



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

8 November 2017

7.30pm

Present

Cr Mary Delahunty (Mayor)
Cr Tony Athanasopoulos
Cr Clare Davey
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

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**Minutes of the Ordinary Meeting of Council
held in the Council Chamber, Glen Eira Council Offices,
Corner Hawthorn Road and Glen Eira Road, Caulfield
on Wednesday 8 November 2017 at 7.30pm**

1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement

In the spirit of respect, Council acknowledges the people and elders of the Boon Wurrung people of the Kulin Nation past and present, who have traditional connections and responsibilities for the land on which Council meets.

2. APOLOGIES – There were no apologies submitted to the meeting.

3. OATH OF OFFICE AND DISCLOSURE OF INTEREST

Oath of Office

The Mayor read the Oath of Office.

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions powers, authorities and discretions vested in us under the Local Government Act or any other Act to the best of our skill and judgement.

Councillors are also reminded of the requirements for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

The Mayor requested all mobile phones be switched off or placed on silent whilst in the gallery and also mentioned that under the Local Law a permit is required if wishing to film on Council land.

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETINGS

4.1 Confirmation of the Minutes

Moved: Cr Silver

Seconded: Cr Magee

That the minutes of the Ordinary Meeting held on 17 October 2017 and the Special Council Meeting held on 1st November 2017 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITION AND JOINT LETTERS

5.1 **Petition: Request to change grading of Caulfield South Shopping Centre**

A petition containing 135 signatures was submitted to the meeting.

The petition read as follows:

We the undersigned submit this petition to the Futures Planning Department.

We request that the Caulfield South Shopping Centre grading be changed from:

LARGE NEIGHBOURHOOD CENTRE to EMERGING MAJOR ACTIVITY CENTRE and be known as the CAULFIELD COMMERCIAL CENTRE.

This re-grading will allow more intense retail and commercial development.

The argument for this change:

- Our shopping centre is at a major intersection of TWO tramlines
- The corners of Hawthorn Road/Glen Huntly Road have trams running east/west and north/south
- Trams carry more shoppers and visitors to commercial premises than trains
- Hawthorn Road runs for ~3KM (North-to-South) and Glen Huntly Road has a ~2KM run (East-to-West) with no supermarket or other large retail business.
- This area has a rapidly growing residential population

Professional surveys undertaken by reputable firms have shown that this catchment area has the capacity to support a major supermarket of substantial size.

We the undersigned, petition strongly to have our shopping centre upgraded to an EMERGING MAJOR ACTIVITY CENTRE. Please refer to the map on Page 10 of your document of July 17 "Activity Centre Housing and Local Economy Strategy" And we so petition:

Moved: Cr Silver

Seconded: Cr Sztrajt

That Council receives and notes the petition.

CARRIED UNANIMOUSLY

**Item 5.2 – Joint Letter - Objection to Planning Application – 282 Centre Road
Bentleigh (28 signatures)**

The joint letter read:

‘Petition of OBJECTION to Application Reference Number GE/PP-29826/2016/A’

Moved: Cr Hyams

Seconded: Cr Magee

That Council:

1. receives and notes the joint letter; and
2. considers the joint letter in conjunction with planning application
GE/PP-29826/2016/A.

CARRIED UNANIMOUSLY

6. DOCUMENTS FOR SEALING

There were no documents for sealing submitted to the meeting.

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

There were no reports by delegates presented to the meeting.

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

There were no minutes of Advisory Committees submitted to the meeting.

8.2 *Records of Assembly*

Moved: Cr Athanasopoulos

Seconded: Cr Hyams

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

- 3 October 2017
- 10 October 2017
- 17 October 2017 (pre meeting)

CARRIED UNANIMOUSLY

The Mayor advised that at this stage of the meeting, members of the community were invited to participate in the meeting under clause 230(1) Public Participation of the Glen Eira Local Law.

Section 9 Presentation of Officers Reports

9.1 VCAT Watch

Moved: Cr Hyams

Seconded: Cr Silver

That Council notes:

1. The applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.
2. The recent decisions of VCAT, including the commentary provided in relation to matters of notable interest.

