



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 3 DECEMBER 2024**

**MINUTES**

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

Councillors Present

The Mayor, Councillor Simone Zmood  
Councillor Arabella Daniel  
Councillor Margaret Esakoff  
Councillor Jane Karlake  
Councillor Sam Parasol  
Councillor Luca Ragni  
Councillor Kay Rimbaldo  
Councillor Kimberley Young  
Councillor Li Zhang

Council Officers Present

Chief Executive Officer, Rebecca McKenzie  
Director Sustainability, Assets and Leisure, Niall McDonough  
Director Community Wellbeing, Jane Price  
Director Customer and Corporate Affairs, Kellie Vise  
Director Planning and Place, Rosa Zouzoulas  
Chief Financial Officer, John Vastianos  
Manager Risk and Governance, Diana Vaynrib  
Coordinator Councillor Business, Karling Colomiere  
Councillor Business Officer, Alexandra Fry



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**1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

The Mayor read the acknowledgement.

Glen Eira City Council acknowledges the Boon Wurrung/Bunurong and Wurundjeri Woi Wurrung peoples of the Kulin Nation as Traditional Owners and Custodians, and pays respect to their Elders past and present. We acknowledge and uphold Traditional Owner's continuing relationship to the land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

**2. APOLOGIES**

Nil

**3. REMINDER TO DISCLOSE 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 85 of the Glen Eira City Council Governance Rules.

Councillors were advised that should they have a conflict of interest, Councillors must declare the conflict immediately before the item and state whether the conflict is general or material before vacating the chambers for the duration of that item.

**4. PUBLIC PARTICIPATION**

There were five submitters who registered to speak during public participation.

**5. WRITTEN PUBLIC QUESTIONS TO COUNCIL**

Council received one written public question of which, the matter was responded to during public participation. A formal written response will be provided to the submitter.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING OR MEETINGS****Moved: Cr Esakoff****Seconded: Cr Parasol**

That the minutes of the Ordinary Council Meeting held on 15 October 2024 and the Special Council Meeting held on 26 November 2024 be confirmed.

**CARRIED UNANIMOUSLY**

*Cr Esakoff has disclosed a general conflict of interest to item 7.1. It is recorded that Cr Esakoff vacated the Chamber at 7:55pm.*

**7. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****7.1 JOINT LETTER: LARGE VEHICLES ON VICTORIA STREET ELSTERNWICK**

A joint letter was received, signed by 14 residents regarding large vehicles on Victoria Street Elsternwick.

**Moved: Cr Young****Seconded: Cr Ragni**

That Council:

1. receives and notes this joint letter; and
2. refers this to the appropriate member of Council staff for investigation.

**CARRIED UNANIMOUSLY**

Cr Esakoff was absent at the time of the vote.

*It is recorded that Cr Esakoff re-entered the Chamber at 7:56pm.*

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

Nil

**9. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY****9.1 ADVISORY COMMITTEES**

Nil

**9.2 RECORDS OF ASSEMBLY****9.2.1 RECORDS OF ASSEMBLIES**

**Moved: Cr Esakoff**

**Seconded: Cr Zhang**

That Council notes the Records of Assemblies for:

1. 1 October 2024 Assembly; and
2. 15 October 2024 Pre-meeting.

**CARRIED UNANIMOUSLY**

*Cr Parasol has disclosed a general conflict of interest to item 10.1. It is recorded that Cr Parasol vacated the Chamber at 7:57pm.*

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

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**10.1 139-141 HAWTHORN ROAD CAULFIELD NORTH**

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**Moved: Cr Karlake**

**Seconded: Cr Zhang**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-36420/2023 at 139-141 Hawthorn Road Caulfield North in accordance with the following conditions:

**Preamble**

Construction of a three storey residential apartment building, a front fence exceeding 1.5m in height (to Halstead Street), alter access in a Transport Zone 2 (Hawthorn Road) and a reduction to the statutory car parking requirements.

