking spaces below the substation.
11. No fewer than one car parking space for each two bedroom dwelling must be provided on the land to the satisfaction of the Responsible Authority.

Management plan requirements

12. 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) Construction activity must only occur between the hours of 7.00am and 6.00pm, Monday to Friday, 7.00am to 1.00pm on Saturday and no construction on Sunday and Public Holidays.
 - (h) Measures to control noise, dust, water and sediment laden runoff.
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP.
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
13. 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.
14. 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.

Permit expiry

15. 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.

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 Athanasopoulos, Magee, Pilling, Zhang and Zyngier (5)
AGAINST: Crs Esakoff, Parasol and Zmood (3)

CARRIED

8.2 162 ORRONG ROAD, CAULFIELD NORTH

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

That Council resolves to defer making a decision on application GE/CP-33872/2020 at 162 Orrong Road, Caulfield North, until a future Ordinary Council Meeting, to allow for the processing and consideration of the amended proposal that was submitted pursuant to Section 57(a) of the *Planning and Environment Act 1987*.

CARRIED UNANIMOUSLY

8.3 VCAT WATCH

Moved: Cr Pilling**Seconded: Cr Magee**

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY

**8.4 BENTLEIGH AND CARNEGIE STRUCTURE PLAN IMPLEMENTATION -
PLANNING SCHEME AMENDMENT C184**

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

That Council:

1. receives and notes all written submissions received following the exhibition of Amendment C184;
2. extends its appreciation to all those who made written submissions;
3. notes the officer responses and attachments in response to submissions;
4. notes the officer responses in relation to the 23 February 2021 Council resolution on detailing the merits of an advocacy position which differs from the exhibited amendment if it proceeded to a panel;
5. abandons Amendment C184 under Section 23(1)(c) of the *Planning and Environment Act 1987* to enable Council to pursue revised permanent planning controls in the Bentleigh and Carnegie activity centres;
6. endorses the commencement of a new process including the preparation of a Housing Strategy, and review and revision of the Carnegie Structure Plan and Bentleigh Structure Plan to inform the preparation of two new planning scheme amendments for both Bentleigh and Carnegie Activity Centres; and
7. notes that there would be a separate amendment process to implement the Housing Strategy into the *Glen Eira Planning Scheme*.

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

That Council grants Cr Magee a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

It is recorded that Cr Esakoff declared a General Conflict of Interest in Item 8.5 – Heritage in the Bentleigh and Carnegie Structure Plan Areas – Independent Planning Panel Report for Planning Scheme (Amendment C190) and vacated the Chamber at 8:46pm prior to consideration of this item.

The Deputy Mayor, Cr Magee took the chair for consideration of Item 8.5.

8.5 HERITAGE IN THE BENTLEIGH AND CARNEGIE STRUCTURE PLAN AREAS - INDEPENDENT PLANNING PANEL REPORT FOR PLANNING SCHEME (AMENDMENT C190)

Moved: Cr Athanasopoulos

Seconded: Cr Zyngier

That Council includes the changes to part 8 of the recommendation and:

1. notes the Panel Report for Amendment C190 as contained in Attachment 1 to this report;
2. notes the changes recommended by the Planning Panels Victoria, including:
 - all land located within the *Glenhuntly Tram Terminus Estate Precinct* HO159 – 231-251 Koornang Road, Carnegie to be removed from the amendment;
 - the Heritage Citation and Statement of Significance for the Carnegie Retail Precinct (HO158) to be amended, as set out as tracked changes in Attachment 2 to this report;
 - the Statement of Significance for the Albert Flatman’s Estate Precinct (HO177) to be amended, as set out as tracked changes in Attachment 3 to this report;
 - the Heritage Citation and Statement of Significance for the Carnegie Residential Precinct (HO178) as it relates to 9 Milton Street Carnegie, to be amended, as set out as tracked changes in Attachment 4 to this report;
 - the Heritage Citation and Statement of Significance to be amended for Former Uniting Church 254 Neerim Road, 1 and 1 A Toolambool Road Carnegie (HO47), as set out in the track changes in Attachment 5 to this report;
 - changes to the mapping, schedule, Heritage Citation and Statement of Significance for the Rosstown Hotel, 1084 Dandenong Road, Carnegie (HO157), as set out in Attachment 6 to this report;
3. adopts Amendment C190 to the *Glen Eira Planning Scheme* under Section 29(1) of the *Planning and Environment Act 1987* in accordance with Attachment 7, which includes all changes identified in Recommendation 2 above, and removes the proposed deletion of Heritage Overlay 69 from 99 Brewer Road, Bentleigh and the carpark adjacent to 40 Gilbert Grove, Bentleigh from the amendment;

4. submits the adopted Amendment C190 to the Minister for Planning for approval under Section 31(1) of the *Planning and Environment Act 1987*;
5. authorises the Manager of City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning and the Department of Environment, Land, Water and Planning (where the changes do not affect the purpose or intent of the Amendment);
6. advises all submitters in writing of Council's decision in relation to Amendment C190;
7. notes that the application of a permanent Heritage Overlay for *HO 159 - Glenhuntly Tram Terminus Estate Precinct (231-251 Koornang Road Carnegie)* will be pursued via Amendment C204; and
8. notes that the proposed removal of Heritage Overlay 69 from properties at 99 Brewer Road, Bentleigh and the car park adjacent to 40 Gilbert Grove, Bentleigh (which formed part of the original authorisation request for Amendment C190), was not placed on exhibition and accordingly did not form part of the amendment considered by the Panel. This will be pursued via Amendment C204, pending Council approval of Item 8.6 of this agenda - Update to Proposed Heritage Controls (Planning Scheme Amendment C204).

