



# **GLEN EIRA CITY COUNCIL**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**27 February 2018**

**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

## Table of Contents

1. Acknowledgement
2. Apologies
3. Oath of Office and Disclosure of Interest
4. Confirmation of the Minutes of the Previous Council Meetings
5. Reception and Reading of Petition and Joint Letters
6. Documents for Sealing
7. Reports by Delegates Appointed by Council to Various Organisations
8. Reports from Committees
  - 8.1 Advisory Committees
  - 8.2 Records of Assembly
9. Presentation of Officers Report
  - 9.1 Structure Plan and Quality Design Guidelines
  - 9.2 Bentleigh Structure Plan
  - 9.3 Elsternwick Structure Plan
  - 9.4 Carnegie Structure Plan
  - 9.5 Quality Design Guidelines
  - 9.6 82-84 Mitchell Street Bentleigh
  - 9.7 11 Perth Street, Murrumbeena
  - 9.8 6-8 Bevis Street Bentleigh East
  - 9.9 VCAT Watch
  - 9.10 Quarterly Service Performance Report
  - 9.11 Energy Procurement Contracts
  - 9.12 Community Engagement Strategy
  - 9.13 Amendments to Privacy Policy and Health Records Policy
  - 9.14 Submission on Local Government Bill Exposure Draft
  - 9.15 Financial Management Report for the period ending 1 January 2018
10. Urgent Business
11. Ordinary Business
  - 11.1 Requests for reports from Officers
  - 11.2 Right of Reply
  - 11.3 Councillor Questions
  - 11.4 Public Questions to Council
12. Confidential Business
  - 12.1 Tender 2018.121 Information Technology Consultancy Services
  - 12.2 Tender 2017.045 – Bailey Reserve Skate Park Redevelopment, East Boundary Road, Bentleigh East
  - 12.3 Tender 2018.141 – Provision of Facilities Management Services
13. Closure of Meeting



**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 27 February 2018 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 Hyams**

**Seconded: Cr Esakoff**

That the minutes of the Ordinary Meeting held on 6 February 2018.

**CARRIED UNANIMOUSLY**

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

There were no petitions or joint letters submitted to the meeting.

**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.

**Moved: Cr Athanasopoulos**

**Seconded: Cr Delahunty**

That Council suspend standing orders at 7.35pm to provide the community members who were unable to be seated in the gallery, with a more suitable location to watch the livestreaming of the meeting.

**CARRIED UNANIMOUSLY**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Silver**

That Council resumes standing orders at 7.56pm.

**CARRIED UNANIMOUSLY**

## **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 Community Consultation Committee meeting held on 31 January 2018 be received and noted and that the recommendations of the Committee be adopted.

**CARRIED UNANIMOUSLY**

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### **8.2 Records of Assembly**

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**Moved: Cr Delahunty**

**Seconded: Cr Esakoff**

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

- a. 23 January 2018
- b. 30 January 2018
- c. 6 February 2018 (pre-meeting)
- d. 11 February 2018 (workshop)

**CARRIED UNANIMOUSLY**

## **Procedural Motion**

**Moved: Cr Silver**

**Seconded: Cr Sztrajt**

That Council changes the order of business to bring forward item 11.4 – Public Questions to Council to this stage of the meeting.

**CARRIED UNANIMOUSLY**

### **Public Questions Council Meeting 27 February 2018**

#### **1. Natalie Smith - Elsternwick**

In Feb 2018 VCAT refused a development application for 9storeys at 1-3 Horne St, Elsternwick which is within the Urban Renewal Area (north). The building proposed would have fitted within the massing proposed in Section A-A of Scheme 3. GECC also refused this application.

Both VCAT and GECC refused this application because:

- it did not achieve appropriate graduation against future 4storeys
- the sharp contrast in height created an unacceptable interface to the adjoining sites that the [Ross St] properties would have to compensate for.
- inequitable development outcome [for the Ross St properties].

How do the Council planners and Councillors justify approving or recommending a structure plan that encourages future development that they and VCAT determined was unacceptable less than 4 weeks ago?