**Permit conditions**Amended plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as Drawing Numbers T0-04 to T0-15 (all Rev. A), prepared by DO Architects, dated October 2023, but further modified to show:

*Carpark access and layout/basement*

- a. The north-eastern corner of the 'Services' amended to include a 1.5 metre x 1.5 metre splay to allow for sightlines from drivers existing carparking space 1.01 or otherwise to the satisfaction of the Responsible Authority.

*Landscaping/Tree Protection*

- b. A Landscape Plan in accordance with Condition 3 of this permit.
- c. A Landscape Maintenance Plan in accordance with Condition 4 of this permit.
- d. A Tree Protection Management Plan in accordance with Condition 6 of this permit.
- e. Floor plans to show accurate location of all third-party trees within 5 metres of the common boundaries of the site, consistent with the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023.
- f. All site and floor plans updated to correctly note the tree numbers, Tree Protection Zone, and Structural Root Zone of all third-party trees as identified within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023.
- g. A notation on all floor plans that trees 2, 3, 4, 5, 14, 15, 16 and 17, as identified within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023, will be protected in accordance with the endorsed Tree Protection Management Plan, as required by Condition 6 of this permit.

*Environmentally Sustainable Design*

- h. A Sustainable Design Assessment in accordance with condition 9 of this permit.
- i. The Sustainable Design principles committed to within the advertised Sustainable Management Plan, prepared by LID Consulting dated 10 October 2023 included on the plans. Any Sustainable Design principle that cannot be easily included on the plans can be provided within a table form.
- j. Clearly note on the plans that the development will be all electric with no gas connection.
- k. Clearly label the hot water systems as electric.
- l. Label on the plans that the carpark will have Carbon Monoxide monitoring.

*Other*

- m. Material schedule updated indicating that 'Material I' (obscure glazing) would have a maximum transparency of 25 percent.
- n. All obscure glazing noted as being fixed, obscure glazing.
- o. A Waste Management Plan in accordance with Condition 15 of this permit.



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.

Landscape Plan

3. Concurrent with the endorsement of amended plans required under Condition 1 of this permit, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must generally in accordance with the advertised landscape plan prepared by Zenith Concepts Pty Ltd, dated 7 July 2023.

Landscape Maintenance Plan

4. Concurrent with the endorsement of plans required under Condition 1 of this permit, a detailed Landscape Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The detailed Landscape Management Plan must be prepared by a person suitably qualified or experienced in landscape management and must be consistent with the landscape plan required by Condition 3 of this permit. The Landscape Management Plan must include:
  - a. Details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors and calibration settings.
  - b. The allocation of responsibility to the owners corporation for the ongoing maintenance of the irrigation systems and all landscaping unless otherwise to the satisfaction of the Responsible Authority, including specific measures relating to:
    - (i). maintenance of the proposed on-structure landscaping; and
    - (ii). obligations on the owners corporation to ensure consistent maintenance and matching themes for the landscaping into the future.
  - c. Notes and diagrams detailing the maintenance of all proposed trees, shrubs, and ground covers.
  - d. Protocols for gaining access for maintenance purposes to privately owned land.

Completion of landscaping

5. 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.

### Tree Management Protection Plan

6. Concurrent with the endorsement of plans required under Condition 1 of this permit, a Tree Protection Management Plan (TPMP) in respect of trees 2, 3, 4, 5, 14, 15, 16 and 17 (as identified within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Tree Protection Management Plan (TPMP) must show.
  - a. The specification of tree protection zone (TPZ);
  - b. The type, installation and maintenance of tree protection fencing;
  - c. Vehicular or pedestrian access within a tree protection zone
  - d. The protection of the canopies and trunks of the specified tree;
  - e. Specific details of any works proposed in any TPZ and how impacts will be mitigated;
  - f. How canopies will be managed, including pruning;
  - g. Excavation within or near a tree protection zone;
  - h. Maintenance, including mulching and watering, of tree protection zone;
  - i. Schedule of Project Arborist inspections.

The TPMP must include a program to implement the proposed measures before, during and on completing construction (including demolition).

The tree protection measures set out in the TMP must be implemented to the satisfaction of the Responsible Authority.

