



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 8 JUNE 2021**

**MINUTES**

**Meeting was held remotely and streamed live  
via Council's website at 7:30pm**

Present

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

## INDEX

1.	<b>ACKNOWLEDGEMENT .....</b>	<b>4</b>
2.	<b>APOLOGIES - NIL .....</b>	<b>4</b>
3.	<b>REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA .....</b>	<b>4</b>
4.	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS .....</b>	<b>5</b>
5.	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS .....</b>	<b>5</b>
5.1	Petition: Parklet @772 Wine Bar, 772 Glen Huntly Road, Caulfield South.....	5
6.	<b>REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS .....</b>	<b>6</b>
7.	<b>REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY .....</b>	<b>6</b>
7.1	<b>Advisory Committees .....</b>	<b>6</b>
7.1.1	Advisory Committee Minutes.....	6
7.2	<b>Records of Assembly.....</b>	<b>6</b>
7.2.1	Records of Assemblies of Councillors .....	6
10.5	<b>Written public questions to Council .....</b>	<b>7</b>
8.	<b>OFFICER REPORTS (AS LISTED).....</b>	<b>11</b>
8.1	644-646 Glen Huntly Road, Caulfield South .....	11
8.2	VCAT Watch .....	18
8.3	Glen Eira Residential development data (by suburb and housing type) .....	18
8.4	Foundation for Youth Excellence Applications Council Recommendations Quarter 2, 2021 .....	19
8.5	Carnegie Community Space - Contract Variation .....	19
8.6	South East Metropolitan Advanced Waste Processing Project .....	20
8.7	Written Public Questions to Council .....	22
8.8	Financial Management Report (April 2021) .....	22
8.9	Delegations by Council to Council Staff.....	23
8.10	CEO Employment Matters - Implementing the Requirements of the Local Government Act 2020 .....	23
8.11	Review of the Councillor and Mayoral Allowances .....	24
8.12	Remuneration of Audit & Risk Committee Members.....	24

9.	URGENT BUSINESS - NIL .....	25
10.	ORDINARY BUSINESS .....	25
	10.1 Requests for reports from a member of Council staff - NIL .....	25
	10.2 Right of reply .....	25
	10.3 Notice of Motion - NIL .....	25
	10.4 Councillor questions.....	25
	10.5 Written public questions to Council .....	25
11.	CONFIDENTIAL ITEMS – NIL .....	26
12.	CLOSURE OF MEETING.....	26



The Mayor welcomed Councillors, Council officers, Glen Eira residents and other community members to the 8 June 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 an responsibility for this land.

#### **2. APOLOGIES - NIL**

#### **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.

**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; and
2. adjourns the meeting to be reconvened on Wednesday 9 June 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.

**CARRIED UNANIMOUSLY****4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Parasol****Seconded: Cr Cade**

That the minutes of the Ordinary Council Meeting held on 19 May 2021 be confirmed.

**CARRIED UNANIMOUSLY****5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: PARKLET @772 WINE BAR, 772 GLEN HUNTLY ROAD, CAULFIELD SOUTH**

A petition containing 155 signatures was submitted to the Council Meeting.

The petition read as follows:

'This petition draws to the attention of the Council Parklett remaining @772

We the undersigned residents request that Council:

To keep the parklett @772 for the duration of 2021 to support small local business.'

**Moved: Cr Cade****Seconded: Cr Pilling**

That Council:

1. receives and notes the petition; and
2. writes to the lead petitioner responding to the request raised in the petition.

**CARRIED UNANIMOUSLY**

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

Cr Pilling reported on the recent State Council meeting of the Municipal Association of Victoria (MAV) held on 21 May 2021.

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

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**7.1 Advisory Committees**

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

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

1. Community Grants Advisory Committee Meeting Minutes – 4 May 2021; and
2. Arts and Culture Advisory Committee Meeting Minutes – 11 May 2021

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS****Moved: Cr Magee****Seconded: Cr Parasol**

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

1. 4 May 2021 pre-meeting
2. 11 May 2021 Assembly
3. 19 May 2021 pre-meeting

**CARRIED UNANIMOUSLY**

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

That Council changes the order of business to bring forward Item 10.5 Written Public Questions to Council to be considered before Item 8.1 at this stage of the meeting.