#### **Response:**

*The Structure Plan has been prepared to provide a long-term vision for the busy central Elsternwick area and includes a framework for supporting the growth of business and housing, while setting out development expectations by identifying the types and heights of buildings that we can expect to see developed into the future. The Structure Plan works hand in hand with Quality Design Guidelines for commercial and mixed use areas. The Guidelines provide more detailed parameters for how development should respond to site interfaces.*

*In the recent decision regarding 1-3 Horne Street, the VCAT members considered the suitability of the development of the specifically proposed nine storey building and agreed that the proposal before VCAT was not the right outcome, which was consistent with Council's position. In refusing the proposal, VCAT had concerns with a number of matters, including the height and setbacks of the building, as well as the detailed design, amenity impacts and streetscape presentation. It was an accumulation of factors that led to the refusal of the proposal.*

*At the time that this planning application was determined in June 2017, the Structure Plan was not an approved Council policy and could not be given weight as part of the decision making process. This was reflected in the VCAT decision. Council considers that the direction provided in the proposed Structure Plan and Design Guidelines will facilitate a more appropriate outcome for sites in this location.*

*While one reason for refusal was that the height was not appropriate because it did not provide an appropriate scale transition and resulted in off-site amenity impacts, it is Council's position that this is not inconsistent with what is envisaged under the proposed Structure Plan and Design Guidelines.*

*Both the Structure Plan and the Guidelines encourage consolidation of sites, particularly in Urban Renewal areas. It is noted that to achieve the recommended height of between 8-12 storeys within the area identified as Urban Renewal Area (North) within the Structure Plan, that a development would require the consolidation of lots. This would allow for the impacts of height to be better managed, including how a building might transition to adjoining sites and any associated impacts to neighbouring amenity. The VCAT decision acknowledges that 1-3 Horne Street is a relatively small site, at 612 square metres, and that other significant developments in Elsternwick have occurred on larger development sites. This supports the approach taken by Council in the proposed Structure Plan and Design Guidelines.*

*If endorsed by Council, the Structure Plan and Guidelines will continue to place expectations on development regarding site-responsive design, appropriate setbacks, equitable development and amenity impacts. It is for this reason that development of the scale recently considered by VCAT would more favourably be considered on larger (or consolidated) sites. As such it is considered that the decision made by VCAT in relation to 1-3 Horne Street is not inconsistent with the direction of the proposed Structure Plan.*

## **2. Jan Lovgren - Elsternwick**

Ref: New Public open space in Carre Street. Question: How will under ground parking to Renown apartments be affected in this street to accommodate, this proposed Public open space.

### **Response:**

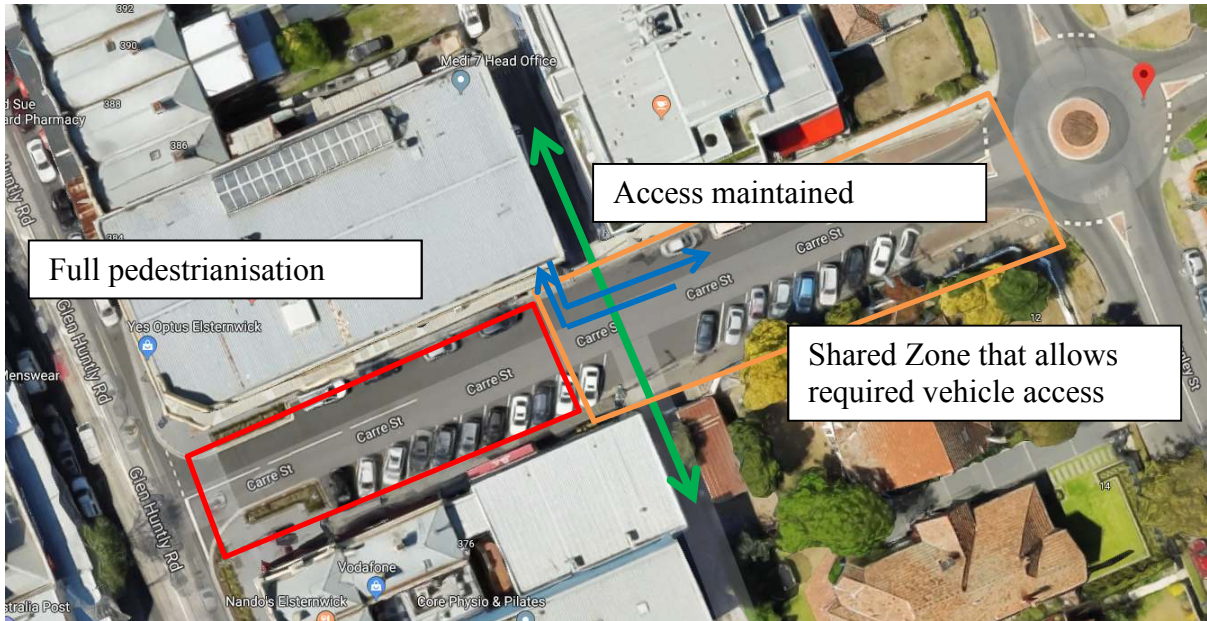
*The Carre Street project seeks to create much needed public space in Elsternwick with new canopy trees and space for activity to spill out.*

*A key consideration of the project includes 'Ensuring that the concept design maintains vehicular access to commercial and residential properties.'*

*1A Carre Street (Renown Apartments) is the northern most vehicle access in Carre Street. The future design of Carre Street will maintain vehicle access to 1A Carre Street by:*

- *Creation of a shared zone south of this vehicle access to Stanley Street*
- *Creation of a pedestrian plaza north of this vehicle access to Glenhuntly Road*

*Residential and service vehicles will be permitted to travel within this shared zone at a low speed and have equal access rights as pedestrians and bicycles. Further the rear access service lane that runs parallel to Glenhuntly road will also be maintained.*



### 3. Kathy Deacon - Elsternwick

- a) Why has the former ABC site now Woolworths been designated 6-8 storeys when residents clearly wanted only 3-4 - how does this impact Woolworths plans?
- b) How is the planned shared traffic/pedestrian precinct in Selwyn Street going to be policed when the used precedent of Hardware Lane is closed to vehicles between 11am-11pm?

#### Response:

a)  
*One of the primary aims of the proposed Elsternwick Structure Plan is to preserve the heritage and character of the area. However, economic and housing growth still needs to be accommodated somewhere as Elsternwick is a Major Activity Centre for our city. A focus of the Elsternwick plan has therefore been to find a balance between growth and protected areas by:*

- *Limiting building heights along the Heritage listed Glenhuntly Road shopping strip (capped at 4-5 storeys depending on the site); and*
- *Limiting building heights in the heritage listed residential areas to the north and south of the strip (reducing from 4 storeys to 2 storeys).*
- *Identifying sites where taller buildings can be accommodated in strategic locations.*

*The former ABC site is located within a proposed new cultural precinct. This is a key strategic site identified as a cultural and economic anchor for not only Elsternwick, but the broader City of Glen Eira.*

*The cultural precinct has been nominated as one of a few strategic locations east of the railway line where taller buildings above 5 storeys can be accommodated. Council officers view 6-8 storeys as reasonable on the former ABC site given its proximity to the train station and the size of the property to manage transition to sensitive interfaces.*



*Council has recently received a planning permit application for the ABC site from Woolworths and is currently under consideration. This proposal consists of a ground floor Woolworth's supermarket with 180 dwellings above, with an overall height of 14 storeys.*

*Further, we note that building height is not the only consideration when it comes to planning for the site. The proposed Structure Plan seeks developments on Selwyn Street to contribute to realising the potential of the cultural precinct in a way that balances the impacts of taller developments with outcomes that provide a community benefit.*

b)

*The proposed Elsternwick Structure Plan outlines a key initiative to create a new cultural precinct by creating new civic buildings in Selwyn Street, connected by a upgraded pedestrian focused street.*

*The Structure Plan shows a future one-way street for the majority of Selwyn Street in order to allow for wider footpaths extensions, reduce the impact of traffic, and allow for temporary closure for hosting cultural events.*

*A shared zone is a Vic Roads approved road arrangement with a sign posted speed limit of 10kmph and equal priority between cars and pedestrians. An upgraded Selwyn Street would include traffic calming and speed mitigation treatments that aim to reduce and slow vehicle traffic.*

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#### **4. Susan Carden - Bentleigh**

##### **Question 1**

At the last consultation on 13 November 2017, many people were extremely concerned about the closure of Vickery St and the negative impact that would have on traffic and shopping. Vickery St, together with Bent St, are key streets, in an area where there is such a massive increase in buildings and flats. Closing Vickery St street seems ludicrous as it will have a detrimental effect on traffic.

Why has this been ignored and not been addressed properly?

##### **Question 2**

“Eat Street” was considered at the last consultation on 13 November 2017 to be ridiculous. The Council presenter compared it to Oakleigh – something that developed over years because, amongst other things, the Greek community started it. Bentleigh does not have that situation at all. The current cafes on Centre Rd are well attended because they are on a main road. This is similar to cafes in Brighton and Camberwell. “Eat Street” will be set back from the main road and likely to be a failure. At night it will attract youths and skateboarders, and graffiti.

Why ruin Bentleigh?

The loss of at-grade car parking will ruin Bentleigh. Why does Council want to do that? People will prefer to go to big malls such as Southland if they have to park in multistorey carparks – this will ruin Bentleigh.

Why does Council want to do that?

**Response:**

*A key objective of the proposed Bentleigh Structure Plan is to enhance Bentleigh as a premier destination for shopping and socialising. It is recognised that in the future, as the retail environment changes with greater on-line retailing, our local shopping precincts will need to transition to provide a greater focus on 'experience' by strengthening the connection to the local community.*

*The proposed Bentleigh Structure Plan sets out a vision for a new grid of pedestrian focused shopping streets, which will be the catalyst to transition Bentleigh to a 'community experience' centre.*

*To do this the Bentleigh Structure Plan proposes a range of public realm improvements, including the Eat Street, Plaza and new Godfrey Street Park. These new projects create a unique opportunity to create a secondary street network in Bentleigh in the heart of the centre. Additionally the provision of the new green public park at Godfrey Street car park will provide much needed open space for the Bentleigh community.*

*To undertake these projects, the car parking on the site would need to be relocated to the new multi-deck car park at Horsley Street. Parking within the Bentleigh Activity Centre is an important resource that enables the centre to thrive economically and provides support to the local businesses. The structure plan proposes to increase the parking throughout the centre by 264 public spaces. To increase the parking numbers Council will need to construct two multi deck car parks.*

*It is understood that this proposal will be a significant change in Bentleigh and, as such, the implementation needs to be carefully planned and timed over the next 15 years, in order to ensure that a smooth transition is provided for. For example, the closure of Vickery Street would need to follow the relocation of car parking and a better understanding of the future of the significant retail operators in the area.*

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**5. Max Deacon - Elsternwick**

Plan shows one-way only Nthbound traffic in Gordon St to Sinclair St and Sth bound in Gordon being diverted into Sinclair St. Shows no traffic management in Sinclair which has a Primary school With traffic lights being moved to Selwyn/Glenhuntly this will create a diversion for traffic into Gordon and thus Sinclair.

Should we not keep traffic out of residential streets.

**Response:**

*Sinclair Street is an important street within the Elsternwick Activity Centre, as it currently provides connection to a variety of destinations including the school, the cultural precinct and residential premises. Sinclair Street will continue to play an important role within the centre and it is expected that the street will be able to easily absorb any additional traffic volumes created by the new traffic signals at Selwyn Street and Glenhuntly Road.*

*Council will implement typical traffic mitigation treatments as required to ensure that Sinclair Street remains a safe and slow vehicle environment, typical treatments that could be considered are:*

- *Kerb outstands/narrowing the road space*
  - *Pedestrian crossings*
  - *Speed humps*
  - *Splitter islands and pedestrian refuges*
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**6. Martin Lohan - Elsternwick**

If Council adopts the Structure Plan how will this affect the assessment of applications that have already been lodged and are currently being assessed under the existing planning controls in the context of Council's stated intention to amend the planning controls, including seeking interim controls that may come into effect prior to a decision being made on applications currently in the system?

**Response:**

*The Town Planning Department will have regard to any approved structure plan as part of its decision making process on planning applications. This includes applications that it is currently considering or that are lodged after the plans are approved.*

*Any decision will be considered against the relevant provisions within the Glen Eira Planning Scheme at the time in which a decision is made. When approved the structure plans will be a relevant consideration to take into account in forming a decision.*

*Should interim controls be put in place to implement aspects of the structure plans, then the department will ensure that its decisions are consistent with the requirements on the specific planning controls at the time it makes a decision.*

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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.

**Mover: Cr Delahunty**

**Seconded: Cr Sztrajt**

That Council extends the speaking time for item 9.1 as follows:

- Mover of this item – up to 8 minutes; and
- Councillors wishing to speak to this item – up to 6 minutes.

**CARRIED UNANIMOUSLY**

## **Section 9      Presentation of Officers Reports**

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### **9.1      Structure Plan and Quality Design Guidelines**

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**Moved: Cr Athanasopoulos**

**Seconded: Cr Hyams**

That Council:

- notes and considers this report and background information when considering adoption the *Structure Plans* and *Quality Design Guidelines*;
- acknowledges the extensive community input in the development to the *Structure Plans* and *Quality Design Guidelines*, and thanks those who have contributed to the more than 4,400 submissions and 980 appearances at community forums; and
- notes that the *Structure Plans* and *Quality Design Guidelines* demonstrate that the aspirations of the community can be met while still achieving the objectives of State Government.

**CARRIED UNANIMOUSLY**

### **Procedural Motion**

**Moved: Cr Delahunty**

**Seconded: Cr Sztrajt**

That item 9.3 Elsternwick Structure Plan be brought forward and considered at this stage of the meeting.

**CARRIED**

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## 9.3 Elsternwick Structure Plan

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**Moved: Cr Delahunty**

**Seconded: Cr Sztrajt**

That Council:

1. adopts the Elsternwick Structure Plan 2018-2031 as Council policy;
2. requests Council officers to commence preparing the statutory documentation, and any further supporting documentation required, to implement the Elsternwick Structure Plan 2018-2031 into the Glen Eira Planning Scheme through a future Planning Scheme Amendment;
3. notes that Council officers will undertake a further traffic analysis and require that officers undertake further shadowing analysis for the Elsternwick urban renewal area (and surrounds) prior to proceeding with the development of the Planning Scheme Amendment. This will then be included as part of the Planning Scheme Amendment and will include a formal process for community input on the amendment, the traffic analysis, and shadowing analysis.
4. requests Council officers to seek interim planning controls that implement all relevant built form measures as outlined in the Elsternwick Structure Plan 2018-2031 and Quality Design Guidelines into the Glen Eira Planning Scheme through a Planning Scheme Amendment in accordance with Section 20(4) of the Planning and Environment Act 1987. The interim planning controls requested under Section 20(4) will only apply to:
  - a) Land in a Commercial Zone or Mixed Use Zone;
  - b) Land in a Residential Zone land where the interim control is more restrictive in height and/or building setbacks than the current control.
5. begins the development of a detailed implementation plan that will inform future Council capital budgets;
6. undertakes appropriate communications that:
  - a. acknowledges and thanks all submitters, stakeholders and members of the wider community for their significant contribution to the preparation of the Elsternwick Structure Plan 2018-2031;
  - b. outlines Council's resolution on the Elsternwick Structure Plan 2018-2031;
  - c. outlines how the adopted Elsternwick Structure Plan 2018-2031 addresses the key concerns raised in consultation; and
  - d. outlines the next steps, in particular the future Planning Scheme Amendment timeframes.

**Procedural motion**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Delahunty**

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

**CARRIED UNANIMOUSLY**

**Procedural Motion**

**Moved: Cr Hyams**

**Seconded: Cr Athanasopoulos**

That the meeting be extended to finish at 11pm.

**CARRIED UNANIMOUSLY**

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

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## 9.2 Bentleigh Structure Plan

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**Moved: Cr Hyams**

**Seconded: Cr Magee**

That Council:

1. adopts the *Bentleigh Structure Plan 2018-2031* as Council policy;
2. requests Council officers to commence preparing the statutory documentation, and any further supporting documentation required, to implement the *Bentleigh Structure Plan 2018-2031* into the *Glen Eira Planning Scheme* through a future Planning Scheme Amendment;
3. requests Council officers to seek interim planning controls that implement all relevant built form measures as outlined in the *Bentleigh Structure Plan 2018-2031* and Quality Design Guidelines into the *Glen Eira Planning Scheme* through a Planning Scheme Amendment in accordance with Section 20(4) of the Planning and Environment Act 1987. The interim planning controls requested under Section 20(4) will only apply to:
  - a) Land in a Commercial Zone or Mixed Use Zone;
  - b) Land in a Residential Zone where the interim control is more restrictive in height and/or building setbacks than the current control.
4. begins the development of a detailed implementation plan that will inform future Council capital budgets;
5. undertakes appropriate communications that:
  - a) acknowledges and thanks all submitters, stakeholders and members of the wider community for their significant contribution to the preparation of the *Bentleigh Structure Plan 2018-2031*;
  - b) outlines Council's resolution on the *Bentleigh Structure Plan 2018-2031*;
  - c) outlines how the adopted *Bentleigh Structure Plan 2018-2031* addresses the key concerns raised in consultation; and
  - d) outlines the next steps, in particular the future Planning Scheme Amendment timeframes.

**CARRIED UNANIMOUSLY**

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## 9.3 Elsternwick Structure Plan

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

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## 9.4 Carnegie Structure Plan

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**Moved: Cr Davey**

**Seconded: Cr Esakoff**

*It is recorded Cr Hyams vacated the Chamber at 10.30pm and re-entered at 10.32pm.*

That Council:

1. adopts the *Carnegie Structure Plan 2018-2031* as Council policy;
2. requests Council officers to commence preparing the statutory documentation, and any further supporting documentation required, to implement the *Carnegie Structure Plan 2018-2031* into the *Glen Eira Planning Scheme* via a future Planning Scheme Amendment;
3. requests Council officers to seek interim planning controls that implement all relevant built form measures as outlined in the *Carnegie Structure Plan 2018-2031* and Quality Design Guidelines into the *Glen Eira Planning Scheme* through a Planning Scheme Amendment in accordance with Section 20(4) of the Planning and Environment Act 1987. The interim planning controls requested under Section 20(4) will only apply to:
  - a. Land in a Commercial Zone or Mixed Use Zone;
  - b. Land in a Residential Zone where the interim control is more restrictive in height and/or building setbacks than the current control.
4. begins the development of a detailed implementation plan that will inform future Council capital budgets;
5. undertakes appropriate communications that:
  - a. acknowledges and thanks all submitters, stakeholders and members of the wider community for their significant contribution to the preparation of the *Carnegie Structure Plan 2018-2031*;
  - b. outlines Council's resolution on the *Carnegie Structure Plan 2018-2031*;
  - c. outlines how the adopted *Carnegie Structure Plan 2018-2031* addresses the key concerns raised in consultation; and
  - d. outlines the next steps, in particular the future Planning Scheme Amendment timeframes.

**CARRIED UNANIMOUSLY**



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## 9.5 Quality Design Guidelines

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**Moved: Cr Athanasopoulos**

**Seconded: Cr Silver**

*It is recorded Cr Magee vacated the Chamber at 10.46pm and re-entered at 10.49pm.*

That Council:

1. adopts the Quality Design Guidelines - Residential Areas as Council Policy.
2. adopts the Quality Design Guidelines - Commercial and Mixed Use Areas as Council Policy
3. requests council officers to prepare and exhibit the statutory documentation to implement the Quality Design Guidelines into the Glen Eira Planning Scheme via a future planning scheme amendment (or amendments if required), which incorporates the principles, objectives and controls outlined in the Quality Design Guidelines by updating relevant sections of the Glen Eira Planning Scheme, including local policy, zones and overlay provisions relating to residential and commercial areas.
4. undertakes appropriate communications that:
  - a. Acknowledge and thank all submitters, stakeholders and members of the wider community for their significant contribution to the preparation of the *Quality Design Guidelines*;
  - b. Outline the Council resolution on the *Quality Design Guidelines*;
  - c. Outline how the adopted *Quality Design Guidelines* address the key concerns raised in consultation; and
  - d. Outline the next steps, in particular future Planning Scheme Amendment timeframes.

The Mayor adjourned the meeting at 10.59pm to be resumed at 7.30pm Tuesday 6 March 2018 in the Council Chamber 420 Glen Eira Road, Caulfield, to continue discussion on item 9.5 and consider the remaining items on the agenda that have not been considered.

### 13 ADJOURNMENT OF MEETING

The Mayor adjourned the meeting at 10.59pm.