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Meeting room prior to Item 8.5 and was not present when this item was considered.

Cr Esakoff entered the Meeting at 8.59pm and resumed as Chair of the meeting.

8.6 UPDATE TO PROPOSED HERITAGE CONTROLS (PLANNING SCHEME AMENDMENT C204)

Moved: Cr Pilling**Seconded: Cr Athanasopoulos**

That Council authorises officers to extend the scope of Planning Scheme Amendment C204 to include HO159 (Glenhuntly Tram Terminus Estate Shops) permanently within the Heritage Overlay and deletes 99 Brewer Road and the rear car park of 284-296 Centre Road, Bentleigh from existing Heritage Overlay HO69 in accordance with the attached Explanatory Report (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.7 REZONING AT 168 HAWTHORN ROAD, CAULFIELD NORTH (AMENDMENT C217)

Moved: Cr Zmood**Seconded: Cr Pilling**

That Council:

1. notes the officers report regarding Amendment C217 and officer recommendations;
2. notes the submission received;
3. adopts the Amendment C217 to the Glen Eira Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*;
4. submits the adopted Amendment C217 to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*;
5. submits the information prescribed under Section 31(1) of the *Planning and Environment Act 1987* with the adopted amendment; and
6. authorises the Manager of City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning and the Department of Environment, Land, Water and Planning (where the changes do not affect the purpose or intent of the Amendment).

CARRIED UNANIMOUSLY

8.8 AFTER-HOURS NOISE COMPLAINTS - UPDATE

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

That Council notes the report.

CARRIED UNANIMOUSLY

8.9 REPORT FOR INCLUSION OF 7 TREES ON THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - (a) Pinoak (*Quercus palustris*) located at 2 Malacca St, McKinnon – 13/CTR/2020;
 - (b) Manna Gum (*Eucalyptus viminalis* TK271) located at 55 Orrong Rd, Elsternwick – 16/CTR/2020;
 - (c) Sugar Gum (*Eucalyptus cladocalyx* TP100470) located at 70F East Boundary Rd, Bentleigh East 18/CTR/2020;
 - (d) Golden Elm (*Ulmus glabra* 'Lutescens' TP109136) located at Joyce Reserve, 310 Jasper Rd, Ormond – 24/CTR/2020;
 - (e) Golden Elm (*Ulmus glabra* 'Lutescens' TP109390) located at Joyce Reserve 310 Jasper Rd, Ormond – 24/CTR/2020;
 - (f) Roman Cypress (*Cupressus sempervirens* var. 'Stricta') located at 1 May St, Elsternwick – 28/CTR/2020; and
 - (g) Manna Gum (*Eucalyptus viminalis* TP104704) located at Packer Park, Leila Rd, Carnegie – 49/CTR/2020.
2. notifies each person who nominated a tree outlined in this report
3. notifies all relevant landholders of the trees outlined 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

8.10 REPORT FOR INTERIM PROTECTION ORDER EXTENSION - 15 TAKAPUNA ST CAULFIELD SOUTH 22CTR2020

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

That Council:

1. extends the Interim Protection Order on the *Cinnamomum camphora* (Camphor Laurel) tree located at 15 Takapuna Street, Caulfield South until 30 September 2021;
2. recognises the process undertaken to date in relation to the assessment of the *Cinnamomum camphora* (Camphor Laurel) tree located at 15 Takapuna Street, Caulfield South and gives an undertaking to expedite the resolution of this matter as soon as practicable;
3. notifies all relevant stakeholders of the outcome of this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the extension of the Interim Protection Order described in part 1 of the recommendation.

CARRIED UNANIMOUSLY

8.11 COMMUNITY ENGAGEMENT FOR COUNCIL PLAN 2021-25 AND MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2021-25

Moved: Cr Zmood**Seconded: Cr Zhang**

That Council approves the community engagement process outlined in this report for the *Council Plan 2021-25* and *Municipal Public Health and Wellbeing Plan 2021-25* including the following changes to How we will engage.

- Community Survey to now read: Community Survey to explore emerging themes that will be available online through the Have Your Say webpage and in hard copy at Council facilities;
- Undertakes a telephone survey of a representative sample of 500 Glen Eira residents aged 18 plus years. Survey quotas will be based on age, gender and location to ensure accurate representation; and
- Adds a process of broad community engagement on the draft Council Plan to occur in parallel with the deliberative panel process.

CARRIED UNANIMOUSLY

8.12 CREATION OF EASEMENT - MARLBOROUGH RESERVE

Moved: Cr Magee**Seconded: Cr Pilling**

That Council directs that:

1. having given public notice of a proposal to create an easement over part of Marlborough Reserve, Bentleigh East more particularly described as part of certificate of title volume 7891 folio 036, shown on the attached plans, in Attachment 1 and 2 to this report, in accordance with section 189 of the *Local Government Act 1989* (the Act);
2. having received no submissions in respect of the proposal under section 223 of the Act, that an easement be created in favour of United Energy, in accordance with section 189 of the Act; and
3. the Chief Executive Officer be authorised to execute all documentation associated with the creation of easement over certificate of title volume 7891 folio 036.

CARRIED UNANIMOUSLY

8.13 STRATEGIC TRANSPORT ADVISORY COMMITTEE - ENDORSE COMMUNITY REPRESENTATIVES

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

That Council:

1. appoints the following as community representatives to Council's Strategic Transport Advisory Committee for a two-year period:
 - Declan Martin
 - Mark Wallace
 - Monica Qing
 - Noam Shifrin
 - Pete Canny;
2. adopts the updated Strategic Transport Advisory Committee Terms of Reference (Attachment 1 to this report);
3. writes to the successful applicants congratulating them on their appointment, and to the unsuccessful applicants thanking them for their applications; and
4. undertakes a further expression of interest process seeking additional community representatives to join the Strategic Transport Advisory Committee from a broader segment of the community, including schools.

CARRIED UNANIMOUSLY

**8.14 PRINCES PARK PLAY SPACE REDEVELOPMENT PROJECT -
CONSULTATION OUTCOMES AND DESIGN**

Moved: Cr Pilling**Seconded: Cr Zmood**

That Council:

1. notes the community feedback received through the consultation process and the alterations made to the concept design presented following feedback (see Attachments to this report); and
2. endorses the play space design detailed in Attachment 1 to this report.

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

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

8.15 FINANCIAL MANAGEMENT REPORT (JANUARY 2021)

Moved: Cr Magee**Seconded: Cr Pilling**

That Council notes the Financial Management Report for the period ending 31 January 2021.

CARRIED UNANIMOUSLY

8.16 AUDIT & RISK COMMITTEE MINUTES

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

That the minutes of the Audit & Risk Committee meeting held on 19 February 2021 as shown in Attachment 1 to the report be approved.

*It is recorded that Cr Athanasopoulos vacated the Meeting at 9:59pm.***CARRIED UNANIMOUSLY**

8.17 AUDIT & RISK COMMITTEE BIENNIAL REPORT

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

That Council note the Audit and Risk Committee's Biennial Report for the period September 2020 to February 2021 in accordance with the provisions of the *Local Government Act 2020*.

It is recorded that Cr Athanasopoulos entered the Meeting at 10:01pm.

CARRIED UNANIMOUSLY

8.18 TENDER 2021.28 PUBLIC TOILET CLEANING AND MAINTENANCE OF AUTOMATED PUBLIC TOILETS

Moved: Cr Zmood**Seconded: Cr Pilling**

That Council

1. appoints Makkim Pty Ltd A.C.N. 070 536 891, as the trustee for the Makkim Unit Trust, trading as Australian Environmental Cleaning Services (A.B.N 68 206 196 252) as the contractor under Tender number 2021.23 for an amount of \$2,729,899.61 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; and
3. authorises the Chief Executive Officer to execute the contract on Council's behalf.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS - NIL

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff****10.1.1 Review of Glen Eira's Parklet Program****Moved: Cr Pilling****Seconded: Cr Zmood**

Request officers prepare a report for the Ordinary Council Meeting of 27 April 2021 that outlines Council's response in supporting hospitality businesses return to trade, particularly outdoor dining initiatives involving the installation of parklets throughout Glen Eira.

This report should include details on:

1. How potential sites were identified and assessed
2. How the utilisation (loss) of car parking spaces was considered and communicated
3. The duration of the program and how extensions could be considered (seasonal or ongoing)
4. Feedback from traders and the community and how this will be used to consider further options and changes to the program
5. The role state or federal grants play in this program
6. The costs of this program so far to Council
7. The economic benefits to participating traders and any impacts on neighbouring traders
8. Options to increase use, through sharing and other activities if these initiatives were supported to continue
9. How Council has supported Glen Eira's commercial and retail sectors over the last 12 months.

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

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

11.1 Aged Care

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and

- - Confidential Matter

The information contained in this paper is confidential under the definition of confidential information as defined in section 3(1) of the Local Government Act 2020 (the Act) being Council business information that would prejudice the Council's position in commercial negotiations if prematurely released and information concerned with land use that if prematurely released is likely to encourage speculation in land values.

CARRIED UNANIMOUSLY

The Mayor announced that after consideration of the confidential item, the meeting will be closed.

12. CLOSURE OF MEETING

The meeting closed at 10.39pm.

Confirmed this 6 day of April 2021

Chairperson.....