



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

WEDNESDAY 1 MAY 2024

MINUTES

**Meeting was held in the Council Chambers,
Corner Hawthorn & Glen Eira Roads, Caulfield
at 7.30pm**

Present

The Mayor, Councillor Anne-Marie Cade
Councillor Tony Athanasopoulos
Councillor Margaret Esakoff
Councillor Jane Karlake
Councillor Jim Magee
Councillor Li Zhang
Councillor Simone Zmood

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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

Apology

Moved: Cr Magee

Seconded: Cr Zmood

That the apology from Cr Pennicuik and Cr Parasol 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.

NIL

Suspend Standing Orders

Moved: Cr Cade

Seconded: Cr Karlake

That Council suspend standing orders at 7.33pm to allow the Mayor to make a statement regarding Domestic Violence Remembrance Day.

CARRIED UNANIMOUSLY

Mayor Cade made a statement of Domestic Violence Remembrance Day.
Councillors share reflections.

Council observed a minute silence.

Resume Standing Orders

Moved: Cr Cade

Seconded: Cr Zmood

That Council resumes standing orders at 7.46 pm.

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Cade

Seconded: Cr Zmood

I will now move a procedural motion to bring item 10.5 written public question on tonight's agenda forward to be heard at this stage of the meeting.

CARRIED UNANIMOUSLY

10.5 Written Public Questions

This evening we had 15 Written Public Questions of Council of which 13 were able to be answered withing the allocated timeframe. The responses provided during the meeting are provided below:

<p>Trevor Pitkin Caulfield East</p>	<p>Question 1 Regarding the Strategic Cycling corridor proposals for the Neerim Rd-Normanby Rd link released April 18th 2024, Option 6 stands out as a solution with minimal impacts for the Caulfield East community as a whole. If selected by LXP, will Council work collaboratively with interested community members to upgrade the low-to-medium value tree array on Queens Avenue (rating given by Council arborist) by planting an understory for much improved visual amenity?</p> <p>Answer Final designs will include planting and revegetation and we look forward to</p>
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	<p>working with the LXP and community to finalise what these designs might look like.</p>
<p>Richard Nash Caulfield East</p>	<p>Question 2</p> <p>Referring to the recently released LXP bikeway options for Derby Crescent, how are pedestrians -particularly the young, elderly and infirm – expected to safely emerge from the Moodie Street underpass and cross Derby Crescent to the footpath on the residential side of the street?</p> <p>Answer</p> <p>Access to the underpass is required to be compliant with the Disability Discrimination Act 1992. Technical assessments will be undertaken by Council and the LXP during the detailed design, once the cycling corridor solution has been chosen.</p> <p>A final design would also consider the necessary signage and line marking on the ground to support pedestrian movements.</p>
<p>Richard Nash Caulfield East</p>	<p>Question 3</p> <p>Referring to the recently released LXP bikeway options for Derby Crescent, Option 4 takes away the option for the residents of Derby Crescent to the south of Moodie Street to utilise the safety of the Normanby St /Queens Ave traffic lights when either leaving or entering our street. Can you please advise what traffic control measures will be implemented at the intersection of Moodie Street / Queens Ave to ensure safe entry and exit to Derby Crescent. Will it be traffic lights, a round-about or similar?</p> <p>Answer</p> <p>The final traffic control measures will be assessed and proposed during detailed design. These will need to be assessed by the LXP and Council and meet road safety standards.</p>
<p>Ray Earls Caulfield East</p>	<p>Question 4</p> <p>Not only will all four Derby Crescent options add to the further ruining of its amenity, they could also be considered to be narrowly focussed in regards to the longer term planning for the precinct.</p> <p>That is, shouldn't Council be also considering the longer term amenity and planning requirements that a strategic cycling path along Queens Avenue will bring as it may also provide for the future pedestrian and cycling linkages into a remastered Caulfield racecourse precinct.?</p> <p>Answer</p> <p>We do not have a formal Council position on the latest options but we support exploring new opportunities for this cycling corridor.</p> <p>We've assessed the LXP options from a technical and engineering perspective and they are viable, however the current community engagement process will allow Council to formally consider the views regarding impact and amenity.</p> <p>It is important that the entire community has an opportunity to express its</p>