CARRIED UNANIMOUSLY

It is recorded that Cr Davey declared an indirect conflict of interest by close association in item 9.2 – 10 St Georges Road, Elsternwick. Cr Davey was not present in the Chamber when this item was considered and vacated the Chamber at 8pm.

9.2 10 St Georges Road, Elsternwick

Moved: Cr Silver

Seconded: Cr Hyams

That Council:

- Issues a Notice of Refusal for Planning Permit Application No. GE/PP-30887/2017 at 10 St Georges Road, Elsternwick, on the following grounds:

Grounds of Refusal:

1. The development is inconsistent with the State Planning Policies for Built Form and Heritage and the Local Planning Policy for Housing and Residential Development as stated in Clauses 15, 16 and 21 of the Glen Eira Planning Scheme as it:
 - does not adequately respond to its context in terms of urban character by virtue of its excessive mass and scale; and,
 - does not contribute positively to the existing and preferred neighbourhood character.
2. The proposed development is inconsistent with the intent and objectives of Clause 22.01 of the Glen Eira Planning Scheme (Heritage Policy). The proposed development will adversely affect the significance, character and appearance of the heritage place due to:
 - the excessive building mass, bulk and scale; and
 - the height of the building and inadequate setbacks from St Georges Road resulting in a poor presentation to the public realm.
3. The proposal does not satisfy Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme as it fails to provide adequate visitor parking.
4. The proposal fails to meet a number of objectives of Clause 55 of the Glen Eira Planning Scheme (ResCode) including:
 - Clause 55.02-1 – Neighbourhood Character;
 - Clause 55.02-2 – Residential Policy;
 - Clause 55.02-5 – Integration with the street;
 - Clause 55.03-1 – Street Setback;
 - Clause 55.03-8 – Landscaping;
 - Clause 55.04-5 – Overshadowing open space;
 - Clause 55.06-1 – Design Detail; and,
 - Clause 55.06-2 – Front Fence.

CARRIED UNANIMOUSLY

It is recorded that Cr Davey vacated the Chamber prior to item 9.2 and was not present when this item was considered. Cr Davey entered the Chamber at 8.45pm.

9.3 29 Orange Street, Bentleigh East

Moved: Cr Magee

Seconded: Cr Hyams

That Council issues an Amended Planning Permit for Application No. GE/PP-22970/2010/A for 29 Orange Street Bentleigh East for the construction of buildings and works including a storage room and deck to the existing tennis club house in accordance with the following conditions:

1. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
2. No new buildings or works shall be constructed/erected and no existing buildings enlarged, rebuilt or extended without the prior written consent of the Responsible Authority.
3. This Permit will expire if:
 - The works approved do not commence within two years of the date of the Amended Permit
 - The works are not completed within four years of the date of the amended permit.

The Responsible Authority may extend the time referred to if a request is made in writing before the expiry date of the Amended Permit or within six (6) months after the expiry date of the Amended Permit if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date of the Amended Permit.

NOTES:

- A. This Planning Permit represents the planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff declared an indirect conflict of interest by close association in item 9.4 – 441-461 Glen Huntly Road, 9 Beavis Street and 75 Orrong Road, Elsternwick. Cr Esakoff was not present in the Chamber when this item was considered and vacated the Chamber at 8.50pm.

9.4 441-461 Glen Huntly Road, 9 Beavis Street and 75 Orrong Road, Elsternwick

Moved: Cr Silver

Seconded: Cr Hyams

That Council issues an Amended Planning Permit for Application No. GE/PP-27622/2015/A at 441-461 Glen Huntly Road, 9 Beavis Street and 74 Orrong Road in accordance with the following conditions:

1. Before the use and development permitted by this permit 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 three copies must be provided. The plans must be generally in accordance with the plans by Rothe Lowman, Drawing Nos. TP1.00 Rev.F (27/06/2017), TP1.01 Rev.G (12/07/2017), TP1.12 Rev.J (11/08/2017), TP1.03 Rev.J (11/08/2017), TP1.04 Rev.E (27/06/2017), TP1.05 Rev.F (11/08/2017), TP1.06 Rev.F (11/08/2017), TP1.07 Rev.D (27/06/2017), TP1.08 Rev.D (27/06/2017), TP1.09 Rev.E (27/06/2017), TP01.10 Rev.E (11/08/2017), TP01.11 Rev.F (27/06/2017), TP02.01 Rev.C (27/06/2017), TP02.02 Rev.D (27/06/2017), TP02.03 Rev.D (27/06/2017), TP02.04 Rev.D (27/06/2017), TP02.05 Rev.C (27/06/2017), TP02.06 Rev.C (27/06/2017), TP02.07-02.09 Rev.D (27/06/2017), TP02.10 Rev.C (27/06/2017) TP02.11-12 Rev.D (27/06/2017), but modified to show:

Car park and access

- (a) All accessways, ramp grades, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
- (b) Provision of pedestrian sight triangles measuring 2.5 metres along the accessway and 2.0 metres along the property frontage on both sides of each vehicle accessway. No objects greater than 600 millimetres in height can be located in these areas.
- (c) The widths of each vehicle crossover clearly dimensioned and designed to the satisfaction of the Responsible Authority.
- (d) Provision of giveway line marking at the western end of the customer car park at the ground floor adjacent the crossover to Orrong Road.
- (e) Provision of a car park management plan in accordance with Condition 15.
- (f) Provision of a waste management plan in accordance with Condition 26.

General

- (g) Deletion of Levels 8 and 9 on Building B.
- (h) Modifications to Level 7 on Building B, generally as shown on sketch plan 1 dated 24 September 2015.

- (i) The provision of a pedestrian carriageway easement of not less than 1.9 metres in width, in favour of 74 Orrong Road, along those parts of the southern and western boundaries of 441-461 Glen Huntly Road directly adjacent to 74 Orrong Road.
- (j) Provision of a demolition plan.
- (k) The light court to the bedrooms associated with dwelling C1.03 increased to a minimum four square metres.
- (l) The daylight access to the bedrooms associated with dwellings B2.11 and B2.12 increased in area to the satisfaction of the Responsible Authority.
- (m) The internal width of the saddleback windows and corridors associated with dwellings 3.20, 4.20, 5.20, 6.20 and 7.16 increased in width to a minimum 1.6 metres.
- (n) The bathrooms, toilets and ensuites associated with all units on the uppermost floor to have provisions for a skylight (or similar) where no windows or direct access to daylight is provided.
- (o) The following windows/balconies/areas to be treated with fixed screening devices to prevent overlooking to adjoining properties in compliance with Clause 55 of the Glen Eira Planning Scheme:
 - (i) All first, second and third floor north facing habitable room windows and balconies associated with dwellings in Building A and Building C;
 - (ii) Any north facing window associated with the Coles office area and gym area; &
 - (iii) The northern perimeter of the second floor north facing communal public open space area.
- (p) The maximum building height of each of the buildings approved by this permit to be clearly dimensioned on each elevation and measured from natural ground level.
- (q) Each dwelling provided with six cubic metres of storage space.
- (r) Prior to the commencement of the development, a schedule of construction materials, external finishes and colours (incorporating paint samples) must be submitted to, and approved by, the Responsible Authority. When approved, the schedule will be endorsed and will form part of the permit.
- (s) Provision of a continuous canopy constructed over the footpath along Glen Huntly Road setback a minimum of 0.75 metres from the kerb with a minimum height clearance of 3.0 metres.
- (t) Provision of a landscape plan in accordance with Condition 8.

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

2. The development must not contain more than 162 dwellings.
3. Deliveries to the supermarket must not be undertaken by vehicles which exceed a length of 12.5 metres.

4. All vehicles must enter and leave the loading bay area in a forward direction.
5. The occupier of the supermarket must use its best endeavours to ensure that not more than one, 12.5 metre long vehicle awaiting deliveries to the supermarket is parked in Beavis Street.
6. If required by the Responsible Authority, street trees must be provided, adjacent to the land's Glen Huntly Road, Beavis Street and Orrong Road frontages at the owners cost, to the satisfaction of the Responsible Authority.
7. The layout of the site and size, design and location of buildings and works and uses as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme.
8. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - (a) A survey, including botanical names, of all existing vegetation to be retained.
 - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (d) Landscaping and planting within the relevant communal open space areas of the site and planters in private spaces used for limiting views.
 - (e) Advanced trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) Orrong Road setback; x2 trees
 - (ii) Beavis Street setback; x2 trees
 - (iii) Street tree planting (if required by the Responsible Authority).or 4 trees in locations to the satisfaction of the Responsible Authority.

Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

9. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
10. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
11. The proposed works must not cause any damage to any existing street trees. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.

12. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street trees in Beavis Street and at a radius of 2.0 metres from the base of the trunks to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
13. The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

Above ground canopy TPZ (Tree Protection Zone) to be adopted. No works, structures or machinery will come within 1m of the trees crown/canopy as per AS 4870-2009 section 3.3.6. Tree Protection Zone (TPZ) fencing must be adopted to protect the street tree's trunk. Set at edge of TPZ on all sides (Finishing at paved surfaces). Temporary fencing to be used as per AS 4870-2009 section 4.3. Hand excavate any area within 1.5m of the Tree Protection Zone (TPZ). If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out. Ground protection is to be used if temporary access for machinery is required within the Tree Protection Zone (TPZ). Strapped rumble boards are to be used within TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.
14. Car spaces provided on site are to be provided and allocated at the following minimum rates:
 - 1 and 2 bedroom dwellings – 1 car space per dwelling.
 - 3 or more bedroom dwellings – 2 car spaces per dwelling.
 - Visitors (residential) – 1 car space per 5 dwellings.
 - Supermarket – 5 car spaces per 100 square metres of leasable floor area.
15. Before the development commences, a car parking management plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and form part of this permit. The car parking management plan must address, but is not necessarily limited to, the following:
 - (a) The allocation of car spaces for staff, residents, residential visitors and supermarket customers;
 - (b) How the car park will be shared between the above users;
 - (c) The areas set aside for car parking, must be made available for use free of charge to employees and visitors at all times when the use is in operation and must not be used for any other purpose; &
 - (d) Management of vehicles entering and exiting the site (having regard to the separate accessways proposed).
16. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;

- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat;
- (d) drained;
- (e) line-marked to indicate each car space and all access lanes;
- (f) clearly marked to show the direction of traffic along the access lanes and driveways;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

17. Prior to the 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).
18. 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.
19. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
20. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
21. Before the development is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority. This includes the provision of showers and change rooms when required by Clause 52.34.
22. The hours for delivery of goods and removal of waste from the site shall not occur outside the hours 6am to 10 pm without the further written consent of the Responsible Authority.
23. Before the use commences A Green Travel Plan (GTP) for the residential component of the development is to be prepared and submitted to the Responsible Authority for approval. The plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the dwellings. The plan must include, but not limited to the following:
 - (a) A description of the location in the context of alternative modes of transport, including walking, cycling and objectives for the Green Travel Plan;
 - (b) Outline Green Travel Plan measures for the development including but not limited to:
 - (i) Household welcome packs – train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - (ii) Bicycle parking and facilities available on the land;
 - (iii) Local walking paths and networks to key destinations;

- (iv) A plan showing the bicycle parking areas to be provided for use by residents
 - (v) Monitoring and review; and
 - (c) The Green Travel Plan must not be amended without written consent of the Responsible Authority.
 - (d) Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.
24. Disabled access to the building must be provided to the satisfaction of the Responsible Authority in accordance with AS1428 and all relevant parts.
25. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) Delivery and unloading points and expected frequency;
 - (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (d) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (e) Hours for construction activity in accordance with any other condition of this permit;
 - (f) Measures to control noise, dust, water and sediment laden runoff;
 - (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
26. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority.

The WMP must provide for the following:

- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
- (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- (d) Details for best practice waste management once operating.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

27. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
28. Any modification to existing infrastructure and services within the road reservation (including, but not restricted 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 applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
29. Air conditioning units located on balconies must be screened from view and not visible from the street or adjoining properties.
30. Privacy screens must be in accordance with the endorsed plans, Clause 55 and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
31. 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.
32. Prior to the occupation of the development, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
33. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) transport of materials, goods or commodities to or from the land; and/or
 - (b) appearance of any building, works, stored goods or materials; and/or
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.

34. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
35. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
36. The Permit holder must ensure that all dwellings within the development are protected from noise associated with any on-site mechanical plant equipment, consistent with the requirements of the State Environment Protection Policy N-1.
37. The permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must comply with AS/NZS 2107:2000.