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

### Street tree protection

7. Before the development starts (including any site preparations or demolition), tree protection fencing must be assembled around the street trees (identified as trees 2, 3, 4 and 5 within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023) 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 (including the landscaping phase).

The TPZ must be clearly signed, identifying the area as a TPZ and must include the standard restrictions to activities as outlined AS 4970–2009. The TPZ fencing is to be located within the nature strip area to ensure the footpath remains open for public access. Fencing should be assembled as

follows:

- a. Fencing aligned to the footpath edge;
- b. Fencing aligned to the back of kerb;
- c. Fencing extending to the edge of TPZ in either direction from the trunk.

Fencing can be reduced to the edge of the proposed crossovers only when excavation and construction of the crossover is to occur. No alteration to the TPZ fencing may be undertaken except with the prior written consent of the Responsible Authority.

Fencing proposed within the TPZ of street tree must be constructed under arborist supervision, using tree-sensitive methods, such as post-hole footings. There must be no footings located within the SRZ, and post hole footings must be flexible in location to avoid major roots (>40mm diameter).

#### Sustainable Design Assessment

8. Concurrent with the endorsement of amended plans required under Condition 1 of this permit, 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, prepared by LID Consulting, dated 26 October 2023, but modified to include:
  - a. Removal from the BESS report that the Energy supply is electricity and natural gas.
  - b. Select BESS Energy credit 2.6 Electrification.
  - c. BESS IEQ – Update the BESS natural ventilation credit to correctly reference the compliant apartments.
9. 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.

#### Car parking layout and access

10. 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
- 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.

- 11. Prior to completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority; verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
- 12. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).

#### Vehicular crossings

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

#### Screening of windows

- 14. Before the building is occupied, all screening shown on the endorsed plans must be installed and permanently maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed except with the prior written consent of the Responsible Authority.

#### Provision of a Waste Management Plan

- 15. Concurrent with the endorsement of amended plans required under Condition 1 of this permit, 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 be generally in accordance with the advertised WMP prepared by One Mile Grid, dated 29 August 2023.

#### Implementation of the Waste Management Plan

- 16. 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

17. Before each stage of the development starts (Stage 1: Demolition, Stage 2: Excavation and Stage 3: Construction), a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show, as relevant to each stage:
- a. 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;
  - b. Measures to control noise, dust and water and sediment-laden runoff;
  - c. Measures to maintain safe, navigable and step-free public access around and past the site;
  - d. Measures to prevent silt or other pollutants from entering into any underground drainage system or gutters within the surrounding road network;
  - e. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - f. Measures relating to the cleaning and maintaining of surrounding road surfaces;
  - g. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like;
  - h. A plan showing the location of parking areas for construction and subcontractors' vehicles on and surrounding the site, to ensure vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by subcontractors/tradespeople upon completion of such areas, without delay;
  - i. Delivery and unloading points and expected frequency;
  - j. A traffic management plan showing truck routes to and from the site;
  - k. Swept path analysis demonstrating the ability of trucks to enter/exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - l. An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - m. Measures relating to public safety and site security including the delivery and removal of materials from the site;
  - n. Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land;
  - o. Measures to ensure that subcontractors/tradespeople operating on the

- site are aware of the contents of the construction management plan;
- p. Contact details of key construction site staff; and
  - q. Any other relevant matters including the requirements of VicRoads, the Department of Transport and Council Local Laws.

#### Implementation of Construction Management Plan

- 18. 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.

#### Drainage

- 19. No net increase in peak stormwater runoff in the Council drainage network is permitted. Post development peak stormwater discharge to the Council drainage network must be maintained to the pre-development level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval prior to any construction works.
- 20. 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.
- 21. All stormwater runoff must be connected to the Council drainage network with independent connection for each unit. No uncontrolled stormwater discharge to adjoining properties and footpaths is permitted.
- 22. All on-site stormwater is to be collected from the hard surface areas and 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:
  - a. Trench grate (150mm minimum internal width) located within the property and/or;
  - b. Shaping the driveway so that water is collected in a grated pit on the property.

