



# **GLEN EIRA CITY COUNCIL**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**19 December 2017**

**7.30pm**

Present

Cr Tony Athanasopoulos (Mayor)  
Cr Clare Davey  
Cr Mary Delahunty  
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 Tuesday 19 December 2017 at 7.30pm**

The Mayor advised the gallery that all Council's Ordinary and Special Meetings will now be livestreamed to provide the community with greater access to Council debate and the decision making process.

**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.

**4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETINGS****4.1 Confirmation of the Minutes****Moved: Cr Silver****Seconded: Cr Hyams**

That the minutes of the Ordinary Meeting held on 28 November 2017.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITION AND JOINT LETTERS**

A joint letter containing 582 signatures was submitted to the meeting.

The joint letter read as follows:

“Petition for inclusion of Western side of Weeroona Road into existing Neighbourhood Character overlay.”

**Moved: Cr Esakoff****Seconded: Cr Silver**

That Council receives and notes the joint letter including consideration of the concerns raised in the joint letter in the review of Council’s Quality Design Guidelines.

**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

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### 8.1 Advisory Committees

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**Moved: Cr Hyams**

**Seconded: Cr Delahunty**

That the minutes of the Committees below be received and noted and that the recommendations of the Committees be adopted.

- a. Sustainability Advisory Committee – 26 October 2017
- b. Community Grants Committee – 16 November 2017
- c. Arts and Culture Advisory Committee - 20 November 2017
- d. Audit Committee - 24 November 2017
- e. Community Consultation Committee – 29 November 2017
- f. Community Grants Committee – 5 December 2017

**CARRIED UNANIMOUSLY**

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### 8.2 Records of Assembly

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**Moved: Cr Silver**

**Seconded: Cr Esakoff**

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

- a. 14 November 2017
- b. 21 November 2017
- c. 28 November 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**

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### **9.1      VCAT Watch**

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**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**

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## 9.2 3 Rigby Avenue, Carnegie

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**Moved: Cr Esakoff**

**Seconded: Cr Hyams**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30976/2017 for 3 Rigby Avenue Carnegie for up to five dwellings in accordance with the following conditions:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing No.6-11 drawn by Steller, dated 9/8/17) but modified to show:
  - (a) A Landscape Plan in accordance with Condition 2;
  - (b) The roof to Dwelling 5 to be reduced in height to a maximum of 5m, or modified to a flat roof form;
  - (c) The provision of updated shadow plans which show overshadowing to the private open space area on the property to the south to be in accordance with Standard B21 at Clause 55.04-5 of the Glen Eira Planning Scheme. Any changes to setbacks to achieve this must be absorbed within the existing building envelope;
  - (d) First floor north and south facing habitable room windows of Dwellings 1-4 (and balcony to Dwelling 2) to have fixed obscure screening in accordance with Standard B22 of Clause 55.04-6 of the Glen Eira Planning Scheme;
  - (e) The crossover to Rigby Avenue to be reduced to 3.6m width and aligned with the accessway;
  - (f) The accessway width to be maintained as 3.6m wide at the bottom of the ramp;
  - (g) The 2.2m headroom clearance to be shown as per Figure 5.3 of AS2890.1;
  - (h) The deletion of the upper-floor of T4. The internal layout of T4 and T5 can be adjusted to improve the internal amenity of the dwellings.
2. 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) All existing retained vegetation to be identified.
  - (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 all open space areas of the site.
  - (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
    - (i) 2 in the front setback;



- (ii) 3 trees along the northern boundary (adjacent to basement ramp);
- (iii) 5 trees along the southern boundary;
- (iv) 3 within the private open space of Dwellings 2-4 (one per dwelling);
- (v) 2 within the rear setback

or 15 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.

3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
4. 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.
5. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 10 metres from the base of the trunk 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 completed. 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
6. 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.

7. No excavation is to come within 1.5m of the existing street tree (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. 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 TPZ (Tree Protection Zone). Strapped rumble boards are to be used within the tree protection zone to limit ground compaction as per AS 4870-2009 section 4.5.3.

8. 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.
9. This 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.

10. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
11. 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.
12. 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) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) hours for construction activity in accordance with any other condition of this permit;
  - (h) measures to control noise, dust, water and sediment laden runoff;
  - (i) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;any construction lighting to be baffled to minimise intrusion on adjoining lots

13. 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.
14. Protective kerbs (minimum 150mm in height) or the like must be installed to the satisfaction of the Responsible Authority to prevent vehicle damage to the landscaped areas on the subject land and to the fences of adjoining properties.
15. 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.
16. The car parking allocation for the approved development must be:
- Not less than two (2) car spaces per three (3) or more bedroom dwelling;
  - Visitor spaces (not less than 1 for every 5 dwellings) marked accordingly.
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 generally 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 generally in accordance with the endorsed plans.
19. 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 Waste Management Plan 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 Waste Management Plan 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.

NOTES:

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.  
  
If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- E. 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.
- F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.

- G. The existing Telstra pit/s at the frontage of the site are to be relocated and/or modified to the satisfaction of the relevant Authority. Please call Telstra on ph: 1800 810 443. The written permission from the relevant Authority regarding the relocation and/or modification of the Telstra pit/s must be provided to Council.
- H. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.
- I. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

### **Procedural Motion**

**Moved: Cr Delahunty**

**Seconded: Cr Sztrajt**

That Cr Hyams be granted a 1 minute extension of speaking time.

**CARRIED UNANIMOUSLY**

The motion Moved by Cr Esakoff and Seconded by Cr Hyams was PUT and

**CARRIED UNANIMOUSLY**

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## 9.3 2 Newman Avenue, Carnegie

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**Moved: Cr Esakoff**

**Seconded: Cr Hyams**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30735/2017, 2 Newman Avenue, Carnegie for up to five dwellings in accordance with the following conditions:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP07-TP14 dated 6/9/17 drawn by Megowan Architectural) but modified to show:
  - (a) A Landscape Plan in accordance with Condition 2;
  - (b) A Tree Management Plan for neighbouring trees to be provided, consistent with the recommendations within the Arboricultural Construction Impact Assessment (Greenwood Consulting – 1 September 2017). All Tree Protection Zones and Fences as recommended within this plan must be clearly delineated on the plans;
  - (c) The apex of the roof pitch to be no more than 9 metres;
  - (d) First floor south and east facing habitable room windows to have fixed obscure screening by a method specified in Standard B22 of Clause 55.04-6;
  - (e) A note provided on the plan indicating that the pedestrian sight triangles need to be clear of any objects or vegetation greater than 900mm in height;
  - (f) The width of the accessway ramp, including the kerbs to be clearly dimensioned on both the ground floor and basement plans, in accordance with AS2890.1:2004;
  - (g) The crossover to be shown measuring 3 metres in width and be aligned with the trafficable section of the accessway ramp at the frontage (i.e. between the 300mm kerbs);
  - (h) The store room to Townhouse 1 to cut back to allow for a minimum 5.5 metre wide by 6 metre long car parking area;
  - (i) The garage to Townhouse 1 to be widened and set further into the basement with swept paths provided to demonstrate appropriate access;
  - (j) The south-eastern corner of Townhouse 1s garage to be splayed to provide sufficient sightlines down the accessway ramp;
  - (k) Headroom clearance above the ramp is required to be measured as per Figure 5.3 of AS2890.1:2004 and shown on the longitudinal cross section plan;
  - (l) A visitor car space in accordance with condition 18.
  - (m) The deletion of the upper-floor of TH4. The internal layout of TH4 and TH5 can be adjusted to improve the internal amenity of the dwellings.
2. 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) All existing retained vegetation to be identified.

- (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 all open space areas of the site.
- (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
  - (i) 2 in the front setback;
  - (ii) 2 along the east boundary;
  - (iii) A minimum of 3 trees along the southern boundary;
  - (iv) 4 along the northern boundary ;or 12 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.

3. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the trees specified within the Tree Management Plan at the relevant radii from the base of the trunk to define a 'tree protection zone'.

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.

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.

4. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. 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.
6. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 2.5 metres from the base of the trunk 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 completed. 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

7. 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.