	preferences on all of the options the LXP currently has under consideration.
Ray Earls Caulfield East	<p>Question 5</p> <p>If any of the various options for Derby are implemented, we will be asked to accept a one way street arrangement with its inconveniences, be asked to accept loss of street parking, be forced to have adjustments made to driveways due to severe reversing restrictions and be asked to accept more loss of vegetation - all of which will change the character of our street forever.</p> <p>For what reasons does Council think Derby residents should accept these in favour of a bike path where visiting cyclists will be able to enjoy bi-directional travel at our expense and without any inconvenience or hindrance?</p> <p>Answer</p> <p>Council has not adopted a formal position on the latest options but we support exploring new opportunities for this cycling corridor.</p> <p>Council will make a decision on which option to support having taken into consideration all the information and views gathered through the community engagement process. This along with the professional advice of officers on the strengths and weaknesses of each of the options will inform the Council decision.</p>
Cherrill Earls Caulfield East	<p>Question 6</p> <p>A "Copenhagen style" on road bike path on Queens Ave (option 6) will not interfere whatsoever with the ability of residents to exit from their driveways as it is a wide road with ample space for this arrangement with no road or traffic change impact. The Queens Ave racecourse side trees will remain. Therefore, how does Council think a Copenhagen style path on the narrow Derby Crescent will be a better option given it will impact residents reversing from their driveways, make the street one-way with significant road/traffic changes flows and maintain the localised feel and character?</p> <p>Answer</p> <p>Council does not have a formal position on the latest options but we support exploring new opportunities for this cycling corridor.</p> <p>It will be through the feedback received from the community engagement process and advice from Council Officers that the Council will determine a position.</p>
Cherrill Earls Caulfield East	<p>Question 7</p> <p>Given that any one of the 4 Derby options now presented by LXP, and the fact that there is a very narrow crushed rock railway verge and freeway crash guard barrier at the <u>southern end</u> of Derby Crescent, what alterations and landscaping opportunities will Council be undertaking to help restore the once lovely visual amenity and neighbourhood character feel we once helped created and enjoyed?</p> <p>Answer</p> <p>Final designs will include planting and revegetation and Council look forward to working with the LXP and community to finalise what these designs</p>

	might look like.
Rosemary Sparrow Caulfield East	<p>Question 8</p> <p>Parking utilisation on Queens Avenue, Caulfield East: On their website, 'Streets Alive Glen Eira' undertook a comprehensive study of the 61 parking spots on Queens Avenue and found them to be unused 62% of the time. This is likely due to the vast majority of properties on Queens Avenue having a driveway and ample off-street parking. Given a proposed speed reduction to 50kmh along Queens Avenue, unhindered driveway access with no traffic flow compromises and the retention of all trees, why wouldn't Council favour the 'Queens Avenue Copenhagen-style on-road bike path' (option 6), as this option would achieve the Council's desire to find a balanced solution with the least impact to the community?</p> <p>Answer</p> <p>This is an LXRP project and one that Council has an interest in if it can be successfully achieved. There are many competing issues to be considered when determining the most viable option, one of which is parking.</p> <p>Importantly, Council has not formed a final position on the latest options but we support exploring new opportunities for this cycling corridor. Council will take all of the competing issues into consideration when forming a decision.</p>
Rosemary Sparrow Caulfield East	<p>Question 9</p> <p>Derby Crescent drainage issues and proposed bike-path options: The traffic-calming proposals for all four of the Derby Crescent bike-path options involve placing speed humps as well as raised road platforms at several street intersections. Given that these types of traffic-calming treatments often pose storm-water run-off issues, and that Derby Crescent already suffers from inadequate drainage for surface runoff and storm-water in general, how will Council's engineers adequately assess the suitability of these proposed treatments?</p> <p>Answer</p> <p>It is understood that each of the options presented has been assessed from a technical engineering perspective to determine viability.</p> <p>The location for the new strategic cycling connection will ultimately be decided by the Level Crossing Removal Project, under the authority of the Minister for Transport Infrastructure.</p> <p>However, any potential impact on drainage will need to be assessed further by Council Officers during detailed design, once the cycling connection option has been determined.</p>
Paul Boyes Bentleigh	<p>Question 10</p> <p>Can you please give an update on the planning approvals at the former Bentleigh Club - demolition works have commenced with trees being pulled down and a new fence and site hut/sales office has been installed.</p> <p>Answer</p>