#### 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.

*End of Head, Transport for Victoria Conditions*

Permit expiry

24. 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**Canopy Tree Protection Local Law

A. Council resolved on 13 August 2024 to amend its *Classified Tree Amendment Local Law* to include protection of all canopy trees and rename this to *Canopy Tree Protection Local Law* (the **Local Law**). This came into effect on 15 August 2024 by Government Gazette No. S 443. A Canopy Tree is defined under the Local Law as:

- (i). a palm tree taller than 8 metres measured from ground level; or
- (ii). a tree with a stump circumference of 140 cm or more measured at ground level; or
- (iii). a tree taller than 5 metres measured from ground level; and
  - a trunk circumference of 140cm or more measured at a point 140cm along the trunk's length from ground level; or
  - a combined trunk circumference of 140 cm or more measured at a point 140cm along the trunks' lengths from ground level.

Under the Local Law, a Local Law Permit is required to:

- (i). Prune, remove, or carry out works within the Tree Protection Zone of a Canopy Tree.

There are some exemptions to the above, please refer to the [Local Law](#) for further details.

A planning permit does not circumvent the need for a Local Law Permit. Please contact Council's Parks Services team on 9524 3333 for further information.

Amended plans

B. 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

- C. 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.

#### 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*.

#### No new gas connections to dwellings

- E. 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. It is acknowledged that no gas connection is proposed, which is supported. For further information of the benefits of making the change to electric can be found [here](#).

#### **Council's Asset Engineering Department advice:**

##### Drainage

- F. The nominated point of stormwater connection for the site is to the pit in the road reserve of Halstead Street in the north-west corner of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the existing SEP pit and must be constructed to Council's standards.

Note: If the point of discharge cannot be located then notify Council's Engineering Department immediately.



General

- G. An asset protection permit must be obtained from Council's Engineering Services Department prior to the commencement of any building works.
- H. Any firefighting equipment for the building shall be accommodated within the title boundary. The submitted plans do not show the location of any hydrant/booster. Council will not allow private fire equipment in the Road Reserve.

Council's Traffic & Parking Department advise:

- I. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

Head, Transport for Victoria advise:

- J. The proposed development requires reinstatement of disused crossovers to the 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 DTP (Roads) prior to commencing any works.

**For the Motion:** Crs Zhang, Karlake and Ragni (3)

**Against the Motion:** Crs Esakoff, Zmood, Daniel, Rimbardo and Young (5)

**LOST**

Cr Parasol was absent at the time of the vote.

Extension of Speaking Time

**Moved: Cr Zhang**

**Seconded: Cr Young**

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

**CARRIED UNANIMOUSLY**

Extension of Speaking Time

**Moved: Cr Young**

**Seconded: Cr Karlake**

That Cr Zhang be granted a one minute extension of speaking time.

**CARRIED UNANIMOUSLY**

**Alternate Recommendation****Moved: Cr Esakoff****Seconded: Cr Daniel**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-36420/2023 at 139-141 Hawthorn Road Caulfield North in accordance with the following conditions:

**Preamble**

Construction of a three storey residential apartment building, a front fence exceeding 1.5m in height (to Halstead Street), alter access in a Transport Zone 2 (Hawthorn Road).

**Permit conditions****Amended plans**

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as Drawing Numbers T0-04 to T0-15 (all Rev. A), prepared by DO Architects, dated October 2023, but further modified to show:

*Carpark access and layout/basement*

- a. The north-eastern corner of the 'Services' amended to include a 1.5 metre x 1.5 metre splay to allow for sightlines from drivers existing carparking space 1.01 or otherwise to the satisfaction of the Responsible Authority.

*Landscaping/Tree Protection*

- b. A Landscape Plan in accordance with Condition 3 of this permit.
- c. A Landscape Maintenance Plan in accordance with Condition 4 of this permit.
- d. A Tree Protection Management Plan in accordance with Condition 6 of this permit.
- e. Floor plans to show accurate location of all third-party trees within 5 metres of the common boundaries of the site, consistent with the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023.
- f. All site and floor plans updated to correctly note the tree numbers, Tree Protection Zone, and Structural Root Zone of all third-party trees as identified within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023.
- g. A notation on all floor plans that trees 2, 3, 4, 5, 14, 15, 16 and 17, as identified within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023, will be protected in accordance with the endorsed Tree Protection Management Plan, as required by Condition 6 of this permit.

*Environmentally Sustainable Design*

- h. A Sustainable Design Assessment in accordance with condition 9 of this permit.
- i. The Sustainable Design principles committed to within the advertised Sustainable Management Plan, prepared by LID Consulting dated 10 October 2023 included on the plans. Any Sustainable Design principle that cannot be easily included on the plans can be provided within a table form.
- j. Clearly note on the plans that the development will be all electric with no gas connection.
- k. Clearly label the hot water systems as electric.
- l. Label on the plans that the carpark will have Carbon Monoxide monitoring.

*Other*

- m. Material schedule updated indicating that 'Material I' (obscure glazing) would have a maximum transparency of 25 percent.
- n. All obscure glazing noted as being fixed, obscure glazing.
- o. A Waste Management Plan in accordance with Condition 15 of this permit.
- p. Consolidation of the internal floor plan layout to result in no more than 22 apartments in total. Each apartment must have no more two bedrooms to the satisfaction of the Responsible Authority. No external walls are to be altered to accommodate the internal consolidation.

Layout not to be altered

- 1. 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.

Landscape Plan

- 2. Concurrent with the endorsement of amended plans required under Condition 1 of this permit, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must generally in accordance with the advertised landscape plan prepared by Zenith Concepts Pty Ltd, dated 7 July 2023.

Landscape Maintenance Plan

- 3. Concurrent with the endorsement of plans required under Condition 1 of this permit, a detailed Landscape Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The detailed Landscape Management Plan must be prepared by a person suitably qualified or experienced in landscape management and must be consistent with the landscape plan required by Condition 3 of this permit. The Landscape Management Plan must include:
  - a. Details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors and calibration settings.

- b. The allocation of responsibility to the owners corporation for the ongoing maintenance of the irrigation systems and all landscaping unless otherwise to the satisfaction of the Responsible Authority, including specific measures relating to:
  - (i). maintenance of the proposed on-structure landscaping; and
  - (ii). obligations on the owners corporation to ensure consistent maintenance and matching themes for the landscaping into the future.
- c. Notes and diagrams detailing the maintenance of all proposed trees, shrubs, and ground covers.
- d. Protocols for gaining access for maintenance purposes to privately owned land.

#### Completion of landscaping

5. 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.

#### Tree Management Protection Plan

6. Concurrent with the endorsement of plans required under Condition 1 of this permit, a Tree Protection Management Plan (TPMP) in respect of trees 2, 3, 4, 5, 14, 15, 16 and 17 (as identified within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Tree Protection Management Plan (TPMP) must show.
  - a. The specification of tree protection zone (TPZ);
  - b. The type, installation and maintenance of tree protection fencing;
  - c. Vehicular or pedestrian access within a tree protection zone
  - d. The protection of the canopies and trunks of the specified tree;
  - e. Specific details of any works proposed in any TPZ and how impacts will be mitigated;
  - f. How canopies will be managed, including pruning;
  - g. Excavation within or near a tree protection zone;
  - h. Maintenance, including mulching and watering, of tree protection zone;
  - i. Schedule of Project Arborist inspections.

The TPMP must include a program to implement the proposed measures before, during and on completing construction (including demolition).

The tree protection measures set out in the TMP must be implemented to the satisfaction of the Responsible Authority.

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

### Street tree protection

7. Before the development starts (including any site preparations or demolition), tree protection fencing must be assembled around the street trees (identified as trees 2, 3, 4 and 5 within the Arboricultural Report, prepared by Future Tree Health, dated 3 July 2023) 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 (including the landscaping phase).

The TPZ must be clearly signed, identifying the area as a TPZ and must include the standard restrictions to activities as outlined AS 4970–2009. The TPZ fencing is to be located within the nature strip area to ensure the footpath remains open for public access. Fencing should be assembled as follows:

- a. Fencing aligned to the footpath edge;
- b. Fencing aligned to the back of kerb;
- c. Fencing extending to the edge of TPZ in either direction from the trunk.

Fencing can be reduced to the edge of the proposed crossovers only when excavation and construction of the crossover is to occur. No alteration to the TPZ fencing may be undertaken except with the prior written consent of the Responsible Authority.

Fencing proposed within the TPZ of street tree must be constructed under arborist supervision, using tree-sensitive methods, such as post-hole footings. There must be no footings located within the SRZ, and post hole footings must be flexible in location to avoid major roots (>40mm diameter).

### Sustainable Design Assessment

8. Concurrent with the endorsement of amended plans required under Condition 1 of this permit, 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, prepared by LID Consulting, dated 26 October 2023, but modified to include:
  - a. Removal from the BESS report that the Energy supply is electricity and natural gas.
  - b. Select BESS Energy credit 2.6 Electrification.
  - c. BESS IEQ – Update the BESS natural ventilation credit to correctly reference the compliant apartments.
9. 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.

### Car parking layout and access

10. 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
  - 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.
11. Prior to completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority; verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
12. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).

#### Vehicular crossings

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

#### Screening of windows

14. Before the building is occupied, all screening shown on the endorsed plans must be installed and permanently maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed except with the prior written consent of the Responsible Authority.

#### Provision of a Waste Management Plan

15. Concurrent with the endorsement of amended plans required under Condition 1 of this permit, 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 be generally in accordance with the advertised WMP prepared by One Mile Grid, dated 29 August 2023.

Implementation of the Waste Management Plan

16. 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

17. Before each stage of the development starts (Stage 1: Demolition, Stage 2: Excavation and Stage 3: Construction), a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show, as relevant to each stage:
  - a. 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;
  - b. Measures to control noise, dust and water and sediment-laden runoff;
  - c. Measures to maintain safe, navigable and step-free public access around and past the site;
  - d. Measures to prevent silt or other pollutants from entering into any underground drainage system or gutters within the surrounding road network;
  - e. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - f. Measures relating to the cleaning and maintaining of surrounding road surfaces;
  - g. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like;
  - h. A plan showing the location of parking areas for construction and subcontractors' vehicles on and surrounding the site, to ensure vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by subcontractors/tradespeople upon completion of such areas, without delay;
  - i. Delivery and unloading points and expected frequency;
  - j. A traffic management plan showing truck routes to and from the site;
  - k. Swept path analysis demonstrating the ability of trucks to enter/exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - l. An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - m. Measures relating to public safety and site security including the delivery and removal of materials from the site;
  - n. Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land;
  - o. Measures to ensure that subcontractors/tradespeople operating on the site are aware of the contents of the construction management plan;
  - p. Contact details of key construction site staff; and

- q. Any other relevant matters including the requirements of VicRoads, the Department of Transport and Council Local Laws.

#### Implementation of Construction Management Plan

18. 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.

#### Drainage

19. No net increase in peak stormwater runoff in the Council drainage network is permitted. Post development peak stormwater discharge to the Council drainage network must be maintained to the pre-development level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval prior to any construction works.
20. 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.
21. All stormwater runoff must be connected to the Council drainage network with independent connection for each unit. No uncontrolled stormwater discharge to adjoining properties and footpaths is permitted.
22. All on-site stormwater is to be collected from the hard surface areas and 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:
  - a. Trench grate (150mm minimum internal width) located within the property and/or;
  - b. Shaping the driveway so that water is collected in a grated pit on the property.

#### 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.

*End of Head, Transport for Victoria Conditions*

#### Permit expiry

24. 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**Canopy Tree Protection Local Law

A. Council resolved on 13 August 2024 to amend its *Classified Tree Amendment Local Law* to include protection of all canopy trees and rename this to *Canopy Tree Protection Local Law* (the **Local Law**). This came into effect on 15 August 2024 by Government Gazette No. S 443. A Canopy Tree is defined under the Local Law as:

- (i). a palm tree taller than 8 metres measured from ground level; or
- (ii). a tree with a stump circumference of 140 cm or more measured at ground level; or
- (iii). a tree taller than 5 metres measured from ground level; and
  - a trunk circumference of 140cm or more measured at a point 140cm along the trunk's length from ground level; or
  - a combined trunk circumference of 140 cm or more measured at a point 140cm along the trunks' lengths from ground level.

Under the Local Law, a Local Law Permit is required to:

- (i). Prune, remove, or carry out works within the Tree Protection Zone of a Canopy Tree.

There are some exemptions to the above, please refer to the [Local Law](#) for further details.

A planning permit does not circumvent the need for a Local Law Permit. Please contact Council's Parks Services team on 9524 3333 for further information.

Amended plans

B. 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

C. 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.

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*.

No new gas connections to dwellings

- E. 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. It is acknowledged that no gas connection is proposed, which is supported. For further information of the benefits of making the change to electric can be found [here](#).

**Council's Asset Engineering Department advice:**Drainage

- F. The nominated point of stormwater connection for the site is to the pit in the road reserve of Halstead Street in the north-west corner of the property where the entire site's stormwater drainage must be collected and free drained via a pipe to the existing SEP pit and must be constructed to Council's standards.

Note: If the point of discharge cannot be located then notify Council's Engineering Department immediately.

General

- G. An asset protection permit must be obtained from Council's Engineering Services Department prior to the commencement of any building works.
- H. Any firefighting equipment for the building shall be accommodated within the title boundary. The submitted plans do not show the location of any hydrant/booster. Council will not allow private fire equipment in the Road Reserve.

**Council's Traffic & Parking Department advise:**

- I. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

**Head, Transport for Victoria advise:**

- J. The proposed development requires reinstatement of disused crossovers to the 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 DTP (Roads) prior to commencing any works.

**For the Motion:** Crs Esakoff, Zmood, Daniel, Rimbardo, Young and Ragni (6)

**Against the Motion:** Crs Zhang and Karlake (2)

**CARRIED**

Cr Parasol was absent at the time of the vote.

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

That Cr Esakoff be granted a one minute extension of speaking time.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Parasol re-entered the Chamber at 8:27pm.*

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**10.2 DISCONTINUANCE AND SALE OF ROAD ADJOINING 252 TO 258 GLEN EIRA ROAD AND 1 TO 5 MULGRAVE STREET, ELSTERNWICK**

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**Moved: Cr Esakoff****Seconded: Cr Parasol**

That Council

1. being of the opinion that the section of road adjoining 252 to 258 Glen Eira Road and 1 to 5 Mulgrave Street, Elsternwick shown hatched on the site plan in Attachment 3, is not reasonably required as a road for public use, discontinues the road in accordance with section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989*;
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 owners of the adjoining properties at 256 Glen Eira Road and 3 Mulgrave Street, Elsternwick, in accordance with section 114 of the *Local Government Act 2020* and Council's *Road and Reserves Discontinuance and Sale Policy 2022*; and
4. authorises the Chief Executive Officer, or any such person that the Chief Executive Officer approves, to sign all documents relating to the sale of the land.

**CARRIED UNANIMOUSLY**

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**10.3 FINANCIAL MANAGEMENT REPORT (31 OCTOBER 2024)**

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**Moved: Cr Zhang****Seconded: Cr Rimbaldo**

That Council notes the Financial Management Report for the period ending 31 October 2024.

**CARRIED UNANIMOUSLY**

The Mayor has asked Director Kellie Vise to clarify why there is a minor colour variance in the financial sustainability risk indicator table on page 193 of item 10.4 of the agenda.

Director Kellie Vise clarified that the data is correct, however, there was an error in colour coding of the table which will be corrected.

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**10.4 QUARTERLY SERVICE PERFORMANCE REPORT (JULY - SEPTEMBER 2024)**

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**Moved: Cr Zmood**

**Seconded: Cr Ragni**

That Council notes the *Quarterly Service Performance Report (Attachment 1)* for the period ending 30 September 2024.