8. No excavation is to come within 1.7m of the existing street tree (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. 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 TPZ (Tree Protection Zone). Strapped rumble boards are to be used within the tree protection zone to limit ground compaction as per AS 4870-2009 section 4.5.3.

9. 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.

10. This 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.

11. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
12. 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.
13. 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) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) hours for construction activity in accordance with any other condition of this permit;
  - (h) measures to control noise, dust, water and sediment laden runoff;
  - (i) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (j) any construction lighting to be baffled to minimise intrusion on adjoining lots
14. 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.
15. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
16. Protective kerbs (minimum 150mm in height) or the like must be installed to the satisfaction of the Responsible Authority to prevent vehicle damage to the landscaped areas on the subject land and to the fences of adjoining properties.
17. 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.

- 18 The car parking allocation for the approved development must be:
- Not less than two (2) car spaces per three (3) or more bedroom dwelling;
  - Not less than one visitor car space per five dwellings
19. 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 generally in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
20. 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 generally in accordance with the endorsed plans.
21. 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.

NOTES:

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities.

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

- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- E. 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.
- F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.
- G. The existing Telstra pit/s at the frontage of the site are to be relocated and/or modified to the satisfaction of the relevant Authority. Please call Telstra on ph: 1800 810 443. The written permission from the relevant Authority regarding the relocation and/or modification of the Telstra pit/s must be provided to Council.
- H. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.
- I. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

**CARRIED UNANIMOUSLY**

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## 9.4 233-247 Glen Huntly Road, Elsternwick and 14 Ripon Grove, Elsternwick

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**Moved: Cr Delahunty**

**Seconded: Cr Sztrajt**

That a Refusal to Grant a Permit be issued for Application No. GE/PP-30917/2017 for the following reasons:

1. The proposed development is not consistent with State Planning Policies for Built Environment and Heritage and Housing Diversity and the Local Planning Policy for Housing and Residential Development of the Glen Eira Planning Scheme as the height and intensive massing of the building does not adequately respond to its context in terms of neighbourhood character.
2. The proposal does not satisfy the intent and objectives of the Urban Village Policy at Clause 22.05 of the Glen Eira Planning Scheme due to the excessive mass, bulk, scale and height of the proposed building. The development fails to provide an appropriate transition to the surrounding residential areas.
3. The development is inconsistent with the purpose of the Commercial 1 Zone (Clause 34.01 of the Glen Eira Planning Scheme) by failing to provide for commercial space at a density complementary to the role and scale of the commercial centre.
4. The proposal does not adequately satisfy Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme as it fails to provide adequate visitor parking and parking for the retail premises;
5. The proposal fails to satisfy the following Standards of Clause 58 (Apartment Developments)
  - Standard D3 (Dwelling Diversity);
  - Standard D5 (Integration with the street);
  - Standard D10 (Landscaping);

### **Procedural Motion**

**Moved: Cr Delahunty**

**Seconded: Cr Sztrajt**

The Council grants Cr Sztrajt a 2 minute extension of speaking time.

**CARRIED UNANIMOUSLY**

The Motion Moved by Cr Delahunty and Seconded by Cr Sztrajt was PUT and **CARRIED**

*It is recorded that Cr Silver abstained from voting on this item.*

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## 9.5 1110-1112 Dandenong Road, Carnegie

