



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

THURSDAY 23 SEPTEMBER 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 Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

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The Mayor welcomed Councillors, Council officers, Glen Eira residents and other community members to the 23 September 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 Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

2. **APOLOGIES**

Moved: Cr Magee

Seconded: Cr Zyngier

That the apology from Cr Pilling be received and noted.

CARRIED UNANIMOUSLY

3. **REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA**

Councillors were reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or any item that was considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors were then invited to indicate any such conflict of interest.

- Cr Cade - Item Number 8.2 – 19 Fosbery Avenue, Caulfield North

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 in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Thursday 30 September 2021 at 6.30pm via livestreaming; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Magee****Seconded: Cr Zyngier**

That the minutes of the Ordinary Council Meeting held on 31 August 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

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

That the minutes of the CEO Employment Matters Advisory Committee meeting held on 23 August 2021 be received and noted and that the recommendations of this Committee be adopted.

CARRIED UNANIMOUSLY

7.2 Records of Assembly

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

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

1. 24 August 2021 Assembly;
2. 31 August 2021 Pre-meeting;
3. 2 September 2021 Assembly

CARRIED UNANIMOUSLY

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

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. Cristina Santos – Bentleigh East**

Could the mayor please provide reasons for her decision to refuse to engage with ABC Radio's "meet the mayor segment". I see this segment as an amazing opportunity for the community to engage with our mayor in an informal and unstructured environment and am keen to understand why this opportunity has not been embraced by the mayor.

Response:

Thank you for your question. I have not refused to engage with ABC Radio's "Meet the Mayor" segment. I am scheduled to participate next month.

This particular segment is scheduled on a Tuesday morning, our Council meeting day, which has made setting a date more difficult due to my scheduled Meetings on a Tuesday and the preparation work required for our Council Meetings. I also prioritise residents and ratepayers who may need to speak with me prior to any decisions being made.

I do, however, do a regular radio interview about current Council matters with Southern FM on a Monday morning following each Council Meeting as well as radio interviews with 3AW as requested, most recently in relation to changes to waste collection in Glen Eira.

I am also available to the local community via telephone, email or meeting (zoom or when possible, in person) at a mutually convenient time. So if you have an issue that you'd like to discuss with me, you only need to contact the Mayor's Office and I'd be happy to help.

2. Anne Kilpatrick – Bentleigh East

In March 2021, I nominated a tall pine tree at 23 Celia St, Bentleigh East, for Glen Eira's Significant Tree Register. I have not heard the result of this yet. On 7/9/21, I was shocked to see this tree being lopped – now only the stump remains. I sent a notification and photo to Council via the Snap Send Solve app but of course this did not save the tree.

- a) What are the repercussions for this apparent flagrant disregard by the owner in felling this tree when it was still awaiting assessment of its significance?
- b) Why is it taking so long for trees to be assessed by Council?

Response:

a) What are the repercussions for this apparent flagrant disregard by the owner in felling this tree when it was still awaiting assessment of its significance?

Unfortunately, there are no repercussions that can be applied under the Classified Tree Local Law.

Penalties for removing trees only apply if the tree was under an Interim Protection Order, which can only be put in place if Council is aware of an immediate threat to the tree or if the

tree has completed the assessment process and been endorsed by Council for inclusion in the Register.

Whilst the assessment process had not begun on this tree, Council's Arborist had discussions with multiple potential buyers of the property where the tree was located. His advice was that the tree should not be removed as it was nominated for the Classified Tree Register and would be undergoing assessment in the future.

At no point were any Council Officers aware of any imminent threat to the tree.

b) Why is it taking so long for trees to be assessed by Council?

The assessment process for each nominated tree is lengthy for our Arborist to undertake. The process has been designed to ensure all affected landowners and residents are provided ample opportunities to make submissions regarding each assessment. It also provides the opportunity for a review of any decision made.

As part of the initial promotion of the Classified Tree process, the first nomination period for the Register closed on 31st March 2021. We received a large number of nominations and our Arborist is still working through the backlog.

Registrations have since re-opened and the flow of new nominations has been at a more manageable rate.

To date Council has received 277 nominations and of these, 159 assessments have either commenced or been completed.

It is also worth noting that during COVID lockdowns our officers have been unable to undertake tree assessments on occupied private property due to Chief Health Officer Directives. This has resulted in assessments on unoccupied or public land being progressed at a faster rate.

3. Markus Oswald – Carnegie

- a) Council recently abandoned the Bentleigh and Carnegie structure plan due to the lack of a housing strategy and yet on tonight's meeting agenda is the Glen Huntly structure plan (item 8.4). Should not Council wait to vote on Glen Huntly structure plan until after the completion of the housing strategy?
- b) The State Government's draft Inner South Metro Land Use Framework as part of the current refresh of Plan Melbourne identifies Hughesdale, McKinnon, Murrumbeena, Ormond and Patterson as housing investigation areas for higher density housing. What strategic planning work for these areas is envisaged by Council, what work is being done for these areas and will structure plans for all areas be created by the nominated timeframe of the end of 2023?

Response:

- a) The development of a Housing Strategy before the adoption of this structure plan is not necessary for this centre. While Glen Huntly will provide for additional housing, the structure plan is primarily focussed on the commercial core. This is quite different to Council's other structure plans in Bentleigh, Carnegie and Elsternwick which also include large residential areas.

As a Major Activity Centre, there is an expectation that this centre will change in alignment with State Government Policy. The structure plan seeks to get on the front foot and manage the height and form of buildings that we expect following the removal of the level crossings

The preparation of the draft Housing Strategy will give appropriate consideration to the role of Glen Huntly as part of its development.

- b) The draft Land Use Framework Plans are high-level, State Government visions for the region. Council recognises that the plans identify Hughesdale, McKinnon, Murrumbeena, Ormond and Patterson within Housing Investigation Areas which are being proposed by State Government as potential mid to high density housing areas.

Council is already undertaking strategic planning work to address future housing need. The Housing Strategy, which you referenced in your first question will examine these identified areas in greater detail and through a local lens. The Housing Strategy will consider the housing projection data in Glen Eira to 2036 and beyond, the types of housing likely to be required to support a growing population, and the important character elements within our neighbourhoods. It will help identify any changes to planning policy or provisions that are required to ensure Council meets its anticipated housing needs.

4. Warren Green – Bentleigh

Following extensive resident feedback and inaction from Council, in 2015 the Minister for Planning compelled Council to undertake a Planning Scheme Review with a focus on controls for activity centres. In 2019 as part of the Planning Scheme Amendment C184, Council Officers belatedly highlighted the need for a Housing Strategy advising that the C184 amendment was not underpinned by an adopted municipal-wide plan. While Council failed to progress a Housing Strategy in 2019, it subsequently aborted Amendment C184 in 2021 in the absence of a clear strategic justification including a Housing Strategy. Based on advice from Officer's, the Structure Plan controls for Bentleigh is now scheduled to be completed in 2024, some nine years after the Minister's direction which is appalling.

Given this long history, why then have Council Officers recommended the adoption of a Structure Plan for Glen Huntly without a Housing Strategy?

Response:

It is noted that there are some inaccuracies and selective representation of facts in your opening preamble. Despite this, the answer to your question regarding the adoption for a Structure Plan in advance of the completion of the Housing Strategy is as follows :

Council began preparation of the Glen Huntly Structure Plan in mid 2019 in response to the announcement of the Government's intention to progress level crossing removals in the area. The level crossing removals are expected to bring about a renewed focus and opportunity for change in Glen Huntly once complete. The preparation of a structure plan would assist guiding the height and form of future development, recognising its role as a Major Activity Centre, as designated by the State Government.

The development of a Housing Strategy before the adoption of this structure plan is not necessary for this centre. While Glen Huntly will provide for additional housing, the structure plan is primarily focussed on the commercial core. This is quite different to the Bentleigh, Carnegie and Elsternwick Structure Plans which also include large residential areas.

As a Major Activity Centre, there is an expectation that this centre will change. The structure plan seeks to manage the height and form of buildings, which would otherwise not have this level of control through the existing planning framework.

The preparation of the draft Housing Strategy will still give appropriate consideration to the role of Glen Huntly as part of its development.

8. OFFICER REPORTS (AS LISTED)

8.1 296 JASPER ROAD AND 2 LEWIS STREET MCKINNON

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/SP-34384/2021 for construction and use of a two storey building for a child care centre, at 296 Jasper Road and 2 Lewis Street, McKinnon in accordance with the following conditions:

Amended plans

1. Before the development starts, amended and additional 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: TP06-TP14, TP21, prepared by Perkins Architects and dated 28 May 2021, and Landscape Plan, prepared by Justin Staggard, Sheets 1-4 and dated April 2021) but modified to show:

Built form changes

- (a) A section drawing of the 2.0m high vertical screening proposed on the perimeter of the upper floor playgrounds demonstrating how it will limit downward views to adjoining habitable room windows or secluded private open space.
- (b) Screening (maximum 25% transparent) measures to a height of 1.7m above the finished floor level for the southern ground floor window associated with the window seat within the piazza area.

Traffic and car parking

- (c) Height clearance diagrams demonstrating overhead obstructions within the basement are in accordance with Figure 5.3 of AS2890.1:2004.
 - (d) Column locations and their dimensions to be shown on the basement plan and in accordance with Clause 52.06-9 of the Planning Scheme.
 - (e) Details of the circular part of the ramp as per Figure 2.9 of AS2890.1:2004.
2. The layout of the use and the development as shown on the endorsed plans, including the location and details of the signs 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.

Completion of landscaping

3. 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 Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

4. The landscaping shown on the endorsed Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Hours of operation

5. The use must only operate between 7:30am and 6pm, Monday to Friday, except with the prior written consent of the Responsible Authority.

Children numbers

6. No more than 112 children may be present on the land at any one time for the child care centre use, except with the prior written consent of the Responsible Authority.

Acoustic requirements

7. The acoustic report, prepared by Acoustic Control and dated 29 April 2021 is to be endorsed as part of the permit. 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 written approval of the Responsible Authority.
8. Before the development is completed, all acoustic screening and fencing shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans and acoustic report. The screening measures as shown on the endorsed plans and acoustic report are not to be altered or removed without the written consent of the Responsible Authority.
9. Within two months of the use starting, a further Acoustic Report prepared by an acoustic engineer must be submitted to the Responsible Authority to its satisfaction. The further report must detail whether the noise levels associated with the use are in accordance with the requirements of the endorsed Acoustic Report at Condition 7 during a time where the children are using the outdoor balconies during a peak time of operation. If the noise levels exceed those specified in the endorsed Acoustic Report at Condition 7, the report must outline a program or measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority. The uses must not continue until such time that the attenuation measures have been implemented to the satisfaction of the Responsible Authority.
10. Noise levels to and from the development must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy.

Management Plans

11. 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. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, including the following:
 - (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas. 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.
12. 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 written approval of the Responsible Authority.
13. 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:
 - (i). Hours for construction activity must only occur within the following hours: 7am to 6pm – Monday to Friday;
 - (ii). 9am to 3pm – Saturdays;
 - (iii). No construction on Sundays or public holidays;
 - (g) Measures to control noise, dust, water and sediment laden runoff;
 - (h) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
 - (i) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

14. 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 written approval of the Responsible Authority.

Car parking

15. Before the building 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.

Vehicular crossings

16. Before the building is occupied, vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Public Services

17. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

Construction over an easement

18. No buildings are to be constructed over or works undertaken under any easement or other area of land where there is a restriction (including sewers, drains, pipes, wires or cables) under the control of a public authority, except with the prior written consent of the relevant authority.

General amenity

19. All security alarms or similar devices installed on the land must be of a silent type.
20. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.

21. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
23. Before the building is occupied, the walls on the boundary of the adjoining property must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed

Permit expiry

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

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

Easements/drains

- There is an easement located along southern boundary of the property. The permit holder must lodge an application for building over easement and obtain approval from Engineering Services department for the proposed structures over the easement and within 1.0m from the Council drain before starting the construction. The application can be lodged at <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/building-over-easements-and-drains>

Drainage

- A grated trench should be provided at the start of the onsite ramp to manage the storm water flow from footpath/street to the basement.
- No net increase in peak stormwater runoff into the Council drainage network. Post development peak storm water discharge to the Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be prepared by a registered consulting Civil Engineer and submitted to Council for approval before any construction works.
- Engineering Services encourage the use of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.

- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- All stormwater runoff must be connected to the Council underground drainage network. There is to be no uncontrolled stormwater discharge to adjoining properties and footpaths.

General

- Any firefighting equipment for the building must be accommodated within the title boundary.
- Asset Protection Permit must be obtained from Council Engineering Services Department prior starting any building works. Application can be lodged at: <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-protection-permit>
- To construct proposed vehicle crossing, vehicle crossing permit must be obtained by lodging application for vehicle crossing permit. Application can be lodged at: <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/vehicle-crossing-permit>
- To connect storm water discharge to the Council drainage network and any work in the road reserve, Asset consent permit must be obtained by lodging application for Asset consent permit. Application from can be lodged at: <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-consent-permit>

Amended plans

- The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment. If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the *Planning and Environment Act 1987*.

Planning approval only

- 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. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Boundary fencing

- This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the *Fences Act 1968*.

CARRIED UNANIMOUSLY

It is recorded that Cr Cade declared a General Conflict of Interest given she knows the applicant in a professional capacity.

It is recorded that Cr Cade left the virtual meeting at 7.57pm prior to any discussion on this matter.

8.2 19 FOSBERY AVENUE, CAULFIELD NORTH

Moved: Cr Zhang

Seconded: Cr Zyngier

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33880/2020 for the construction of a two storey building above basement containing three dwellings, at 19 Fosbery Avenue, Caulfield North, subject to 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. 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 the application identified as TP00-TP44 (revision K) prepared by the Silver Arc but further modified to show:
 - (a) The southern, ground floor setback increased to a minimum of 4.0m, with any consequential changes absorbed within the remainder of the approved building envelope.
 - (b) The first floor western wall of the Living/Dining setback a minimum of 2.5m, with any consequential changes absorbed within the remainder of the approved building envelope.
 - (c) Two dwellings provided with accessible bathrooms in accordance with Standard B41 (Accessibility) of the Planning Scheme, with any consequential changes absorbed within the remainder of the approved building envelope.
 - (d) Tree numbers 1 and 6 to 8 to be correctly identified on the plans as “to be retained”, their Tree Protection Zone and Structural Root Zones as detailed in the Arborist Report prepared by Glenn Waters Arboriculture and dated 6 June 2020.
 - (e) The apex of the basement access ramp modified to be at least 100mm above the back of the footpath level and to include a grated trench at the start of the ramp.
 - (f) A section showing at least 2.1m headroom clearance beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8m in accordance with Figure 5.3 of AS2890.1:2004.
 - (g) Swept path diagrams for a B99 vehicle turning left from Fosbery Avenue into the site and for the ingress movement of the Dwelling 3 western car space, which does not use the “turn wheels from stop” function.
 - (h) The fence on the eastern side of the accessway splayed to 3.0m (running east-west), by 1.6m (north-south), with this area clear of any obstructions.

Development not to be altered

2. The development and layout 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.

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 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) 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) Landscaping and planting within all open space areas;
 - (c) Details of how the landscaping will be maintained including automated irrigation treatments;
 - (d) Advanced canopy trees (minimum 2.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) At least one canopy tree with a minimum mature height of 10m within the front setback
 - (ii) Two canopy trees with a minimum mature height of 8m within the secluded private open space area of each dwelling. Required to be of narrow or fastigate forms to best respond to environmental constraints
 - (e) Details of the irrigation system to be used on the land following completion of the landscaping works.
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 Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Tree protection management plan

6. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of tree numbers 1 and 6
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to 8 (as identified in the Glenn Waters Arboriculture and dated 6 June 2020) and tree number 22 (as identified in the Tree Response Arboriculture report dated 4 September 2021) 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 Tree Management Plan (TMP) 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; and
- (i) Schedule of Project Arborist inspections.

The 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 TMP must be implemented to the satisfaction of the Responsible Authority.

The plan must not be revised without the consent of the Responsible Authority.

Car parking and access

7. 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; and
 - (e) clearly marked to show the direction of traffic along access lanes and driveways.

All to the satisfaction of the Responsible Authority.

Vehicle crossing

8. Before the building is occupied, the vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Public Services

9. Any modification to existing infrastructure and services within the road reserve (including, but not limited to electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by
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the permit holder to the satisfaction of the relevant authority. All expenses to undertake modification to infrastructure and services must be met by the owner of the land.

Construction management plan

10. 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 7.00 am and 6.00 pm, Monday to Friday, 9.00 am to 3.00 pm 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; and
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land
11. 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.

Waste management plan

12. 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. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed use on the site, including the following:
 - (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas. 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
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- 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.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Privacy screens

14. 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

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*.

Permit notes

- The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment. If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the *Planning and Environment Act 1987*.
 - This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
 - 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
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authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the *Fences Act 1968*.
- Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- No net increase in peak stormwater runoff into the Council drainage network. Post development peak storm water discharge to the Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be prepared by a registered consulting Civil Engineer and submitted to Council for approval before any construction works.
- Engineering Services encourage the use of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- All stormwater runoff must be connected to the Council underground drainage network. There is to be no uncontrolled stormwater discharge to adjoining properties and footpaths.
- Any firefighting equipment for the building must be accommodated within title boundary. Council will not allow private fire equipment in the Road Reserve.
- Footpath must be reconstructed to Council standards if it is damaged during the construction of the development. No alteration will be allowed to existing footpath levels and a detailed construction drawing must be submitted to Council's Engineering Services Department and approval obtained before starting the construction of footpath.
- Asset Protection Permit must be obtained from Council Engineering Services Department prior starting any building works. Application can be lodged at <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-protection-permit>
- To construct proposed vehicle crossing, vehicle crossing permit must be obtained by lodging application for vehicle crossing permit. Application can be lodged at : <https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/vehicle-crossing-permit>.

For the Motion: Crs Athanasopoulos, Magee, Zhang and Zyngier (4)

Against the Motion: Crs Esakoff, Parasol and Zmood (3)

CARRIED

It is recorded that Cr Cade left the virtual meeting prior to item 8.2 and was not present when this item was considered. It is further recorded that Cr Cade re-entered the virtual meeting at 8.12pm.

8.3 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Parasol**

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY

8.4 FINAL GLEN HUNTLY STRUCTURE PLAN

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

That Council adopts the *Glen Huntly Structure Plan 2021* (Attachment 1 to this report).

CARRIED UNANIMOUSLY

8.5 PLANNING FOR PLAY - A GUIDE TO CREATING QUALITY PLAYGROUNDS IN GLEN EIRA

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

That Council:

1. notes and endorses the transition from a strategic document to a planning document;
2. notes the information and priorities as defined by the community engagement phase; and
3. endorses the Planning for Play document to inform the design of playgrounds across Glen Eira (attachment 1 to this report).

It is recorded that Cr Athanasopoulos vacated the Chamber at 8:57pm and re-entered at 9:01pm.

CARRIED UNANIMOUSLY

8.6 INCLUSION OF 7 TREES IN THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) River Red Gum 1 of 2 (*Eucalyptus camaldulensis*) located at Brighton General Cemetery 261 North Rd, Caulfield South – 31/CTR/2020;
 - b) River Red Gum 2 of 2 (*Eucalyptus camaldulensis*) located at Brighton General Cemetery 261 North Rd, Caulfield South – 31/CTR/2020;
 - c) Lilly Pilly (*Syzygium smithii*) located at 21 Mitchell Rd, Caulfield North – 63/CTR/2020;
 - d) Lemon Scented Gum (*Corymbia citriodora*) located at corner of Elizabeth St & Sinclair St, Elsternwick – 71/CTR/2020;
 - e) River Red Gum (*Eucalyptus camaldulensis*) located at Greenmeadows Garden, St Kilda East – 86/CTR/2021;
 - f) Spotted Gum (*Corymbia maculata*) located at 173 Murrumbeena Rd, Murrumbeena – 94/CTR/2021;
 - g) Candlebark (*Eucalyptus rubida*) located at Centenary Park; Bignell Rd, Bentleigh East – 97/CTR/2021;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed 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 his report in the Classified Tree Register.

CARRIED UNANIMOUSLY

8.7 REPORT FOR INTERIM PROTECTION ORDER EXTENSION FOR NOMINATED TREE AT 15 TAKAPUNA ST, CAULFIELD SOUTH - 22/CTR/2020

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

That Council:

1. extends the existing Interim Protection Order on the *Cinnamomum camphora* (Camphor Laurel) tree located at 15 Takapuna St, Caulfield South by three (3) months beyond the expiration date of 30 September 2021;
2. notifies all relevant landholders of the outcome of this report; and
3. 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.

For the Motion: Crs Athanasopoulos, Magee, Zhang and Zyngier (4)**Against the Motion:** Crs Esakoff, Cade, Parasol and Zmood (4)The Mayor had the casting vote and the Motion was **LOST**

8.8 AUDIT & RISK COMMITTEE MINUTES (3 SEPTEMBER 2021)

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

That the minutes of the Audit & Risk Committee meeting held on 3 September 2021 as shown in Attachment 1 to the report be approved.

CARRIED UNANIMOUSLY

8.9 COUNCIL MEETING CYCLE 2022

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

That Council:

1. adopts the 2022 Ordinary Council Meeting dates for Glen Eira City Council as shown below:
 - Tuesday 1 February 2022
 - Tuesday 22 February 2022
 - Tuesday 15 March 2022
 - Tuesday 5 April 2022
 - Tuesday 26 April 2022
 - Tuesday 17 May 2022
 - Tuesday 7 June 2022
 - Tuesday 28 June 2022
 - Tuesday 19 July 2022
 - Tuesday 9 August 2022
 - Tuesday 30 August 2022
 - Tuesday 20 September 2022
 - Wednesday 12 October 2022
 - Wednesday 2 November 2022
 - Tuesday 22 November 2022
 - Tuesday 13 December 2022; and
2. notes that the above listed meetings are to be held at 7.30pm in the Council Chambers, Corner Hawthorn & Glen Eira Roads, Caulfield unless it is required under Rule 62 of the Glen Eira City Council Governance Rules and any relevant laws, regulations or instructions from relevant authorities that it is necessary to hold meetings by electronic means of communication.

CARRIED UNANIMOUSLY

8.10 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

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

That Council appoints Mr Niall McDonagh, Director Infrastructure and Open Space to the role of Acting Chief Executive Officer for the period 5pm on Friday 8th October 2021 to 8am on Monday 25th October 2021 inclusive during the absence of the Chief Executive Officer.

The temporary appointment is in accordance with section 44(4) of the *Local Government Act 2020 (Vic)*.

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 - 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 Zmood****Seconded: Cr Magee**

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 Council Borrowings

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- This paper contains confidential commercial market and financial data

CARRIED UNANIMOUSLY

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

11.1 COUNCIL BORROWINGS

Confidential item

12. CLOSURE OF MEETING

The meeting closed at 9.40pm.

Confirmed this 12 day of October 2021.

Chairperson.....