Transport for Victoria Conditions

38. The permit holder must take all reasonable steps to ensure that disruption to tram operations along Glen Huntly Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction, and mitigation measures, must be communicated to Yarra Trams and Transport for Victoria fourteen days (14) prior.
39. The permit holder must ensure that all track, tram and overhead and supporting infrastructure is not damaged, or that works do not cause unplanned disruption to operations. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.
40. The permit holder must take all reasonable steps to ensure that disruption to bus operations on Orrong Road is kept to a minimum during reconstruction. Foreseen disruptions to bus operations must be communicated with mitigation measures to Transport for Victoria and bus operators one (1) week prior.

End Transport for Victoria Conditions

41. This Amended Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit;
or
 - The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced. If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Chamber prior to item 9.4 and was not present when this item was considered. Cr Esakoff entered the Chamber at 8.53pm.

9.5 *Management of Construction Activity*

Moved: Cr Athanasopoulos**Seconded: Cr Taylor**

That Council :

- a) notes the report; and
- b) refers consideration of additional staffing resources to the 2018/19 annual budget planning process.

CARRIED UNANIMOUSLY

9.6 *Domestic Animal Management Plan 2017-21*

Moved: Cr Hyams**Seconded: Cr Taylor**

That Council endorses the Domestic Animal Management Plan 2017-21 attached to this report.

CARRIED UNANIMOUSLY

9.7 Signal Box Painting to Combat Graffiti

Moved: Cr Delahunty**Seconded: Cr Magee**

That Council:

1. engages Urban Smart Projects to coordinate the painting of 20 Signal Boxes at a cost of \$28,000;
2. notes that applications will be open to any artist/s living, working or studying within the City of Glen Eira; and
3. notes that the recommended designs will be ratified by the Arts and Culture Advisory Committee in early 2018.

CARRIED UNANIMOUSLY

**9.8 Glen Eira Family Violence Prevention Action Plan
2017-2018**

Moved: Cr Taylor**Seconded: Cr Athanasopoulos**That Council endorses the *Glen Eira Family Violence Prevention Action Plan 2017-2018*.**CARRIED UNANIMOUSLY**

9.9 Glen Eira Leisure Facilities Review

Moved: Cr Esakoff

Seconded: Cr Magee

That Council:

1. notes the key findings for Carnegie Swim Centre;
2. authorises officers to commence community consultation on the proposed elements to be incorporated at Carnegie Swim Centre; and
3. receives a report at the conclusion of the consultation period.

CARRIED UNANIMOUSLY

9.10 Dockless Bike Share

Moved: Cr Silver

Seconded: Cr Athanasopoulos

That Council:

1. acknowledges the report; and
2. considers the further advice from officers following attendance at an information session on dockless share bikes and the Memorandum of Understanding, held by the City of Melbourne later this year.

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Silver

Seconded: Cr Delahunty

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY

9.11 Community Safety Committee Terms of Reference

Moved: Cr Sztrajt

Seconded: Cr Magee

That Council endorses the Community Safety Committee Terms of Reference and appoints the following Councillors to the committee:

- Councillor Jim Magee
- Councillor Dan Sztrajt
- Councillor Margaret Esakoff

CARRIED UNANIMOUSLY

9.12 Instruments of Appointment and Authorisation under the Planning and Environment Act 1987

It is recorded that Cr Magee vacated the Chamber at 10pm.

Moved: Cr Silver

Seconded: Cr Hyams

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) resolves that:

1. the staff member referred to in the attached Instrument be appointed and authorised as set out in the Instrument;
2. the Instrument comes into force immediately when the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it;
3. that any existing Instruments of Appointment and Authorisation (under the *Planning and Environment Act 1987*) to the staff member referred to in the attached Instrument be revoked effective immediately upon the Instrument referred to in paragraph numbered 1 above coming into effect; and
4. the Instrument be signed and sealed

CARRIED UNANIMOUSLY

**9.13 Financial Management Report for the Period Ending
30 September 2017**

Moved: Cr Hyams

Seconded: Cr Esakoff

It is recorded Cr Magee entered the meeting at 10.03pm.