**CARRIED UNANIMOUSLY**

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**10.5 TENDER 2025.2 FOCH STREET STAGE 2 DRAINAGE WORKS**

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**Moved: Cr Esakoff**

**Seconded: Cr Parasol**

That Council having reviewed and considered the confidential Tender Evaluation report (attachment 1 to this report):

1. appoints **Tenderer 4, as the contractor under Tender number 2025.2** for an amount of **\$917,671.93** exclusive of GST (\$1,009,439.12 inclusive of GST) based on the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender and within the confidential Tender Evaluation report;
3. authorises the CEO to execute the contract on Council's behalf;
4. notes the attachment to the report remain confidential in accordance with section 3(1)(g) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

**CARRIED UNANIMOUSLY**

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**10.6 APPOINTMENT OF COUNCILLORS TO THE AUDIT AND RISK COMMITTEE, CEO EMPLOYMENT MATTERS COMMITTEE AND EXTERNAL COMMITTEES.**

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**Moved: Cr Parasol****Seconded: Cr Esakoff**

That Council:

1. appoints Councillors to the Audit and Risk committee, the CEO Employment Matters Advisory Committee and external committees as presented in the table listed under the 'Issues and Discussions' section of this report for the period from 3 December 2024 until 3 December 2025; and
2. adopts the Terms of Reference for the CEO Employment Matters Advisory Committee (Attachment 1).

With the following friendly amendments to the attachments:

- "Section 15. Committee Contact Details" – delete "Executive Manager, People and Culture" and insert "Chief People Officer"
- "Section 16. Date of Council Approval of Terms of Reference" delete "5 September 2023" and insert "3 December 2024"
- Section 17. Date of next Review of Terms of Reference delete "November 2024" and insert "September 2025"

**CARRIED UNANIMOUSLY**

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**10.7 CEO EMPLOYMENT MATTERS ADVISORY COMMITTEE - CHAIR RECOMMENDATIONS - DECEMBER 2024**

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**Moved: Cr Esakoff****Seconded: Cr Rimbaldo**

That Council endorses the recommendation to engage Dr Kathy Alexander as its Independent Chair and Advisor for a twelve-month term commencing 3 December 2024 based on the terms set out in Attachment 1 with the option for a further twelve-month term.

**CARRIED UNANIMOUSLY**

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**10.8 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

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**Moved: Cr Karlake****Seconded: Cr Zhang**

That Council makes the following appointment to the role of Acting Chief Executive Officer during the absence of the Chief Executive Officer on leave:

- Niall McDonagh, Director Sustainability Assets and Leisure for the period from 5pm on Friday 20<sup>th</sup> December 2024 until 5pm on Sunday 5<sup>th</sup> January 2025 inclusive.

**CARRIED UNANIMOUSLY**

**11. URGENT BUSINESS**

Nil

**12. ORDINARY BUSINESS****12.1 Requests for reports from a member of Council staff**

Nil

**12.2 Right of reply**

Nil

**12.3 Notice of Motion / Notice of Rescission**

Nil

**12.4 Councillor questions**

Nil

**13. CONFIDENTIAL ITEMS****Moved: Cr Ragni****Seconded: Cr Parasol**

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:

**13.1 Proposed discontinuance and transfer of road abutting 333-345 Hawthorn Road and 2 Briggs Street, Caufield**

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

- because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)); and
- Council regards this entire item as confidential information under section 66(2)(a) of the Local Government Act 2020 and moves in camera to consider the item. The grounds for determining to consider the item in camera (close the meeting to the public) is that the entire item contains legal privileged information, being information to which legal professional privilege or client legal privilege applies as described under section 3(1)(e) of the Local Government Act 2020.

This report also discusses matters that have been discussed on a without prejudice basis in negotiations with the applicant's legal representative, as such this report and the attachments to this report are to remain confidential and not to be disclosed.

Councillors, and Council staff, are reminded of their obligations under Council's Code of Conduct regarding how confidential information is to be treated and protected.

**CARRIED UNANIMOUSLY**

*It is recorded that the livestream has been disabled and community members have vacated the Gallery at 8.55pm.*

*Following Confidential Item 13.1 – the meeting will be considered closed.*

**14. CLOSURE OF MEETING**

The meeting closed at 9pm.

Confirmed this 17 December 2024 Ordinary Council meeting

**Chairperson.....**