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**Moved: Cr Hyams**

**Seconded: Cr Esakoff**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30982/2017 for the construction of 19 dwellings of 2-4 storeys above basement car park, reduction in visitor car parking requirement and alteration of access to a road in a Road Zone, Category 1 at 1110-1112 Dandenong Road, Carnegie in accordance with the following conditions:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing No's. TP.101-TP.106, TP.201-TP.203 and TP.301-TP.302, prepared by t-a square and dated 28 July 2017) but modified to show:
  - (a) A landscape plan in accordance with Condition 2.
  - (b) The south-facing stairwell windows of Units 10 and 11 to be fitted with obscure glass.
  - (c) In addition to the speed hump, give-way sign and convex mirror shown at the start of the accessway, the provision of corner splays (pedestrian sight triangles) for the vehicle accessway in accordance with Design Standard 1 of Clause 52.06-9 of the Glen Eira planning Scheme. This may be achieved by modifications to the side boundary fence allowing the corner splay to include part of the entry/exit lane of 1108 Dandenong Road.
  - (d) The radii and clearances of the curved section of the basement ramp to accord with the requirements of AS2890.1: 2004 and clearly shown and dimensioned on the plans.
  - (e) The basement ramp to incorporate 500mm kerbs.
  - (f) The 1:16 graded section of the basement ramp to include details demonstrating that there would be no sudden drop on either side of this section of the ramp.
  - (g) A convex mirror to be provided above the outside curve of the ramp to improve visibility between motorists entering and exiting.
  - (h) The internal length of the tandem garages to be increased to a minimum of 11.3m.
  - (i) A note stating that the design and layout of the bicycle parking spaces would accord with Clause 52.34 of the Glen Eira Planning Scheme, AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria.
  - (j) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the following trees at the prescribed radial distance from the base of tree trunk to define a tree protection zone (TPZ):
    - Neighbouring trees to the south – 3.0m each; and
    - Neighbouring trees to the east – 3.0m each.

- (k) The delineation of root sensitive footings where any part of the development comes within the following TPZ's:
  - Neighbouring trees to the south – 3.0m each; and
  - Neighbouring trees to the east – 3.0m each.
- (l) The delineation of root sensitive permeable paving where any part comes within the following TPZ's:
  - Neighbouring trees to the south – 3.0m each; and
  - Neighbouring trees to the east – 3.0m each.
- (m) The deletion of side and rear boundary fence and trellis notes from the plans and elevations.

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

2. A detailed Landscape Plan must be submitted to Council, to the satisfaction of 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 the following:

- (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 all open space areas of the site.
- (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
  - (i) 2 trees within the front north-eastern corner of the site;
  - (ii) 1 tree within the front setback of Unit 1;
  - (iii) 6 trees within the private open space areas of Units 2, 11 and 12 (2 for each dwelling);
  - (iv) 15 trees within the private open space areas of Units 3-10 and 13-19 (one for each dwelling);
  - (v) 2 trees within the rear south-eastern corner of the site;
  - (vi) 2 trees within the rear south-western corner of the site;Or 28 trees as above 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.

3. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the following trees at the prescribed radial distance from the base of the trunk to define a tree protection zone (TPZ):

- Neighbouring trees to the south – 3.0m each; and
- Neighbouring trees to the east – 3.0m each.

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.

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.

4. Any required pruning to the overhanging canopy of any neighbouring trees is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373 – 2007 Standards Australia.
5. Any pruning of the root system of any neighbouring tree is to be done by hand by a qualified Arborist.
6. Root sensitive footings such as pier and beam or screw pile footings (or similar) are to be used where any part of the development comes within the following TPZ's. If used, the beam should be designed to be positioned above soil grade to minimise soil excavation and root severance:
  - Neighbouring trees to the south – 3.0m each; and
  - Neighbouring trees to the east – 3.0m each.
7. Root sensitive permeable paving such as 'on-ground' or no-dig' paving (or similar) is to be used where any part of the proposed paving comes within the following TPZ's:
  - Neighbouring trees to the south – 3.0m each; and
  - Neighbouring trees to the east – 3.0m each.
8. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
9. 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.
10. 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.

11. 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) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) Hours for construction activity in accordance with any other condition of this permit;
  - (h) Measures to control noise, dust, water and sediment laden runoff;
  - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
12. The car parking allocation for the approved development must be:
  - Not less than one (1) car space for each 1 or 2 bedroom dwelling;
  - Not less than two (2) car spaces for each three (3) or more bedroom dwelling;
  - Visitor spaces (2) marked accordingly.



13. 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.

14. A vehicular crossing must be constructed to the road to suit the proposed driveway 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.
15. 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 generally in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
16. 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 generally in accordance with the endorsed plans.
17. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note A.
18. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
19. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
20. 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.
21. This 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.

**Notes:**

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

- C. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- 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.
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. 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.
- G. Consideration is required when installing domestic services (ie, air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

**Asset Engineering Notes**

- H. Council records indicate that there is an existing Council stormwater drain that runs along the southern boundary of the property. The proposed Communal area, Seating and BBQ area are proposed to be built over Council existing drain. The proposed plans may need to be amended and resubmitted to Council by retaining a minimum 1.0m horizontal offset from the existing Council drain.

**Vehicle Crossing**

- I. The existing Telstra pit shall be relocated to its satisfaction.
- J. The proposed vehicle crossing should be constructed as splayed vehicle crossing to Council's standards.

**Drainage**

- K. No net increase in peak stormwater runoff in Council's drainage network. Post-development peak stormwater discharge to Council's drainage network must be maintained to the pre-development level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior to any construction works.
- L. Engineering Services encourage using rainwater tanks for storage and reuse for toilet and irrigation purposes and/or a stormwater detention system.
- M. Drainage associated with basement construction (seepage and agricultural waters is to be filtered to rainwater clarity) must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel.
- N. All stormwater runoff must be connected to Council's underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.

**General**

- O. 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.
- P. Asset Protection Permit must be obtained from Council's Engineering Services Department prior to the commencement of any building works.
- Q. All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and/or stormwater connection to Council's drainage network.
- R. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with Engineering Services prior to issuing a planning permit.

**CARRIED UNANIMOUSLY**

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**9.6      *Caulfield Village – Planning Scheme Amendment C151:  
Social and Affordable Housing***

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

That Council:

1. notes the submissions received; and
2. refers submissions and the revised documents to an Independent Panel in accordance with Section 23 of the Planning and Environment Act 1987.

**CARRIED UNANIMOUSLY**

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**9.7      *450 Dandenong Road, Caulfield North – Planning Scheme  
Amendment C153***

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**Moved: Cr Delahunty****Seconded: Cr Silver**

That Council:

1. amends the citation for 450 Dandenong Road Caulfield North to more clearly define the internal controls as listed in this report;
2. adopts Amendment C153; and
3. forwards Amendment C153 to the Minister for Planning for approval.

**CARRIED UNANIMOUSLY**

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## **9.8 New Public Toilet, East Bentleigh Shopping Centre**

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**Moved: Cr Taylor**

**Seconded: Cr Magee**

That Council:

1. endorses proceeding with the design and construction of a new public toilet within the Heather Street car park, Bentleigh East near the south west corner as shown in Attachment 1; and
2. endorses a 2017/18 budget forecast adjustment of \$145,000 for the construction of the public toilet.

**CARRIED UNANIMOUSLY**

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## 9.9 Foch Street, Ormond Road Discontinuance

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**Moved: Cr Esakoff**

**Seconded: Cr Silver**

That Council:

1. commences the statutory procedures pursuant to Section 206 and Schedule 10 (3) of the Local Government Act, 1989 (the Act).to discontinue part of Foch Street, Ormond, adjoining the side of 23 Newham Grove, as shown Blue on Attachment 1 to this Report, and the land be transferred to Council and retained for municipal purposes (Proposal);
2. gives public notice of the Proposal in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader newspapers and on Council's website and write to owners of all properties that abut the road reserve advising of the same;
3. authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the Proposal;
4. if submissions are received to the public notice:
  - a) authorises the Chief Executive Officer to fix the time, date and place of a meeting for the section 223 hearing for persons who wish to be heard in support of their submission;
  - b) appoints a Special committee of Council comprising of all Councillors, but not less than three Councillors, present at the meeting to hear and consider all submissions;
  - c) receives a further report from the Special Committee at the next appropriate Council Meeting to determine the Proposal;
5. if no submissions are received to the public notice, implements the proposal to discontinue part of Foch Street, Ormond, adjoining the side of 23 Newham Grove, as shown Blue on Attachment 1 to this Report, and the land be transferred to Council and retained for municipal purposes; and
6. publishes the road discontinuance in the Victorian Government Gazette and once published authorise officers to remove the section of road reserve from Council's Register of Public Roads in accordance with the provisions of section 19 of the Road Management Act 2004.

**CARRIED UNANIMOUSLY**

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## **9.10 Access for People Over 70 Years of Age to Glen Eira Facilities**

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**Moved: Cr Magee**

**Seconded: Cr Davey**

That Council:

1. approves the subsidised rate for casual swimming at Carnegie Swim Centre and GESAC at \$2 per session for concession card holders who are 70 and over and are not members, and \$6.95 for those aged 70 and over who do not hold a concession card and are not members; and
2. incorporates the new fees and charges outlined in Attachment 2 into the 2017-18 Fees and Charges for Glen Eira Leisure facilities commencing 1 February 2018.

**CARRIED UNANIMOUSLY**

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## **9.11 Deed of Surrender of Lease – EE Gunn Scout Hall**

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**Moved: Cr Silver**

**Seconded: Cr Magee**

That Council:

1. notes the need for the leased area that comprises EE Gunn Scout Hall and garage in the EE Gunn Reserve Master Plan;
2. authorises officers to proceed to negotiate and finalise a Deed of Surrender of Lease with The Scouts Association of Australia, Victorian Branch for the lease dated 11 October 2016 of the premises referred to as the Scout Hall, part of EE Gunn Reserve Scout Hall and include the following conditions:
  - a. Council will provide financial compensation to The Scout Association of Australia, Victorian Branch in the sum of \$150,000 after:
    - i. exchange of a fully signed copy of the Deed of Surrender between Council and The Scout Association of Australia, Victorian Branch to Council; and
    - ii. the Scout Association of Australia, Victorian Branch confirm in writing that the total amount of compensation will be used solely for the refurbishment of the Birch Street Scout Hall; and
    - iii. the Scout Association of Australia, Victorian Branch providing Council with a tax invoice for payment of the compensation and noting payment method of either cheque or electronic transfer.
3. executes the Deed of Surrender of Lease in an appropriate manner including affixing of the common seal of Council if required and finalising any other documents that may be required to facilitate the compensation payment.

**CARRIED UNANIMOUSLY**

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**9.12 Lease to East Bentleigh Sporting and Recreation Club**

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**Moved: Cr Magee****Seconded: Cr Hyams**

That Council:

1. notes the change of name from East Bentleigh Sporting and Recreation Club Incorporated to Coatesville Bowling Club Incorporated;
2. enters into a Deed of Assignment of Lease with East Bentleigh Sporting and Recreation Club Incorporated to Coatesville Bowling Club Incorporated for the leased area shown in Attachment 1; and
3. executes the above Deed of Assignment of Lease in an appropriate manner including affixing the Council Seal.

**CARRIED UNANIMOUSLY**

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**9.13 Lease 6 Aileen Avenue, Caulfield South**

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**Moved: Cr Silver****Seconded: Cr Delahunty**

That Council:

1. commences the statutory procedures in accordance with Sections 190 and 223 of the Local Government Act 1989 for Council to enter into a lease of its property at 6 Aileen Avenue, Caulfield South being the land contained in certificate of title volume 5656 folio 133 (the Property).
  - a. That the term of the lease will be one year.
  - b. That the annual rental for the Property will be \$51,272;
2. authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the lease;
3. gives public notice of the lease in accordance with Section 223 of the Local Government Act 1989 in local newspapers and on Council's website in the week commencing Monday 8 January 2018. Submissions are to be received by 5:00pm, Thursday 8 February 2018;
4. hears submitters who have elected to speak to their submission and considers their submissions at the Ordinary Council Meeting to be held at 7.30pm on 27 February 2018.
5. authorises officers to proceed with the lease if no submissions are received in response to the public notice.

**CARRIED UNANIMOUSLY**



*It is recorded Cr Esakoff declared an indirect conflict of interest because of conflicting duties in item 9.14 – Lease of 1134 Glenhuntly Road, Glenhuntly. Cr Esakoff was not present in the Chamber when this item was considered and vacated the Chamber at 9.30pm.*

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## **9.14 Lease of 1134 Glenhuntly Road, Glen Huntly**

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**Moved: Cr Hyams**

**Seconded: Cr Silver**

That Council:

1. authorises officers to finalise the terms of a new lease with Rosalind Jane Bird, Claire Dorothy Miller and Noeleen Ann Miller for their property at 1134 Glenhuntly Road, Glen Huntly for an initial term of 3 years plus two further options of 3 years each; and
2. executes the above lease in an appropriate manner by affixing the Council Seal.

**CARRIED**

*It is recorded that Cr Esakoff vacated the Chamber prior to item 9.14 and was not present when this item was considered. Cr Esakoff entered the Chamber at 9.33pm.*

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## 9.15 Community Gardens

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**Moved: Cr Taylor**

**Seconded: Cr Magee**

That Council:

1. establishes a community garden at Moorleigh Village in 2018-19. As part of the 2018/19 budget process allocate funding to support the project at an estimated capital start-up cost of \$65,000 and short-term operational cost of \$30,000.
2. provides information about community gardening on Council's website including different types of community gardens and locations of existing community gardens in Glen Eira; and
3. includes consideration of community garden plantings in public open space in the development plans for parks and the review of the *Open Space Strategy*.

**CARRIED**

### **Procedural Motion**

**Moved: Cr Silver**

**Seconded: Cr Hyams**

That the meeting be extended to finish at 11pm.

**CARRIED UNANIMOUSLY**

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## **9.16 Advocacy Strategy**

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**Moved: Cr Delahunty**

**Seconded: Cr Silver**

That the *Glen Eira Advocacy Strategy 2018-2020* be adopted.

### **Procedural Motion**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Magee**

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

**CARRIED UNANIMOUSLY**

The Motion Moved by Cr Delahunty and Seconded by Cr Silver was PUT and  
**CARRIED UNANIMOUSLY**

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**9.17 Foundation for Youth Excellence Committee Grant Applications**

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**Moved: Cr Davey****Seconded: Cr Esakoff**

That Council approves the Foundation for Youth Excellence grants as outlined in this report.

**CARRIED UNANIMOUSLY**

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**9.18 Citizenship Ceremony January 2018**

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**Moved: Cr Delahunty****Seconded: Cr Sztrajt**

That Council notes the report and the proposed changes to Council's Citizenship Ceremony for January 2018.

**CARRIED UNANIMOUSLY**

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**9.19 Audit Committee 2016-17 Annual Report**

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

That the Audit Committee's 2016-17 Annual Report be noted.

**CARRIED UNANIMOUSLY**

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**9.20 Financial Management Report for the Period Ending  
30 November 2017**

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**Moved: Cr Silver****Seconded: Cr Magee**

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

**CARRIED UNANIMOUSLY**

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**9.21 Appointment of Acting Chief Executive Officer**

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**Moved: Cr Hyams****Seconded: Cr Delahunty**

That Council appoints Mr Peter Swabey, Director Corporate Services to the role of Acting Chief Executive Officer for the period Saturday 23 December 2017 to Wednesday 10 January 2018 inclusive, in accordance with section 94(4A) of the *Local Government Act 1989*.

**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 –

*It is recorded that Cr Esakoff vacated the Chamber at 10.31pm.*

#### a) Cr Magee

**Moved: Cr Magee**

**Seconded: Cr Sztrajt**

I Councillor Jim Magee call on officers to prepare a report on the feasibility and benefits of:

1. Extending the current tram line that runs along the centre of Nepean Highway and turns East at Glen Huntly Road, to continue along Nepean Highway as a light rail service to South Road.
2. A light rail tram service traveling East/West along North Road, from Nepean Highway to East Boundary Road.
3. A light rail tram service running North/South along East Boundary Road between North Road and South Road.
4. A light rail tram service running East/West along South Road between the Nepean Highway and Warrigal Road.

The report should consider the benefits of improved public transport for the south-east parts of Glen Eira, the potential reduction in traffic congestion, and a comparison between tram and dedicated bus lines along the same routes.

*It is recorded Cr Esakoff entered the Chamber at 10.35pm.*

*It is recorded Cr Davey vacated the Chamber at 10.37pm and did not return to the meeting.*

**CARRIED UNANIMOUSLY**

### 11.2 Right of Reply – NIL

### 11.3 Councillor questions

Cr Taylor – That Council considers a report on the recommendations and actions arising from Dr Graham Lorimers study biodiversity in Glen Eira as soon as practicable.

The Director Infrastructure, Environment and Leisure responded that a report will be presented to a future Council meeting.

### 11.4 Public Questions to Council - NIL

*It is recorded that Cr Magee vacated the Chamber at 10.43pm and re-entered at 10.44pm.*

## 12. CONFIDENTIAL BUSINESS

**Moved: Cr Silver**

**Seconded: Cr Hyams**

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 2018.41 Provision of Drainage Maintenance Services (Minor Works)

**Local Government Act 1989 Section 89(2)(d)** given it relates to a contractual matter

Number of tenders received	Five (5)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	Over \$700,000 (Excl.GST)

### 12.2 Tender 2018.108 – Duncan McKinnon – Netball Courts Upgrade

**Local Government Act 1989 Section 89(2)(d)** given it relates to a contractual matter

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$650,000.00

### 12.3 Tender 2018.115 – Duncan McKinnon – Athletics Track Upgrade

**Local Government Act 1989 Section 89(2)(d)** given it relates to a contractual matter

Number of tenders received	One (1)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$1,600,000

### 12.4 Young Citizen of the Year

**Local Government Act 1989 Section 89(2)(h)** any other matter which the Council or Special Committee considers would prejudice the Council or any person

**CARRIED UNANIMOUSLY**

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## **12.1 Tender 2018.41 Provision of Drainage Maintenance Services and Associated Civil Works (Minor)**

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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 Hyams**

**Seconded: Cr Silver**

That Council:

1. appoints the following contractor panel under Tender number 2018.41 in accordance with the Schedule of Rates submitted:
  - a) Blue Peak Constructions Pty Ltd, A.C.N 600 299 474 and the trustee for Blue Peak Constructions Family Trust, trading as Blue Peak Constructions, A.B.N 88 660 064 079
  - b) CDN Constructors Pty Ltd, A.C.N 053 650 052
  - c) M&L Antolino Pty Ltd, A.C.N 005 489 038
  - d) M.Tucker & Sons Pty Ltd, ACN 007 193 811
  - e) Novacon Group Pty Ltd, ACN 621 403 076;
2. appoints the contractor panel for a contract term of two (2) years with the Director Infrastructure, Environment & Leisure having the options to extend for three (3) additional one (1) year terms;
3. prepares the contracts in accordance with the Conditions of Contract included in the tender;
4. executes the contracts in an appropriate manner by affixing the Council Seal;
5. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**



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## **12.2 Tender 2018.108 Duncan MacKinnon Reserve Netball Courts Upgrade**

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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 Delahunty**

**Seconded: Cr Silver**

That Council:

1. appoints **Contek Constructions Pty Ltd, ACN 060 505 099** as the contractor under Tender number 2018.108 for an amount of **\$679,069.00** exclusive of GST, in accordance with the Schedule of Rates submitted.
2. prepares the contract in accordance with the Conditions of Contract included in the tender.
3. authorises the CEO to execute the contract on Council's behalf.
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

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## **12.3 Tender 2018.115 Duncan MacKinnon Reserve Athletics Track Upgrade**

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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 Magee**

That Council:

1. appoints **Polytan Asia Pacific Pty Ltd, ACN 111 057 606** as the contractor under Tender number 2018.115 for an amount of \$1,669,066 exclusive of GST, in accordance with the Schedule of Rates submitted, prepares the contract in accordance with the Conditions of Contract included in the tender.
2. authorises the CEO to execute the contract on Council's behalf.
3. incorporates this resolution in the public minutes of this Meeting

**CARRIED UNANIMOUSLY**

**Procedural Motion**

**Moved: Cr Magee**

**Seconded: Cr Hyams**

That the meeting be resumed in open Council.

**CARRIED UNANIMOUSLY**

**13 CLOSURE OF MEETING**

The Mayor closed the meeting at 10.51pm.

Confirmed this 6 Day of February 2018

Chairperson: .....