It is recorded that Cr Athanasopoulos vacated the Chamber at 10.03pm

That Council notes the Financial Management Report for the period ending 30 September 2017.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS

There were no items of urgent business submitted to the meeting.

11. ORDINARY BUSINESS

11.1 Requests for reports from Officers – NIL

11.2 Right of Reply – NIL

11.3 Councillor questions –

Cr Silver - The future of lakes and wetlands in Glen Eira.

The Open Space Strategy is set to be reviewed in 2018.

Can Ms Krull confirm if as part of this review, officers will look at options to establish new lakes or wetlands in Glen Eira, be that in existing open space or elsewhere?

Response from the Director Infrastructure, Environment and Leisure

Yes, that will absolutely form part of the Open Space Strategy Review. We will be looking at a couple of things, both the existing lakes and water areas we currently have in our parks, but also options to enhance other spaces and do other initiatives such as water sensitive urban design treatments and also look at how we can balance that with creating additional passive open space. It requires a pragmatic approach and a balanced approach to provide both active and passive recreation space. To answer your question, yes absolutely, it will be considered as part of the Open Space Strategy Refresh.

It is recorded that Cr Athanasopoulos entered the Chamber at 10.06pm.

11.4 Public Questions to Council - NIL

12. CONFIDENTIAL BUSINESS

Moved: Cr Hyams

Seconded: Cr Magee

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments
- (f) Legal advice
- (g) Matters affecting the security of Council property'
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

12.1 **Tender number 2017.047 Supply and Delivery of GESAC Retail Products**
(Local Government Act 1989 – Section 89(2)(d) – Contractual matter)

Number of tenders received	16
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$1,500,000.00 (GST exclusive)

CARRIED UNANIMOUSLY

12.1 Tender 2017.047 Supply and Delivery of GESAC Retail Products

This paper and the supporting Evaluation Panel report contain confidential contractual and financial data. It is recommended that discussion of this paper and the Evaluation Panel Report be in-camera under Section 89(2)(d) of the Local Government Act 1989

Moved: Cr Silver

Seconded: Cr Hyams

1. That Council appoints the following tenderers as the contractors under Tender number 2017.047 Supply and Delivery of GESAC Retail Products in accordance with the Schedule of Rates submitted:
 - 2XU Pty Ltd, ACN 112 308 602
 - Aqueo Import & Distribution Pty Ltd, trading as Havaianas Australia, ACN 098 52 8440
 - Hanes Innerwear Australia Pty Ltd, ACN 098 742 655
 - Karin Barclay, trading as Back Beach Co, ABN 13 440 069 297
 - Northpac International Pty Ltd, trading as Performance Swimwear, ACN 088 492 497
 - Running Bare Australia Pty Ltd, ACN 064 012 157
 - Seafolly Pty Ltd, ACN 001 537 748
 - Skins Compression Garments Pty Ltd, ACN 110 666 923
 - Speedo Australia Pty Ltd, ACN 050 097 375
 - Ug Manufacturing Co Pty Ltd, trading as Quiksilver, ACN 005 047 941
 - Vegas Enterprises Pty Ltd, trading as Rusty, ACN 009 078 148
 - Vorgee Pty Ltd, ACN 110 472 707
 - Way Funky Company Pty Ltd, ACN 111 108 251
 - Zoggs Australia Pty Ltd, ACN 077 979 296
2. That the contract be prepared in accordance with the Conditions of Contract included in the tender.
3. That the contract be prepared for Ug Manufacturing Co Pty Ltd, trading as Quiksilver, ACN 005 047 941 in accordance with the Conditions of Contract included in the tender to be negotiated and agreed to by Council.
4. That the contract be prepared for Vegas Enterprises Pty Ltd, trading as Rusty, ACN 009 078 14 in accordance with the Conditions of Contract included in the tender to be negotiated and agreed to by Council.
5. That the contracts be executed in an appropriate manner.
6. That this resolution be incorporated in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Silver

Seconded: Cr Hyams

That the meeting be resumed in open Council.

CARRIED UNANIMOUSLY

13 CLOSURE OF MEETING

The Mayor closed the meeting at 10.10pm.

Confirmed this 28 Day of November 2017

Chairperson: