



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 12 OCTOBER 2021

MINUTES

**Meeting was held remotely and streamed live
via Council's website at 7:32pm**

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

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The Mayor welcomed Councillors, Council officers, Glen Eira residents and other community members to the 12 October 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 - 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.

- Cr Parasol - Item number 8.1 – 301 Balaclava Road, 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 Wednesday 13 October 2021 at 7.30pm 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 Parasol**

That the minutes of the Ordinary Council Meeting held on 23 September 2021 be confirmed.

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

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Zyngier provided a report on the Metro Waste processing group

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

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

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

1. Sustainability Advisory Committee Meeting Minutes – 19 August 2021;
2. Local Laws Advisory Committee Meeting Minutes – 30 August 2021; and
3. Community Grants Advisory Committee Meeting Minutes – 9 September 2021

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. 9 September 2021 Assembly;
2. 14 September 2021 Assembly;
3. 23 September 2021 Pre-meeting

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. Jeremy Joubran – Murrumbeena**

During the construction of skyrail, heavy construction vehicles used both Ella Street and Ricourt Ave (Murrumbeena) to access the rail corridor.

These vehicles damaged an already aging road pavement. Large cracks have since developed and pose a risk to cyclists, particularly those on road bikes with narrow tires.

It's worth noting that many cyclists access the SUP under skyrail via Ricourt Ave and Ella Street. I've highlighted this safety concern in the past (circa 2yrs ago) and Glen Eira Council committed addressing the issue. Surely a dilapidation report has been conducted before and after construction to verify damage caused by skyrail construction. When will Glen Eira take this safety concern seriously and resurface these two roads to acceptable standard please before someone gets seriously hurt?

Response:

Council has worked with the State Government through the Level Crossing Removal Project (LXRP) to ensure that existing Council assets were not degraded by the works. Further, any new assets are built to a standard that Council will be happy to take over their future management. Assets such as kerb and channel and drainage assets were reinstated post construction.

In this case, both Ella Street and Ricourt Ave were planned for full road reconstruction prior to the LXRP works project, however, were paused until the LXRP works were completed.

Following the completion of this stage and with the design now completed, the full road construction is planned for the 2022/23 financial year as part of Councils Road Renewal program.

In the interim, Council has a responsibility to maintain Council owned roads in accordance with the Road Management Plan. Officers will continue to inspect the condition of Ella Street and surrounding streets to ensure it complies with these standards until the programmed road construction next financial year. We always welcome residents to report any defects by calling customer service or using the Snap Send Solve app, to ensure we can inspect and repair any defects that arise.

2. Warren Green – Bentleigh

- a) As part of the 2021 independent review, residents rated performance in planning as significantly lower than the Melbourne group average. Can Council advise what research it has undertaken to understand this rating and what the key reasons are?
- b) The federal government Urban Congestion Funding was announced in 2019, pre-Covid. Much has changed since, with a quantum shift to working from home, a 20-minute neighbourhood and the role of the CBD, etc. A very challenging time for planning. As one example, we are considering building car parks to combat congestion and improve access to the CBD when CBD office occupancy rates have been less than 10%. The timing is also a big opportunity. The circumstances also create unprecedented challenges for planners. The GE Congestion Busting Report for example applies much pre-Covid data and does not discuss a post-Covid world. It also makes no mention of car park controls which will ultimately guide access and hence the purpose of car parks in activity centres.

What is the post-Covid vision for the Bentleigh Activity Centre and does the so-called congestion busting multi-deck car park align with this vision?

Response:

- a) In relation to the 2021 Local Government Community Satisfaction Survey and specifically the indicator on 'Planning and Building Permits', Glen Eira Council achieved an overall performance score of 51, which was equal with the State-wide average and just less than that of the Metropolitan average of 54.

It is noted that this indicator relates to both Planning and Building Permits, rather than just performance in planning.

A building permit is not always reliant on a planning permit, with the majority of building permits issued by private building surveyors in Glen Eira.

As part of the survey, Council receives detailed commentary from survey participants. The feedback covers areas such as the time taken to process various permits; concerns around the number of new apartment buildings; car parking spaces provided; and enforcement of permit requirements.

The survey commentary provides valuable insights on the perception of Planning and Building Permits.

- b) The officer report on Urban Congestion Busting Measures responds to a Call for Report at the 31 August 2021 Ordinary Council Meeting. It also outlines information and timeframes for the implementation of Council's resolution of 10 August 2021 to initiate a process of consultation seeking community feedback for the proposed commuter carparks in Bentleigh and Elsternwick, funded by the Federal Government's Urban Congestion Fund (UCF).

The Coronavirus pandemic has had a global impact and in Victoria, has had an impact on the economy and on society. While these impacts have been substantial, it is anticipated that around 2024/25, the State will return to pre COVID-19 conditions. While the future still presents some challenges, this is not expected to change the long-term future direction of Metropolitan Melbourne and the State. Therefore, Council's planning is still focussed on the long term.

The Bentleigh Structure Plan and Elsternwick Structure Plan contain proposals for multideck carparks where this could free up land for other community benefits.

While the multideck car park proposals funded by the Federal Government's Urban Congestion Fund are currently focused on commuters, the proposed car parks have other potential benefits such as:

- increase in evening and weekend visits to the local activity centres;
- utilisation as community spaces in off-peak periods;
- reduction in on-street local parking; and
- better access for people with mobility limitations which is an important social imperative, reflected within the Australian Disability Parking Scheme (and similar international schemes), as well as Glen Eira parking policies.

It is proposed to initiate community consultation seeking feedback on the proposed commuter carparks, and views on other advocacy priorities that Council should pursue under the Urban Congestion Fund. A further report will be presented to the December Ordinary Council Meeting.

3. Geoff Langford – Bentleigh

I understand that the interim height controls for the Bentleigh Activity Centre have been extended by only a 3 month period to the end of December 2021. Given the importance of these controls, and in the absence of permanent structure plan controls, can Council please provide advice on the following:

- a) The reason why only a 3-month extension has been applied.
- b) Council's next steps given that interim controls are only to end of December.

Responses:

- a) Council applied for an 18 month extension to the interim controls for Bentleigh, Carnegie and Elsternwick Activity Centres. It is our understanding this short term response was provided to enable DELWP officers more time to brief the Minister on the more lengthy extension request.
 - b) Council has regular meetings with Department representatives and will continue to seek updates on the 18 month extension request over the coming months.
-

4. Anne Kilpatrick – Bentleigh East

Last Council meeting recorded the loss of 2 trees nominated for our Significant Tree Register. One was lost when the owner removed it prior to assessment by Council and I thank Council for the response on that. The other did not have an Interim Protection Order extended – if it had been extended, this would have enabled a long delayed assessment of that Camphor Laurel tree by Council. Camphor Laurels are included on the National Trust's Tree Register. Also, on Glen Eira's proposed heritage listing for Hopetoun Gardens, Council is seeking tree controls which include a Camphor Laurel. What actions will Council put in place to assure and ensure that any delays in assessment of trees nominated for the Significant Tree Register do not lead to future tree removals prior to Council's arborist completing the full assessment for consideration by Council when all the pertinent facts are available?

Response:

Council's Parks Services Team have recently reviewed their processes for assessing nominated trees to the Classified Tree Register.

The outcome of this review has been to dedicate increased administration resources to speed up the initial tree ownership assessment and required communication and engagements tasks. Officers have also recently sought additional consulting arborists to conduct the early onsite assessments of nominated trees to support Council's Vegetation Assessment Officer. These additional resources will speed up the preliminary assessment processes and allow for speedier listing of trees for potential nomination as Classified Trees.

It is recorded that Cr Parasol declared a General Conflict of Interest in item 8.1 - 301 Balaclava Road, Caulfield North given he had a very long family history with the applicant.

It is recorded that Cr Parasol left the virtual meeting at 7.51pm prior to any discussion on this matter.

8. OFFICER REPORTS (AS LISTED)

8.1 301 BALACLAVA ROAD, CAULFIELD NORTH

Moved: Cr Athanasopoulos

Seconded: Cr Magee

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-34248/2021 for construction of a three storey building above basement comprising five dwellings and alteration of access to a Road Zone Category 1, at 301 Balaclava Road, Caulfield North, 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 as part of the Section 57A amendment to Council on 6 September 2021 (identified as TP03-TP09, TP10A and TP10B, Revision D, prepared by Terry Harper Architects and dated 4 June 2021) but modified to show:

Built form changes

- (a) The western wall associated with Dwelling 1 to be lowered to a 3.2m average height with a maximum of 3.6m.
- (b) The first floor eastern wall of the Bedroom 3 of Dwelling's 3 and 4 modified to achieve compliance with Standard B19 (Daylight to existing windows) of the Planning Scheme.
- (c) The roof terrace to be reduced in size so that it aligns with the rear boundary of 303 Balaclava Road and does not fall south of the northern boundary of 14 Redan Street.
- (d) South facing window of Bedroom 2 of Dwelling 4 screened to limit overlooking to the secluded private open space of 14 Redan Road in accordance with Standard B22 (Overlooking) of the Planning Scheme.
- (e) Court yard associated with Bedroom 3 of Dwelling 2 screened to limit overlooking to the secluded private open space of 14 Redan Road in accordance with Standard B22 (Overlooking) of the Planning Scheme.
- (f) The roof terrace to include overlooking measures to the southern edge to deal with downward oblique views to 14 Redan's private open space.
- (g) Internal views between the roof terrace and the first floor terrace of U4 to be limited in accordance with Standard B23.
- (h) Each adaptable bathroom "Design A" to be notated as having a hobless shower.
- (i) Each adaptable bathroom "Design B" to be notated as having a hobless shower that has a removable shower screen.

Car parking/traffic Conditions

- (j) B85 swept paths provided for the Dwelling 1 western car space and the Dwelling 5 eastern space demonstrating safe and efficient ingress and egress.
- (k) Kerbs along each side of the basement ramp and notated as being 300mm wide and a maximum height of 150mm.
- (l) The apex of the basement ramp to be raised to at least 150mm above the flood level of 42.01 AHD.

Management plans

- (m) A landscape plan in accordance with Condition 3.
- (n) Any changes required by the Tree Protection Management Plan in accordance with Condition 6.

Layout not to be altered

- 2. The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Landscaping

- 3. Before the development starts, a detailed Landscape Plan must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - (a) Buildings and trees (including botanical names) on neighbouring properties within 3.0m of the boundary.
 - (b) 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.
 - (c) Landscaping and planting within all open space areas of the site.
 - (d) Planting on upper levels, including on the rooftop terrace and street facing balconies.
 - (e) Details of how the landscaping will be maintained including details of an automatic irrigation systems for all landscaped areas, together with a landscaping management plan which provides details of the following:
 - (i) Details of the irrigation sources, supply and connections points;
 - (ii) Details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors and calibration settings; and
 - (iii) Responsibility for the ongoing maintenance of the irrigation systems and all landscaping by the owners corporation unless otherwise to the satisfaction of the Responsible Authority
 - (f) Advanced canopy trees (minimum 2.0m tall when planted and reaching 8.0m at maturity) unless otherwise agreed to in writing by the Responsible Authority) planted in the following areas:
 - (i) Two trees within the Balaclava Road setback
 - (ii) Two trees within the Redan Road setback

4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by:
 - (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

6. Before the development starts, including any demolition and excavation, a Tree Protection Management Plan (TPMP) in respect of the trees located in the northern part of 299 Balaclava Road 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;
 - (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 TPMP must be implemented to the satisfaction of the Responsible Authority.

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

7. The existing street tree to be removed must be replaced by a tree, the species, maturity and location of which must be to the satisfaction of Council's Parks Services Department. The new tree must be planted and maintained to the satisfaction of Council at no expense to the Council.

Waste Management Plan

8. 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 use 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 suitably 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.
 - (e) The addition of a food organic collection service for the apartments.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Construction Management Plan

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 include:
- (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes;
 - (c) Details of how traffic and safe pedestrian access will be managed. This 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;
 - (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.

Car Parking

12. No fewer than two car parking spaces for each three or more bedroom dwelling must be provided on the land to the satisfaction of the Responsible Authority.
13. 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 and must not be used for any other purpose.

Vehicular crossings

14. 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

15. 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.

Walls on boundaries

16. Prior to the occupation of the development, the walls on the boundary of adjoining properties 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.

Screening of windows

17. 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.

Plant and equipment

18. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted except with the prior written consent of the Responsible Authority.

Department of Transport conditions

19. Prior to the occupation of the development hereby approved, the disused/redundant vehicle crossing on Balaclava Road must be removed, and the area reinstated to kerb and channel, to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Permit expiry

20. 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*, (ie. 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 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.

- 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 rainwater 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, Esakoff, Magee, Cade, Parasol, Pilling and Zhang (7)

Against the Motion: Crs Zmood and Zyngier (2)

CARRIED

It is recorded that Cr Parasol left the virtual meeting prior to item 8.1 and was not present when this item was considered. It is further recorded that Cr Parasol re-entered the virtual meeting at 8.08pm.

8.2 VCAT WATCH

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

That Council notes the update on VCAT matters.

CARRIED UNANIMOUSLY

8.3 NEW DWELLING COMPARISON

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

That Council notes this report.

*It is recorded that Cr Athanasopoulos left the virtual meeting at 8:13pm and re-entered at 8:17pm.***CARRIED UNANIMOUSLY**

8.4 URBAN CONGESTION BUSTING MEASURES

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

That Council:

1. notes the report from Veitch Lister Consulting outlining their assessment of the relative effectiveness of urban “congestion busting” measures in Glen Eira with a specific focus on the proposed commuter multideck carparks in close proximity to Elsternwick and Bentleigh train stations.
2. notes that officers will now commence the process of community consultation on proposed commuter car parks in Bentleigh and Elsternwick, consistent with Council’s resolution of 10 August 2021.

It is recorded that Cr Pilling left the virtual meeting at 8:25pm and re-entered at 8:28pm.

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

That Council grants Cr Zyngier a three minute extension of speaking time.

CARRIED UNANIMOUSLY

The Motion Moved by Cr Zyngier and Seconded by Cr Athanasopoulos was
CARRIED UNANIMOUSLY

8.5 SMOKE-FREE ZONES LOCAL LAW

Moved: Cr Esakoff**Seconded: Cr Pilling**

That Council:

1. endorses the proposed Smoke-Free Zones Local Law (proposed Local Law) (Attachment 1 to this report) for community consultation under Division 3 of Part 3 of the *Local Government Act 2020* and Council's Community Engagement Policy;
2. commences the statutory process for community consultation and gives notice of its intention to make the proposed Local Law;
3. notes that the submission period is 21 days from 13 October to 3 November 2021; and
4. notes that Council will hear submitters requesting to be heard and consider submissions received on 23 November 2021.

CARRIED UNANIMOUSLY

8.6 FINANCIAL MANAGEMENT REPORT (31 AUGUST 2021)

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

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

CARRIED UNANIMOUSLY

8.7 INCLUSION OF 4 TREES IN THE CLASSIFIED TREE REGISTER

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

That Council:

1. includes the following trees in the Classified Tree Register:
 - a) Red Flowering Gum (*Corymbia ficifolia*) located alongside 1C Riddell Pde, Elsternwick – 56/CTR/2020;
 - b) English Oak (*Quercus robur*) located at 15A Raynes St, Caulfield South – 68/CTR/2020;
 - c) Smooth Barked Apple (*Angophora costata*) located at Filbert St & Jasmine St, Caulfield South – 125/CTR/2021;
 - d) English Oak (*Quercus robur*) located at Unit 2 / 8 Malane St, Bentleigh East – 248/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

8.8 ESTABLISH A GLEN EIRA BUSINESS AND ECONOMY ADVISORY COMMITTEE - PROPOSED FUNCTION AND TERMS OF REFERENCE

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

That Council:

1. endorses the creation of a new Glen Eira Business and Economy Advisory Committee;
2. endorses the Terms of Reference (Attachment 1 to this report);
3. appoints a minimum of 3 Councillors, at least one per Council Ward to the Committee; and
4. calls for Expressions of Interest for business representatives to join the Committee.

CARRIED UNANIMOUSLY

8.9 STRATEGIC TRANSPORT ADVISORY COMMITTEE RECRUITMENT FOR ADDITIONAL MEMBERS

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

That Council:

1. appoints Thirumagal Arunachalam Elanthendral, Sanaya Davar and Nicole Bishop as community representatives to Council's Strategic Transport Advisory Committee for a two-year period; and
2. writes to both the successful and unsuccessful applicants providing the outcome of the process.

CARRIED UNANIMOUSLY

8.10 RESERVE ADVISORY COMMITTEES - REVOCATION

Moved: Cr Parasol**Seconded: Cr Magee**

That Council:

1. notes the extensive communication and engagement methods now undertaken with tenant sports clubs and the broader community on matters relating to our parks and reserves;
2. authorises officers to revoke the nine existing Reserve Advisory Committees; and
3. supports the preparation of a letter and certificate of appreciation to be sent from Council to all current committee members.

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

It is recorded that Cr Athanasopoulos entered the virtual meeting at 9:27pm.

**8.11 DISCONTINUANCE AND SALE OF ROAD ABUTTING 7 PORTER ROAD
CARNEGIE**

Moved: Cr Cade

Seconded: Cr Magee

That Council:

1. being of the opinion that the section of road adjoining the front of 7 Porter Road, Carnegie, shown hatched on the site plan in Attachment 1, is not reasonably required as a road for public use, discontinues the road in accordance with section 206 clause 3 of Schedule 10 to the *Local Government Act 1989*; and
2. directs that a notice be published in the Victoria Government Gazette;
3. directs that the land from the road be sold by private treaty to the owner of the adjoining property at 7 Porter Road, Carnegie in accordance with clause 3(b) of Schedule 10 to the *Local Government Act 1989*, section 114 of the *Local Government Act 2020* and Council's Road and Reserves Discontinuance and Sale Policy; and
4. authorises the Chief Executive Officer to sign all documents relating to the sale of the land from the discontinued road to the owner of 7 Porter Road, Carnegie.

CARRIED UNANIMOUSLY

**8.12 COMMUNITY ENGAGEMENT FOR 2022-23 BUDGET AND FINANCIAL PLAN
2022-23 TO 2031-32**

Moved: Cr Esakoff**Seconded: Cr Magee**

That Council approves the community engagement process outlined in this report for the 2022-23 Budget and 2022-23 to 2031-32 Financial Plan.

CARRIED UNANIMOUSLY

8.13 2020-21 ANNUAL REPORT

Moved: Cr Esakoff**Seconded: Cr Magee**

That the 2020-21 Annual Report (attachment 1 to this report) be considered and adopted by Council and published as an online version accessible via Council's website.

CARRIED UNANIMOUSLY

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

That Council extends the meeting to finish 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 - Nil****10.3 Notice of Motion - Nil****10.4 Councillor questions - Nil****10.5 Written public questions to Council**

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

11. CONFIDENTIAL ITEMS**Moved: Cr Magee****Seconded: Cr Zmood**

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

11.1 Open Space Strategy Project

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

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

CARRIED UNANIMOUSLY

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

11.1 OPEN SPACE STRATEGY PROJECT

Confidential Item

12. CLOSURE OF MEETING

The meeting closed at 10.05pm.

Confirmed this 3rd day of November 2021

Chairperson.....