	<p>The former Bentleigh Club located at 32-46 Huntley Road, Bentleigh has a Planning Permit that allows:</p> <ul style="list-style-type: none"> • The construction of 35 two storey dwellings • Construction of a 554sqm public park that will be given to Council as part of their public open space contribution. • The retention of two heritage features. One being a fountain that will be relocated to the public park area. The other being a pediment from the existing building which will also be relocated to the public park area. <p>The planning permit was issued on 23 November 2023 following the consent of the parties at a VCAT compulsory conference. In accordance with the permit the development must start by 23 November 2026 and be completed by 23 November 2028.</p> <p>Council's Urban Planning team are currently assessing amended plans required by Condition 1 of the planning permit, as well as the landscape plan, construction management plan, waste management plan, sustainability management plan, tree protection management plan and public open space management plan. Once Council approval of these plans is provided, and a Building permit is issued by a private Registered Building Surveyor, development can commence. The works described are site preparatory works before development can commence.</p>
<p>Sue Nolle Caulfield</p>	<p>Question 11</p> <p>How much public money was spent, in total, to paint the Neerim Road facing wall of the mulch storage shed?</p> <p>Answer</p> <p>The Glen Eira Climate Emergency Action Network (GECAN) applied for a community grant for a climate change themed mural project and was provided a community grant of \$6000. It is understood a sign will be installed to inform the community about the mural including who authorised and paid for the work.</p> <p>GECAN is an incorporated network of community members that seek to promote community awareness of climate change and greenhouse gas emissions and biodiversity, sustainable living and amelioration of the impacts of climate change from within the City of Glen Eira and the broader community. Further they seek to procure funding from appropriate sources for use in the above purposes.</p> <p>Beyond the community grant, GECAN was responsible for costs associated with the artwork including preparation of the space, installation costs, artist's fees and maintenance of the artwork and Council officer time spent to manage the grant and associated agreement, and to clean the area in preparation for the works equates to 5 working days.</p> <p>No plants were removed or pruned to accommodate the delivery of the mural.</p>
<p>Ian Sparrow Caulfield East</p>	<p>Question 12</p> <p>Why is Council avoiding answering public questions submitted to the Council meeting? The Council's action to at least several of the questions submitted for public question time on the issue of a proposed bike path in Caulfield</p>

	<p>East has been to forward these questions to the Community Engagement team. Given that there is continued concern in the community, can the Council explain why it appears to be avoiding the answering of questions on this important community issue at the open Council meeting?</p> <p>Answer</p> <p>Council is not avoiding answering public questions. All questions received have been addressed at this meeting however they have also been referred to the community engagement team as they relate to a high profile, active community engagement process. It is important that the information provided in response is transparently available to all interested in the project. The questions and their responses will be published not only in the minutes of this meeting but also on the more accessible Have Your Say website.</p>
<p>Tamara de Silva Caulfield East</p>	<p>Question 13</p> <p>The impact of entry/exit on Queens Avenue on western side from new Glasshouse Pokies has not been discussed in the survey or within the community. There will be 100's of cars coming in and out of the new pokies with many disgruntled and/or intoxicated drivers. This would increase risk to cyclists on proposed new bike path and Council liability given planning approval of the new Glasshouse venue. Will Council include this added risk in their deliberations of options in caulfield east cycling corridor?</p> <p>Answer</p> <p>If any Queens Avenue proposal is chosen, the proposed driveway that may interface with the bike path would need to be designed to ensure it doesn't impact on the safety of the cyclists. The final design will need to satisfy a Road Safety Audit.</p>

Public Participation

This evening we had 4 submitters request to speak to Council during Public Participation. All speakers presented to Council.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Zmood	Seconded: Cr Karslake
<p>That the minutes of the Ordinary Council Meeting held on 9 April 2024 be confirmed.</p> <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>	

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Athanasopoulos reported on the Metropolitan Transport Forum.

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1	ADVISORY COMMITTEE MINUTES
	<p>Moved: Cr Esakoff Seconded: Cr Zmood</p>
	<p>That the minutes of the Advisory Committee meeting as shown below be received and noted.</p> <ol style="list-style-type: none"> 1. Arts and Culture Advisory Committee - 12 March 2024; 2. Strategic Transport Advisory Committee – 14 March 2024; 3. Community Engagement Advisory Committee – 25 March 2024; and 4. Community Grants and Awards Advisory Committee – 26 March 2024. <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

It is recorded that Cr Athanasopoulos vacated the Chamber at 8:28pm.

It is recorded that Cr Athanasopoulos entered the Chamber at 8:31pm.

7.2 Records of Assembly

7.2.1	RECORDS OF ASSEMBLIES
	<p>Moved: Cr Karlake Seconded: Cr Esakoff</p>
	<p>That Council notes the Records of Assemblies for:</p> <ol style="list-style-type: none"> 1. 26 March 2024 Assembly; and 2. 2 April 2024 Assembly. <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

8. OFFICER REPORTS (AS LISTED)

8.1	PROPOSED 2024-25 BUDGET AND 2024-25 TO 2033-34 FINANCIAL PLAN
	Moved: Cr Cade Seconded: Cr Zmood
	<p>That Council:</p> <ol style="list-style-type: none"> 1. commences the statutory process pursuant to s90, s91 and s94 of <i>the Local Government Act 2020</i> to seek community feedback on the proposed 2024-25 Budget and the 2024-25 to 2033-34 Financial Plan by: <ol style="list-style-type: none"> a) placing the proposed 2024-25 Budget (Attachment 1 to the report) and 2024-25 to 2033-34 Financial Plan (Attachment 2 to the report) on Council’s website; and b) considers community feedback at the 13 June 2024 Ordinary Council Meeting. 2. receives a further report to adopt the proposed 2024-25 Budget and the 2024-25 to 2033-34 Financial Plan at the 25 June 2024 Council Meeting. <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

It is recorded that Cr Zhang vacated the Chamber at 8:35pm.

It is recorded that Cr Zhang entered the Chamber at 8:37pm.

<u>Extension of Speaking Time</u>	
Moved: Cr Zmood	Seconded: Cr Athanasopoulos
That Cr Cade be granted a two minute extension of speaking time.	
<u>CARRIED UNANIMOUSLY</u>	

<u>Extension of Speaking Time</u>	
Moved: Cr Zmood	Seconded: Cr Zhang
That Cr Esakoff be granted a one minute extension of speaking time.	
<u>CARRIED UNANIMOUSLY</u>	

8.2	FINANCIAL MANAGEMENT REPORT (31 MARCH 2024)
	Moved: Cr Magee Seconded: Cr Zmood
	That Council notes the Financial Management Report for the period ending 31 March 2024. <u>CARRIED UNANIMOUSLY</u>

It is recorded that Cr Athanasopoulos vacated the Chamber at 8:56pm.

8.3	23 LORANNE STREET BENTLEIGH
	Moved: Cr Zhang Seconded: Cr Esakoff
	<p>That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-36326/2023 at 23 Loranne Street, Bentleigh in accordance with the following:</p> <p>Preamble</p> <p>Construction of three dwellings and a front fence exceeding 1.5 metres high on a lot with the following planning permissions:</p> <ul style="list-style-type: none"> • To construct two or more dwellings on a lot (Clause 32.07-6) • To construct a front fence that exceeds the maximum height specified in Clause 55.06-2 (Clause 32.07-6) <p>Permit conditions</p> <p><u>Amended plans</u></p> <p>1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as Drawing Numbers T07, T08, T09, T10, TP11.1, and TP11.2 (all Rev. C), prepared by Ben and Ben, dated 16 February 2024, Landscape Plan, prepared by Faulkner & Chapman, dated 24 October 2023, but further modified to show:</p> <ol style="list-style-type: none"> (a) The gas meter 'GM' shown adjacent to the letter boxes deleted. (b) The following provisions to achieve compliance with Standard B22 (Overlooking) of the Glen Eira Planning Scheme: <ol style="list-style-type: none"> (i) Visual barriers of at least 1.8 metres provided along the northern boundary opposite the courtyards of Dwellings 1, 2, and 3; (ii) The northern side of the balcony at first floor level of Dwelling 2 screened to limit views to the habitable room windows of No. 25 Loranne Street. (iii) The south-facing Retreat window at first floor level in Dwelling 1 screened to limit views to the secluded private open space area of Unit 1, 21 Loranne Street.