**CARRIED UNANIMOUSLY**

**10.5 Written public questions to Council****1. Ms Shane O'Neil – Carnegie**

Will Glen Eira City Council commit to the Uluru Statement from the Heart and advocate to the Federal Government that it implement an Indigenous Voice to Parliament to be enshrined in the Constitution.”

**Response:**

The Uluru Statement from the Heart was delivered at the First Nations National Constitutional Convention in May 2017 in which more than 250 Aboriginal and Torres Strait Islander leaders from around Australia met to discuss constitutional reform.

The Uluru Statement from the Heart calls for constitutional change and structural reform to establish a new relationship between First Nations and the Australian nation. There are three key elements to the reforms set out in The Uluru statement.

1. Enshrining a First Nations Voice in the Australian Constitution;
2. Establishment of an advisory body, the Makarrata Commission to provide advice to Parliament and supervise a process of treaty negotiations with Australian governments; and that
3. The Makarrata Commission to oversee a process of truth-telling about Australia's history and colonisation.

Makarrata means *'a coming together after a struggle'*.

Council has taken many steps in recent years towards acknowledging the City's Aboriginal community and culture, including the establishment of the Glen Eira Reconciliation Action Plan Working Group, development of our Reconciliation Action Plan along with celebrating and acknowledging significant days, including NAIDOC week and Reconciliation week and the important symbolic protocol of continually flying the Aboriginal flag.

After consultation with local Boon Wurrung Elders, Council will submit a letter to the Federal Government in support of the Uluru Statement of the Heart and the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution, stating that 'Glen Eira supports the Uluru Statement of the Heart by committing to reconciliation'.

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**1. Helen Fischer – Bentleigh**

The Glen Eira Council-owned Spurway Nursing Home has been closed due to facilities needing repair. This has meant that valuable aged care beds have been lost in the Municipality. In 2019, after a public campaign against the sell off Glen Eira's three nursing homes, it was decided by Council, to keep all three aged care facilities in Council hands.

What is the plan for Spurway?

Is this a way of selling this valuable property asset? There have been no public announcements on this.

What are the intentions of Council and Councillors with regard to this important aged care facility in Glen Eira which is ultimately owned by Glen Eira rate payers?

**Response:**

The Royal Commission into Aged Care Quality and Safety and the COVID-19 pandemic has changed the aged care landscape, impacting occupancy rates and operating models, forcing Council to explore sustainable options for aged care into the future.

Spurway's small size, layout and design, including shared bathrooms and small rooms, limited its ability to meet residents' needs into the future and its long-term viability as a residential aged care facility. Shared bathrooms at the facility also presented a major risk of transmission of infection which was highlighted during the COVID-19 pandemic last year and as such were a high risk to our vulnerable residents.

The Spurway facility was not in need of repair and was maintained in accordance with current aged care standards and was both registered and accredited with the Commonwealth Department of Health.

Having explored all options, Council resolved to consolidate its three residential aged care services onto two sites, Rosstown Community and Warrawee Nursing Home. This provided Spurway residents with the same high level of high-quality care and other comforts that Spurway could not offer like en-suites, abundant natural light and large spaces for activities and to socialise.

Council has retained all 30 Commonwealth residential aged care bed licenses from the Spurway facility. This will provide Council with the best options for the future needs of our residential aged care services.

Council is currently exploring future options for the use of the Spurway site which will be informed by our new Community Vision 2040 which was endorsed by Council on 19 May 2021, our new Council Plan and the identified needs of our community.

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## **2. Warren Green – Bentleigh**

Unlike surrounding municipalities, Glen Eira doesn't have any structure plans or permanent height controls in commercial areas or a Housing Strategy. This is despite the extensive concern from residents and a directive from the Planning Minister in 2015 for Council to meet its statutory requirements and undertake a Planning Scheme Review. After 5 years of work, significant resident's time and great cost, in 2021 the Structure Plans for Bentleigh and Carnegie were abandoned partially due to Council not having a Housing Strategy in place. That in itself is incomprehensible. Council has stated the aim of completing the Housing Strategy by February 2022 and advised in April that an engagement process was being developed. Residents have yet to see any details associated with Housing Strategy planning.

Can Council provide full details, including the engagement process and timeframes associated with the plan to complete the Housing Strategy?



**Response:**

Full details of the plan to complete the Housing Strategy, including the engagement process and timeframes will be available to the community in the coming weeks. This will include information about when and how feedback can be provided to inform this project and develop a strategy that is responsive to the diversity of households and housing needs in the Glen Eira community. To clarify, the Bentleigh and Carnegie Structure Plans themselves have not been abandoned. The planning scheme amendment for these two structure plans was resolved to be abandoned to enable Council to pursue revised permanent planning controls in the Bentleigh and Carnegie activity centres.

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**3. Markus Oswald – Carnegie**

In the Financial Management Report for April (agenda item 8.8), the forecast deficit for the financial year has increased to \$930,000 from the March forecast of a deficit of \$49,000. The reduction of forecast parking infringements income of \$436,000 and increased employee costs of \$728,000, are these expected to isolated once off events in April (actual) and May - June (forecast) or affect a longer time period?

**Response:**

In the Income Statement as at the end of April, the reported forecast deficit has increased by \$882,000 (from \$49,000 in March to \$930,000 in April). The reduction in parking infringements revenue of \$436,000 and increase of \$728,000 in employee costs, are the forecast movements up until 30 June 2021. These forecast changes only relate to the 2020-21 financial year. Any forecast adjustments relating to the 2021-22 budget year will be reported in Council's future Financial Management Reports.

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**4. Brian Bentley – Caulfield South**

In relation to item 8.1 on the agenda (644-646 Glen Huntly) - why is screening not required to unit 4.01? Without this, the unit will have unfettered visuals into the yards and inside homes of properties to the South (and the properties will have no privacy).

**Response:**

The State Government sets residential design standards that are used to assess whether or not overlooking of neighbours' windows and rear yards from proposed upper level dwellings would be unreasonable. Views should be restricted where there is an outlook into a neighbour's habitable room window or secluded private open space within a 9 metre horizontal distance. In this instance, overlooking from the balcony of Unit 4.01 does not require screening because the distance to the nearest residential property to the south would be approximately 11.2 metres. The height of this balcony above ground level, which is 12.8 metres, is also another factor in considering whether or not screening should be required. Screening has been recommended for the balconies of Units 3.01 and 3.02 because these will have outlooks of the nearest residential properties to the south that will be within 9 metres.

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**5. Rosetta Manaszewicz– McKinnon**

- a) Page 105 of the current agenda states that the number of rateable properties (and defined as 'dwellings') from 2016 to 2020 is 65,145. Including the 2021 data, the total becomes 68, 288 – an 8000 increase in 5 years. Could council please explain why on page 108 the number for net increase in dwellings is stated as only 6497?

- b) As a follow up to my previous question and also on page 105, council states that the period from 2016 to 2020 saw an increase of 3925 dwellings. The expanded figures to 2021 claim 6497 net new dwellings. Does this mean that in the period of 2020 to 2021 there has been an increase of well over 2000 dwellings – despite the impact of COVID on construction?

**Response:**

- a) Both your questions relate to Item 8.3 titled “Glen Eira residential development data (by suburb and housing type)”. There have been 7862 new dwellings in the 2016-2021 data collection period. Over this period, there has been a reduction of more than 1,365 detached single dwellings throughout the municipality to make way for the new multi-unit developments that contribute to the 6,497 net new dwellings. This accounts for the difference between the 8,000 (rounded) new dwellings, and the 6,497 additional dwellings contained in the report.
- b) Many of the additional dwellings in the period from 2020 to 2021 would have been under construction at the time the COVID pandemic hit in early 2020. The individual data across suburbs and dwelling types show a significant increase in new dwelling completions in Carnegie, Elsternwick and Bentleigh East in 2020 and 2021. As per page 105, the number of dwellings from 2016 to 2020 is in fact 4925 and not 3925. Therefore, the increase from 2020-2021 is less than 2000 dwellings. The real impact of the pandemic on development activity will probably be seen across this year and next two years. It is expected that in 2024, housing demand will return to pre-pandemic levels.
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## **6. David Margetts – Caulfield South**

I have recently driven down Hotham Street East St.Kilda and been amazed at the number of recent 3 storey apartment blocks such as 120 Hotham Street, 104 Hotham Street, and 160 Hotham Street. However, according to Council's summary of net new dwellings in East St.Kilda for the past 5 years, there should only be 38. When I checked the online permit register it appears that this total is incorrect and the number of dwellings in just these three apartment blocks are almost double what is claimed by council.

Could Council explain the discrepancy of these numbers?

**Response:**

Council Report item 8.3 titled “Glen Eira residential development data (by suburb and housing type)” provides a summary of housing activity since 2016 in the City of Glen Eira. This includes the data for the developments at 104 and 120 Hotham Street.

It does not include the development at 160 Hotham Street which contains 30 apartments as this development predates the data collection period of the report. This would explain the numerical difference and the appearance that more dwellings have been constructed than reported between 2016-2021.

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

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**8.1 644-646 GLEN HUNTLY ROAD, CAULFIELD SOUTH**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-34075/2020 for construction of a five storey building comprising apartments, shop and office and use of the land for the purpose of dwellings (frontage greater than 2m) 644-646 Glen Huntly Road, Caulfield South in accordance with the following conditions:

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. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing No's.TP05-TP21, all Revision C, prepared by GKA Architects Pty Ltd and dated 23 February 2021 but modified to show:

*Building Design*

- (a) The addition of 1.7m high external screens, not more than 25 per cent transparent, to the southern side the balconies of Apartments 3.01 and 3.02 on the third floor, and 4.01 on the fourth floor, or an alternative screening method to restrict views toward the residential properties to the south.
- (b) The addition of obscure glass to a height of 1.7m for all east-facing bedroom windows of Apartments 1.01 and 2.01.
- (c) The screens along the eastern side of the balconies of Apartments 1.01 and 2.01 facing 648 Glen Huntly Road to be a minimum of 1.7m high and not more than 25 per cent transparent.
- (d) The inset residential lobby entrance along the Glen Huntly Road frontage relocated to be aligned with the remainder of the ground floor frontage.
- (e) The addition of any changes or notes as recommended in the Sustainability Management Plan referred to in Condition 12.
- (f) The addition of any changes or notes as recommended in the Acoustic Report referred to in Condition 14.

*Car Park and Bicycle Facilities Design*

- (g) The provision of an opening at driver eye level in the eastern and western boundary walls (within 2.5m of the laneway) that are to be at least 50% clear of visual obstructions.
- (h) The addition of 300mm wide kerbs to a maximum height of 150mm on both sides of all ramps as shown in Figure 2.8 of AS2890.1:2004, or an alternative to the satisfaction of the Responsible Authority.
- (i) The addition of a section drawing to demonstrate that the over-bonnet storage would not extend more than 900mm into the parking spaces and would have a minimum height clearance of at least 1.35m.

- (j) The addition of at least two on-site horizontal bicycle parking spaces (no increase in the total number of bicycle parking spaces is required).
- (k) The dimensions of all horizontal bicycle parking spaces (including those located on the footpath).
- (l) The addition of a note to state that the bicycle parking racks will be installed in a staggered arrangement as shown in Figure B7 in AS2890.3-2015, or an alternative to the satisfaction of the Responsible Authority.

#### *Landscape Design*

- (m) A landscape plan in accordance with Condition 3.

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

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) without the prior written consent of the Responsible Authority.

#### Landscape plan

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 the Landscape Plan is approved, it will be endorsed and form part of the permit. The Landscape Plan must incorporate:
  - (a) 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.
  - (b) The provision of irrigation systems and maintenance access for the planter boxes.
  - (c) Landscaping and planting as shown on the development plans.
4. Before the occupation of the building allowed by this permit, landscaping as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and the landscaping maintained to the satisfaction of the Responsible Authority.

#### Street tree protection

5. Before the development starts (including demolition), a tree protection fence must be erected around each of the two street trees at the front of the site to protect tree branches and isolate the full permeable surface of the planting pits within the fenced Tree Protection Zone (TPZ). This must include:
  - (a) Temporary fencing to be constructed of chain mesh panels held securely in place (or plywood sheeting) to the satisfaction of the Responsible Authority and as set out in AS 4970-2009 (section 4.3) which provides:
    - (i) All fencing and/or protection measures must adequately protect the canopy of the trees throughout all works.
    - (ii) No trenching or soil excavation is to occur within the TPZ.

- (iii) No storage or dumping of tools, equipment or waste is to occur within the TPZ.
  - (b) If crown pruning is required to protect the tree, provide clearance for a pedestrian passageway or facilitate movement in/out of the site, this is to be carried out by Council prior to site set-up.
- 6. No excavation is to come within 2.0m of the street trees (measured from the centre of the trunk) without the prior written consent of the Responsible Authority. No excavation should occur within the planting pits themselves.
- 7. Gantry/scaffold specifications must be applied that ensure all tree parts are provided with a minimum clearance of 500mm.

#### Management plans

- 8. Before the development starts including 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) Construction activity must only occur between the hours of 7.00am and 6.00pm, Monday to Friday, 9.00am to 3.00pm on Saturday and no construction on Sunday and Public Holidays.
  - (b) Delivery and unloading points and expected frequency.
  - (c) Truck haulage routes, circulation spaces and queuing lanes.
  - (d) 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.
  - (e) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced.
  - (f) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
  - (g) Any requirements outlined within this permit as required by the relevant referral authorities.
  - (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.
  - (k) Measures to ensure that access to and from the Ambulance Victoria site at 642 Glen Huntly Road is not impacted during construction at any time.
- 9. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

10. Before the development starts, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, which is generally in accordance with the WMP submitted with the application, prepared by Traffix Group and dated 17 December 2020. When approved, 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 all of the uses on the land from within the building, 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 time 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.
  - (e) The addition of a food organic recycling service for the apartments.
  - (f) That the waste collection vehicles must not use the DDA car space for collection during the business hours of the commercial uses.
11. The provisions, recommendations and requirements of the endorsed WMP 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.
12. Before the development starts, a Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, which is generally in accordance with the SMP submitted with the application, prepared by Low Impact Development Consulting and dated 11 December 2020. When approved, the SMP will be endorsed and will then form part of the permit. The SMP must:
  - (a) Address Environmentally Sustainable Development (ESD) principles proposed for the site including, but not limited to, energy efficiency, stormwater collection (including the provision of water tanks) and reuse on the site for toilet flushing (note that Stormwater management must satisfy the requirements of Clause 53.18 of the Glen Eira Planning Scheme).
  - (b) Waste management and building materials.
13. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Acoustic report

14. 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:
  - (a) Be prepared to protect residents within the building and in dwellings on adjoining land to the east and south from external noise from any mechanical plant and equipment servicing the development.
  - (b) Be prepared by a suitably qualified acoustic engineer and be submitted to and approved by the Responsible Authority.  
Demonstrate that the building will be designed and constructed to include noise attenuation measures.
  - (c) Include measures that achieve noise levels in the bedrooms and other rooms in accordance with Australian Standard AS2107, or otherwise, to the satisfaction of the Responsible Authority.
15. 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 consent of the Responsible Authority

Allocation of car parking spaces

16. No fewer than one car parking space for each one or two bedroom dwelling; three car parking spaces for each 100sqm of net floor area for the office; and 3.5 car parking spaces for each 100sqm of leasable floor area for the shop must be provided on the land to the satisfaction of the Responsible Authority.
17. 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.

General requirements

18. Before the building is occupied, the walls on or facing the boundary of a directly adjoining property must be cleaned and finished in a good state to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

19. Before the building is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.
20. Before the building is occupied, all screening shown on the endorsed plans must be installed and permanently maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed except with the prior written consent of the Responsible Authority.

#### Permit expiry

21. 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*.

#### **Permit notes**

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- This planning permit represents the planning approval for the use and/or development of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

#### Asset Engineering Notes

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval before any works start.
- All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the proposed driveway/laneway onto the existing laneway. Such a system may include either:



- A trench grate (150mm minimum internal width) located within the proposed laneway/driveway and/or
- Shaping the laneway/driveway so that water is collected in a grated pit on the property and connect to internal drainage system.
  
- Connect stormwater runoff from the development in an outfall drain to Council's stormwater pit/pipe located in the laneway at the rear of 650 Glen Huntly Road. The design and construction of the outfall drain must be approved by Council and at no cost to Council.
  
- Drainage associated with basement (seepage and ground water and agriculture waters are to be filtered to rainwater clarity) must be discharged to the nearest underground Council Pit/Drain and not be discharged to the kerb and channel.
  
- Any firefighting equipment for the building must be accommodated within title boundary. Council will not allow private fire equipment in the Road Reserve.
  
- The existing footpath levels must not be altered or modified to accommodate any DDA compliance.
  
- An Asset Protection Permit must be obtained from Council Engineering Services Department before the development starts.
  
- All relevant Engineering Permits must be obtained before any development starts within the Road Reserve and or stormwater connection to Council drainage network.

**FOR:** Crs Esakoff, Magee, Cade, Parasol, Pilling, Zhang, Zmood and Zyngier (8)

**AGAINST:** Cr Athanasopoulos (1)

**CARRIED**

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**8.2 VCAT WATCH**

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**Moved: Cr Cade**

**Seconded: Cr Zmood**

That Council notes the update on VCAT matters.

**CARRIED UNANIMOUSLY**

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**8.3 GLEN EIRA RESIDENTIAL DEVELOPMENT DATA  
(BY SUBURB AND HOUSING TYPE)**

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**Moved: Cr Zmood**

**Seconded: Cr Pilling**

That Council notes this report.

**CARRIED UNANIMOUSLY**

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**8.4 FOUNDATION FOR YOUTH EXCELLENCE APPLICATIONS COUNCIL  
RECOMMENDATIONS QUARTER 2, 2021**

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**Moved: Cr Zhang****Seconded: Cr Cade**

That Council approves the following Foundation for Youth Excellence grants for the 2<sup>nd</sup> quarter 2021:

1. \$600 to Oliver Dilnutt to compete at the 2021 Australian Gymnastics Championships in Gold Coast, QLD; and
2. \$600 to Yaroslava Kuzmenko to compete at the 2021 Australian Gymnastics Championships in Gold Coast, QLD

**CARRIED UNANIMOUSLY**

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**8.5 CARNEGIE COMMUNITY SPACE - CONTRACT VARIATION**

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

That Council notes and approves the revised value of contract number 2021.29 – Carnegie Community Space Construction from \$460,848.81 to \$515,250.75 (incl. GST).

**CARRIED UNANIMOUSLY**

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**8.6 SOUTH EAST METROPOLITAN ADVANCED WASTE PROCESSING PROJECT**

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

That Council:

1. having regard to the requirements of the *Local Government Act 2020* (LGA 2020), resolves to exercise its beneficial enterprise powers to participate in the establishment of a company (the Special Purpose Vehicle) for the purposes of entering into any agreement with the successful tenderer(s) for the development of the South East Metropolitan Advanced Waste Processing (SEMAWP) Project;
2. approves a financial contribution to the Metropolitan Waste and Resource Recovery Group for the establishment of a Special Purpose Vehicle, site selection and planning approvals of up to \$80,000;
3. approves the Chief Executive Officer to provide informed advice to the Metropolitan Waste and Resource Recovery Group regarding tender criteria, including price/affordability parameters;
4. authorises the Chief Executive Officer to execute the relevant documents for participation in the Special Purpose Vehicle and financial contribution as may be required during the procurement process; and
5. notes that a further comprehensive report detailing key tender criteria, including financial and environmental outcomes, will be brought back to Council for approval prior to committing to the full tender process.

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

That Council:

1. having regard to the requirements of the *Local Government Act 2020* (LGA 2020), resolves to exercise its beneficial enterprise powers to participate in the establishment of a company (the Special Purpose Vehicle) for the purposes of entering into any agreement with the successful tenderer(s) for the development of the South East Metropolitan Advanced Waste Processing (SEMAWP) Project;
2. approves a financial contribution to the Metropolitan Waste and Resource Recovery Group for the establishment of a Special Purpose Vehicle, site selection and planning approvals of up to \$80,000;
3. approves the Chief Executive Officer to provide informed advice to the Metropolitan Waste and Resource Recovery Group regarding tender criteria, including price/affordability parameters;
4. authorises the Chief Executive Officer to execute the relevant documents for participation in the Special Purpose Vehicle and financial contribution as may be required during the procurement process;

5. notes that a further comprehensive report detailing key tender criteria, including financial and environmental outcomes, will be brought back to Council for approval prior to committing to the full tender process; and
6. write to participating Councils to establish a set of agreed principles that will help guide and align the key tender criteria

The Amendment Moved by Cr Zyngier and Seconded by Cr Athanasopoulos was PUT

**FOR:** Crs Athanasopoulos, Magee and Zyngier (3)  
**AGAINST:** Crs Esakoff, Cade, Parasol, Pilling, Zhang and Zmood (6)

**LOST**

The Substantive Motion Moved by Cr Zmood and Seconded by Cr Cade was PUT

**FOR:** Crs Esakoff, Magee, Cade, Parasol, Pilling, Zhang and Zmood (7)  
**AGAINST:** Crs Athanasopoulos and Zyngier (2)

**CARRIED**

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**8.7 WRITTEN PUBLIC QUESTIONS TO COUNCIL**

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

That Council:

1. endorses the revised Written Public Questions to Council - COVID Guidelines attached to this report; and
2. endorses the revised Public Participation at Ordinary Council Meeting – COVID Guidelines attached to this report.

*It is recorded that Cr Pilling vacated the virtual meeting at 9:22pm.**It is recorded that Cr Pilling entered the virtual meeting at 9:24pm.***CARRIED UNANIMOUSLY**

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**8.8 FINANCIAL MANAGEMENT REPORT (APRIL 2021)**

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

That Council notes the Financial Management Report for the period ending 30 April 2021.

*It is recorded that Cr Athanasopoulos vacated the virtual meeting at 9:25pm.**It is recorded that Cr Athanasopoulos entered the virtual meeting at 9:29pm.***CARRIED UNANIMOUSLY**

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**8.9 DELEGATIONS BY COUNCIL TO COUNCIL STAFF**

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**Moved: Cr Cade****Seconded: Cr Athanasopoulos**

That Council resolves as follows:

1. the amendments to the Instrument of Delegation to Members of Council Staff (Delegation) in Attachment 1 to this report are approved and adopted;
2. the designated Council staff be delegated the powers, duties and functions set out in the Delegation subject to any conditions and limitations specified in the Delegation;
3. the Delegation comes into effect immediately after the passing of this Council resolution;
4. a clean version of the Delegation be published on Council's website; and
5. on the Delegation coming into force the Instrument of Delegation to Council Staff authorised by resolution of Council passed on 1 September 2020 is revoked.

**CARRIED UNANIMOUSLY**

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**8.10 CEO EMPLOYMENT MATTERS - IMPLEMENTING THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 2020**

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

That Council:

1. endorses the CEO Employment and Remuneration Policy as outlined in Attachment 1 to this report;
2. endorses the revised CEO Employment Matters Committee Terms of Reference as outlined in Attachment 2 to this report;
3. re-affirms the appointment of Cr Margaret Esakoff, Cr Jim Magee and Cr Tony Athanasopoulos as members of the CEO Employment Matters Committee consistent with Council's resolution on agenda item 8.16 at the Ordinary Council Meeting of 24 November 2020;
4. authorises the Executive Manager, People and Culture, to commence the recruitment process for an Independent Chair of the CEO Employment Matters Committee in consultation with the CEO Employment Matters Committee; and
5. notes that the appointment of the Independent Chair of the CEO Employment Matters Committee will be the subject of a future report to Council at the conclusion of the process outlined in point 4 above.

**CARRIED UNANIMOUSLY**

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**8.11 REVIEW OF THE COUNCILLOR AND MAYORAL ALLOWANCES**

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**Moved: Cr Cade****Seconded: Cr Pilling**

That Council:

1. notes that no submissions were received in relation to the Review of the Councillor and Mayoral Allowances;
2. determines that no changes in remuneration to the Councillor and Mayoral Allowances will occur as a consequence of this review and will continue with allowances set with the Order in Council for a Category 3 Council as shown below;
  - a) Mayoral allowance of \$100,434 per annum, being the maximum allowed for category 3 councils;
  - b) Councillor allowances of \$31,444 per annum, being the maximum allowed for category 3 Councils; and
  - c) the allowances as listed in parts a) and b) above are subject to any indexation automatically applied as determined by the Minister for Local Government.

**CARRIED UNANIMOUSLY**

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**8.12 REMUNERATION OF AUDIT & RISK COMMITTEE MEMBERS**

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

That effective from 1 July 2021, Council adopt the following rates for the Audit and Risk Committee Members:

1. Chairperson - \$10,784 p.a. (exc. GST); and
2. Independent Member - \$9,226 p.a. (exc. GST).

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

That Council extends the meeting to conclude at 11pm.

**CARRIED UNANIMOUSLY**



**9. URGENT BUSINESS - NIL****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff - NIL****10.2 Right of reply**

**Cr Magee** - Going back to the Council meeting on the 27<sup>th</sup> of April under item 8.7 which was the Safe Cycling Corridor for Inkerman Road. I made a couple of comments. One of the comments was that some of the emails I'd received were ridiculous and that some of the arguments in those emails were stupid. Now, I could've most definitely used different words than those. Some of the emails, in future maybe what I'll do is table those emails, as opposed to commenting on those emails and the arguments within the emails then can be seen by all. It's not my position to classify an email as being ridiculous or an argument as being stupid and I do apologise for saying those things during a Council meeting. And if I have offended anyone in particular who may have sent one of those emails to me that certainly wasn't my intention. I kept my comments very broad and I didn't name anybody they were a very general nature, but like I say if someone feels my comments were directed at them I certainly do apologise for that and in future I will refrain from making those comments and again I'll maybe just table the emails that I think may be at the time, inappropriate.

**10.3 Notice of Motion - NIL****10.4 Councillor questions****Cr Cade asked a question of Cr Esakoff****Cr Cade**

There was a right of reply by Cr David Zyngier at the last Ordinary Council Meeting that stated that you the Mayor showed a lack of support in refusing to respond in writing to his concerns about an article in the Australian Jewish News relating to the bicycle corridor along Inkerman Road.

Could you please clarify the events or the process that took place in deciding that no letter be sent?

**Cr Esakoff response**

Thank you for the opportunity to provide clarification on that point. It was in fact the Councillors group's position that we not write. In this case only Cr Zyngier and Cr Athanasopoulos supported writing a letter to the paper. As a strong majority of seven Councillors preferred that no letter be sent, my actions solely reflected the majority view.

**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 9.45pm

Confirmed this 29 Day of June 2021

**Chairperson**.....