	<p>(iv) The south-facing Bed 4 window at second floor level in Dwelling 1 screened to limit views to the secluded private open space area of Unit 1, 21 Loranne Street.</p> <p>(v) The north-facing Master room window at first floor level in Dwelling 3 provided with additional or alternative screening to limit views to the secluded private open space area of Unit 2, 21 Loranne Street.</p> <p>(vi) A sectional diagram for the northern balustrading of the roof top terrace of Dwelling 1 that sufficiently limits views to the habitable room windows of No. 25 Loranne Street and any further mitigation measures.</p> <p>(vii) A sectional diagram for the northern side of the roof top terrace of Dwelling 2 (where there is no planter box) to the habitable room windows and secluded private open space area of No. 25 Loranne Street that sufficiently limits views and any further mitigation measures.</p> <p>(c) An enlarged diagram (1:20 or similar) of the return of the front fence along the shared accessway. The diagram must include dimensions, materials and design of the services and mailboxes ensuring that they are integrated into the development.</p> <p>(d) The vehicle crossing and the first 4.5 metres of the shared vehicle accessway setback 1.0 metre from the southern side boundary.</p> <p>(e) Pedestrian sight triangles measuring at least 1.0 metre (along the frontage) by 1.5 metres (along the accessway) to be shown and dimensioned on either side of the accessway alongside an annotation stating that these areas are to be kept clear of visual obstructions or vegetation greater than 600 millimetres in height.</p> <p>(f) A dimension confirming that the garage within Dwelling 3 will have at least 2.1 metres headroom beneath overhead obstructions.</p> <p>(g) An amended Sustainable Design Assessment in accordance with Condition 3.</p> <p>(h) An amended Tree Protection Management Plan in accordance with Condition 5.</p> <p><u>Layout not to be altered</u></p> <p>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.</p> <p><u>Sustainable Design Assessment</u></p> <p>3. Before the development starts and concurrent with the submission of amended plans in accordance with Condition 1, an updated Sustainable Design Assessment (SDA) prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the updated SDA will be endorsed and will then form part of the permit. The updated SDA must be generally in accordance with the advertised SDA (report number 2023-3592-SDA), prepared by EcoResults and dated 27 October 2023, but modified to include:</p> <p>(a) A NatHERS HERO (or equivalent) report for the development.</p> <p>(b) An amended STORM assessment which demonstrates a minimum 100% rating in accordance with Standard B9 within Clause 55.03-4</p>
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	<p>(Permeability and stormwater management objectives) with all impervious areas included in the calculations.</p> <p>(c) Details of the type of permeable paving used in the construction of the accessway. This is to include a section diagram of the paving and specify any drainage requirements.</p> <p>4. The provisions, recommendations, and requirements of the endorsed Sustainable Design Assessment (SDA) 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.</p> <p><u>Tree Protection Management Plan</u></p> <p>5. Before the development starts (including any demolition and excavation) and concurrent with the submission of amended plans in accordance with Condition 1, an updated Tree Protection Management Plan (TPMP) prepared by a suitably qualified person and 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 updated TPMP must be generally in accordance with the advertised TPMP (report number JN0697 TPMP 23 Loranne St Bentleigh), prepared by Howell Arboriculture Consultants and dated 20 December 2023, but modified to include:</p> <p>(a) An image of each tree to be retained prior to the commencement of works.</p> <p>(b) Detail of the arboricultural supervision requirements including:</p> <p>(i) Excavation methods in areas requiring arboricultural supervision; and</p> <p>(ii) The management of roots uncovered during excavation under arboricultural supervision.</p> <p>(c) Consideration of the modified vehicle crossing and accessway required by Condition 1(d).</p> <p><u>Contractors to be advised of trees to be retained</u></p> <p>6. The owner and occupier of the site must ensure that before the development starts, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed Tree Protection Management Plan and are advised of any obligations in relation to the protection of those trees.</p> <p><u>Completion of landscaping</u></p> <p>7. Before the dwellings are 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.</p> <p><u>Landscaping maintenance</u></p> <p>8. The landscaping shown on the endorsed Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:</p>
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- (a) Implementing and complying with the provisions, recommendations, and requirements of the endorsed Landscaping Plan.
- (b) Not using the areas set aside on the endorsed Landscaping Plan for landscaping for any other purpose.
- (c) Replacing any dead, diseased, dying, or damaged plants.

Boundary walls

9. Before the dwellings are occupied, the walls on the boundary of adjoining properties must be cleaned and finished 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

10. Before the dwellings are 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.

Car parking layout and access

11. Before the dwellings are 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.

all to the satisfaction of the Responsible Authority.

Vehicular crossings

12. Before the dwellings are 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

Public services

13. 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.

External lighting

14. External lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land to the satisfaction 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 two years of the date of this permit.
 - (b) The development is not completed within four 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*.

Notes

Amended plans

- A. 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*. An amendment application is subject to the procedures set out in section 73 of the *Planning and Environment Act 1987*.

Planning approval only

- B. 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.

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals.

No new gas connections to dwellings

- C. In July 2023, the Victorian State Government announced that it would be introducing new planning controls that prohibited the connection of new dwellings or apartments to reticulated gas. Whilst the planning permit benefits from transitional provisions, it is encouraged that consideration of the

development not having a gas connection and being fully electric be undertaken. For further information of the benefits of making the change to electric can be found [here](#).

Boundary fencing

- D. 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*.

Walls on boundary

- E. 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 200 millimetres 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.

Parking permits

- F. Pursuant to the Glen Eira City Council Residential Parking Permit System Policy 2020, residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

Failure to comply

- G. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Permit to Building Surveyor

- H. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

Locating domestic services

- I. Consideration is required when installing domestic services (i.e., air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information

	<p>regarding noise from domestic services can be found in the <i>Environmental Protection Act 2017</i>.</p> <p><u>Asset Engineering</u></p> <p>J. The nominated point of stormwater connection/discharge for the subject site is to the eastern boundary.</p> <p>K. To construct the proposed vehicle crossing(s), a vehicle crossing permit must be obtained prior to the commencement of any works. An application for a vehicle crossing permit can be lodged at: https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/vehicle-crossing-permit.</p> <p>L. To connect stormwater discharge to the Council drainage network and prior to the commencement of any work in the road reserve, an Asset Consent Permit must be obtained by lodging an application for an Asset Consent Permit at: https://www.gleneira.vic.gov.au/services/planning-and-building/building/permits/asset-consent-permit.</p> <p>M. 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 each driveway onto the footpath. Such a system may include either:</p> <ul style="list-style-type: none"> - A trench grate (150 millimetre minimum internal width) located within the property and/or; - Shaping the driveway so that water is collected in a grated pit on the property. <p>For the Motion: Crs, Esakoff, Magee, Cade, Zhang, Karlake and Zmood Absent for the vote: Cr Athanasopoulos</p> <p style="text-align: right;"><u>CARRIED</u></p>
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It is recorded that Cr Athanasopoulos entered the Chamber at 9:03pm.

8.4	272-280 CENTRE ROAD, BENTLEIGH
	Moved: Cr Magee Seconded: Cr Zmood
	<p>That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-36723/2023 at 272-280 Centre Road Bentleigh VIC 3204 in accordance with the following:</p> <p>Permit preamble</p> <p>Construction of an extension to the existing building, carrying out of works to the existing car park, use of land for sale of packaged liquor (off premises), display of business identification signs and alteration of access to a road in the Transport</p>

Zone 2 in accordance with the following permissions:

- Construction of an extension to an existing building and carrying out of works (Clause's 34.01-4 and 43.02-2)
- Display of business identification signs, including internally illuminated signs (Clause 52.05-5)
- Use of the land for the sale of liquor (Clause 52.27)
- Alteration of access to a road in the Transport Zone 2 (Clause 52.29-2)

Amended plans

1. Before the development or use 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 advertised plans identified as TP00, TP01-TP08, TP10, and TP12-TP14, Revision F, dated 2 February 2024 and prepared by Ascend Building Design; and the plan identified as drawing no. DMA101, Revision C, prepared by Endeavour Group; and the plans identified as Bentleigh Signage Concept V7, dated 9 February 2024, prepared by Redjelly, but further modified to show:
 - (a) The elevations on 'Proposed Elevations' signs plan amended to reflect the elevations shown on TP12 with respect to windows, doors and any other inconsistencies between the two plans.
 - (b) Details of all requirements for the wheel stops in car spaces as set out in Section 2.4.5.4 of AS2890.1:2004.
 - (c) The location of any external trolley storage areas.
 - (d) Delineation of any measures required in accordance with the Acoustic Report required by Condition 12.
 - (e) Any measures required in accordance with the Delivery Management Plan required by Condition 15.

Layout not to be altered (development and use)

2. The development and layout and description of the use 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.

Layout not to be altered (signs)

3. The location and details of the signs including their structure and illumination 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.

Permit expiry (development and use)

4. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within two years of the date of this permit.

- (b) The development is not completed within four years of the date of this permit.
- (c) The use does not start within four 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 expiry (signs)

5. This permit will expire fifteen years from the date of this permit at which stage all signs and their supporting structures must be permanently removed from the land.

Hours of operation

6. The sale of packaged liquor may only occur in conjunction with use of the land as a shop, within the endorsed red line area and between the following hours:
- (a) 9:00am to 9:00pm, Monday to Saturday.
 - (b) 10:00am to 9:00pm, Sunday.
 - (c) 12:00noon to 9:00pm, ANZAC Day.
 - (d) No trade – Good Friday and Christmas Day.

Unless otherwise agreed in writing by the Responsible Authority.

General amenity

7. The use must be managed so that the amenity of the area is not detrimentally affected though the:
- (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any buildings, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) the presence of vermin.
 -
 - to the satisfaction of the Responsible Authority.
8. All security alarms or similar devices installed on the land must be of a silent type.
9. External lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land to the satisfaction of the Responsible Authority.
10. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building, except with the prior written consent of the Responsible Authority.

Acoustic Report

12. Before the development starts, an Acoustic Report, prepared by a suitably qualified acoustic engineer and 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 form part of the permit. The Acoustic Report must consider the following noise sources and their impacts on the surrounding area and include any recommendations to mitigate any unreasonable noise impacts:
- (a). Loading bay, including deliveries and management; and
 - (b). Mechanical plant equipment, including condensers from cool room storage areas.

Ongoing management of noise levels

13. Noise levels to and from the development and use 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.

Acoustic Report after use starts

14. Within two months of the use starting, an updated Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with conditions 12 and 13 or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Note: Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).

Delivery Management Plan

15. Before the use starts, a Delivery Management Plan to the satisfaction of the Responsible Authority is to be submitted to and approved by the Responsible Authority. When approved, the Delivery Management Plan will be endorsed and form part of the permit. This Plan must include:
- (a) Details of vehicles providing delivery;
 - (b) Details of any measures to mitigate amenity impacts via delivery, such as specified entry/exit points, etc.;
 - (c) Details of hours of delivery;
 - (d) Details of an appropriate point of contact for any complaints or queries regarding amenity harm from deliveries; and
 - (e) Details of the management of any alarms (loading doors etc) which may result in amenity disruption during delivery periods.

Loading and unloading on the land

16. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land. Operation of the loading areas must be

consistent with the endorsed Delivery Management Plan required by Condition 15.

Waste Management Plan

17. Concurrent with the endorsement of amended plans required by Condition 1, the Waste Management Plan identified as Proposed Dan Murphy's Development – Waste Management Assessment, prepared by Ratio Consultants and dated 2 February 2024, will be endorsed and will then form part of the permit.

Street tree protection

18. Before the development starts (including any site preparations or demolition), tree protection fencing must be assembled around the existing street trees along the Centre Road and Gilbert Grove frontages of the site, to isolate the tree protection zone (TPZ) in accordance with AS 4970–2009 *Protection of Trees on Development Sites* and is to remain in place until the development is complete.

No flashing light

19. No flashing, intermittent lighting or changing coloured lighting is permitted.

Illuminated signs

20. The illuminated signs must be designed, baffled and located to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.

Illumination during specified hours

21. The illuminated signs must only be illuminated during the approved trading hours as set out in Condition 6, except with the prior written consent of the Responsible Authority.

Sign maintenance

22. The signs must be maintained in good condition to the satisfaction of the Responsible Authority.

Head, Transport for Victoria Condition

23. Prior to the commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Car parking layout and access

24. Before the use starts, 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; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways.
- - all to the satisfaction of the Responsible Authority.

Vehicular crossings

25. Before the use starts, 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

26. 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.

Notations

- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact Department of Transport and Planning (Roads) prior to commencing any works.
- 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*. An amendment application is subject to the procedures set out in Section 73 of the *Planning and Environment Act 1987*.

- This Planning Permit represents the Planning approval for the use and 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.

- Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.
- 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.
- 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.
- 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>
- Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

CARRIED UNANIMOUSLY

8.5	AMENDMENT C247 BENTLEIGH EAST NEIGHBOURHOOD ACTIVITY CENTRE PLANNING CONTROLS - PANEL REPORT RECEIVED
	Moved: Cr Zhang Seconded: Cr Esakoff
	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the Panel Report that forms an attachment to this report. 2. Adopts Planning Scheme Amendment C247 in accordance with Section 29(1) of the <i>Planning and Environment Act 1987</i> as exhibited but: <ol style="list-style-type: none"> a. deletes the duplicate provisions as recommended by the Planning Panel in Table 3 of the Panel Report, and b. adds the underlined text in DDO13 under the heading Building Height "<i>Development should not exceed the preferred maximum building height <u>in metres</u> as specified in Table 2 to this schedule. <u>The building height in storeys is indicative only.</u></i>" 3. Authorises the Manager City Futures to make any changes to the amendment documents in accordance with Council's resolution, and to make any administrative changes or corrections to the documents where the changes do not affect the purpose or intent of the adopted documents. 4. Submits the adopted Planning Scheme Amendment C247 to the Minister of Planning for approval, in accordance with Section 31(1) of the <i>Planning and Environment Act 1987</i>. 5. Advises all submitters to the Amendment of Council's determination in relation to Amendment C247. <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

8.6	HERITAGE WORK PROGRAM UPDATE 2024
	Moved: Cr Esakoff Seconded: Cr Athanasopoulos
	<p>That Council:</p> <ol style="list-style-type: none"> 1. notes the report and Attachment 1 – <i>Existing and Proposed Heritage in Glen Eira (April 2024 update)</i>; 2. endorses revisions to the <i>Glen Eira Heritage Review Work Program 2022-2027</i> to include additional planning scheme amendments and changes to the timing of future projects (Attachment 2); <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

8.7	COMMUNITY GRANTS
	Moved: Cr Zhang Seconded: Cr Zmood
	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves Facility Hire Grants for: <ol style="list-style-type: none"> a) Australian Forum of Russian Jewry to hold a Jewish New Year celebration for \$2,580.36. b) Society for Creative Anachronism – Barony of Stormhold for a live action role play and chess challenge for \$234. c) Japan Club of Victoria to hold Japanese cultural events for \$600. d) Friends of Caulfield Park for a Lazy Sunday afternoon in the park for \$150. e) Ormond Community Kindergarten to hold staff meetings for \$844.40. 2. Approves Youth Excellence Grants for: <ol style="list-style-type: none"> a) Ava for \$1,200. b) Luca for \$1,200. c) Ashley for \$1,200. d) Athanasios for \$1,200. e) Angus for \$600. 3. Approves a Small Grant for: <ol style="list-style-type: none"> a) Chag in a Box, under the auspice of Ohrsom Ltd for \$1,000. 4. Approves extensions to the 2023-24 acquittals for: <ol style="list-style-type: none"> a) Gen2Gen to 30 November 2024. b) Glen Eira Adult Learning Centre to 30 June 2024. c) Glen Eira Artists Society to 31 August 2024. d) Jewish Library of Australia to 31 December 2024 <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

Meeting Extension**Moved: Cr Cade****Seconded: Cr Zmood**

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

8.8	SUBMISSION TO THE FEDERAL PARLIAMENTARY INQUIRY INTO LOCAL GOVERNMENT SUSTAINABILITY
	Moved: Cr Magee Seconded: Cr Zmood
	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the Submission (Attachment 1) to the House of Representatives Standing Committee in response to the Inquiry into local government sustainability; and 2. Sends a copy of the submission (Attachment 1) to the Victorian Auditor-General and all Federal and State Members of Parliament with electorates in the City of Glen Eira. <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

Extension of Speaking Time**Moved: Cr Zmood****Seconded: Cr Zhang**

That Cr Magee be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY**Extension of Speaking Time****Moved: Cr Zhang****Seconded: Cr Magee**

That Cr Zmood be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY**Extension of Speaking Time****Moved: Cr Zmood****Seconded: Cr Zhang**

That Cr Athanasopoulos be granted a two minute extension of speaking time.

CARRIED UNANIMOUSLY

8.9	APPOINTMENT OF COUNCILLOR SIGNATORIES (2023-24 FINANCIAL REPORT)
	Moved: Cr Zmood Seconded: Cr Esakoff
	<p>That Council:</p> <ol style="list-style-type: none"> 1. appoints the Mayor (Cr Anne-Marie Cade) and Deputy Mayor (Cr Simone Zmood) to sign the 2023-24 Financial Statements and Performance Statement; and 2. appoints Cr Sue Pennicuik and Cr Sam Parasol as alternative signatories for the 2023-24 Financial Statements and Performance Statement if the Mayor or Deputy Mayor are unavailable. <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

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

Responded to earlier in this meeting.

11. CONFIDENTIAL ITEMS

	<p>Moved: Cr Magee Seconded: Cr Esakoff</p>
	<p>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:</p> <p>11.1 Commonwealth Aged Care Reforms Update</p> <p>This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:</p> <ul style="list-style-type: none"> - 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 private commercial information, being information provided by a business, commercial or financial undertaking that - <ul style="list-style-type: none"> (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 - Commonwealth Aged Care Reforms update which contains commercially sensitive information <p style="text-align: right;"><u>CARRIED UNANIMOUSLY</u></p>

Public gallery was closed and livestreaming ceased.

12. CLOSURE OF MEETING

The meeting closed at 9.58pm.