# **GLEN EIRA CITY COUNCIL**

## **RESUMED ORDINARY COUNCIL MEETING**

### **MINUTES**

**6 March 2018**

**7.30pm**

Present

Cr Tony Athanasopoulos (Mayor)

Cr Margaret Esakoff

Cr Jamie Hyams

Cr Joel Silver

Cr Dan Sztrajt

Cr Nina Taylor

## Table of Contents

- 9. Presentation of Officers Report
  - 9.5 Quality Design Guidelines
  - 9.6 82-84 Mitchell Street Bentleigh
  - 9.7 11 Perth Street, Murrumbeena
  - 9.8 6-8 Bevis Street Bentleigh East
  - 9.9 VCAT Watch
  - 9.10 Quarterly Service Performance Report
  - 9.11 Energy Procurement Contracts
  - 9.12 Community Engagement Strategy
  - 9.13 Amendments to Privacy Policy and Health Records Policy
  - 9.14 Submission on Local Government Bill Exposure Draft
  - 9.15 Financial Management Report for the period ending 1 January 2018
- 10. Urgent Business
- 11. Ordinary Business
  - 11.1 Requests for reports from Officers
  - 11.2 Right of Reply
  - 11.3 Councillor Questions
  - 11.4 Public Questions to Council
- 12. Confidential Business
  - 12.1 Tender 2018.121 Information Technology Consultancy Services
  - 12.2 Tender 2017.045 – Bailey Reserve Skate Park Redevelopment, East Boundary Road, Bentleigh East
  - 12.3 Tender 2018.141 – Provision of Facilities Management Services
- 13. Closure of Meeting

**APOLOGIES** – Apologies were received from Cr Davey, Cr Delahunty and Cr Magee

**Moved: Cr Athanasopoulos**

**Seconded: Cr Silver**

That the apologies of Cr Davey, Cr Delahunty and Cr Magee be received and noted

**CARRIED UNANIMOUSLY**

## **Section 9      Presentation of Officers Reports**

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### **9.5      Quality Design Guidelines**

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**Moved: Cr Athanasopoulos**

**Seconded: Cr Silver**

That Council:

1. adopts the Quality Design Guidelines - Residential Areas as Council Policy.
2. adopts the Quality Design Guidelines - Commercial and Mixed Use Areas as Council Policy
3. requests council officers to prepare and exhibit the statutory documentation to implement the Quality Design Guidelines into the Glen Eira Planning Scheme via a future planning scheme amendment (or amendments if required), which incorporates the principles, objectives and controls outlined in the Quality Design Guidelines by updating relevant sections of the Glen Eira Planning Scheme, including local policy, zones and overlay provisions relating to residential and commercial areas.
4. undertakes appropriate communications that:
  - a. Acknowledge and thank all submitters, stakeholders and members of the wider community for their significant contribution to the preparation of the *Quality Design Guidelines*;
  - b. Outline the Council resolution on the *Quality Design Guidelines*;
  - c. Outline how the adopted *Quality Design Guidelines* address the key concerns raised in consultation; and
  - d. Outline the next steps, in particular future Planning Scheme Amendment timeframes.

**CARRIED**

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## 9.6 82-84 Mitchell Street, Bentleigh

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Moved: Cr Hyams

Seconded: Cr Taylor

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-29657/2016/A at 82-84 Mitchell Street, Bentleigh.

Condition 1, 28, 30 and 34 of the original permit (bolded below) are recommended to be amended.

All other conditions remain unchanged.

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 'Mitchell Development', Project No. 1742, Sheets A-100 – A-104, A-400 – A-402, Revision A, dated 20.10.17 & External Finishes Schedule, prepared by Ewart Leaf & 'Proposed Amendment Development 82-84 Mitchell Street Bentleigh Landscape Plan, dated Oct 2017 & prepared by Species) but modified to show:**
  - (a) **The modifications included in the plans (identified as 'Mitchell Development', Project No. 1742, Sheets A-150, A-100 – A-103, A-400 – A-401, All Revision B, dated 30.01.18) tabled at the Planning Conference held on the 12 February 2017 showing a modified location of basement ramp gate, modified position of air conditioning units along the southern elevation, additional screening along the southern elevation and removal of 2 x windows along the southern elevation.**
  - (b) **The basement and ground floor plan to show the position of the ramp signals.**
  - (c) **A detailed document outlining the workings of the basement ramp signal prepared by a suitably qualified Transport Planning professional (ensuring those cars entering the site have priority over those exiting).**
  - (d) **Modifications to the front setback as outlined in Conditions 30 and 34 of this permit or otherwise to the satisfaction of Melbourne Water.**

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

2. 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.
3. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level from the minimum floor level to the roof or parapet at any point. This must be provided at frame stage inspection and at final inspection.

4. 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 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) Front setback; x 5 trees
    - (ii) Throughout the site; x 5 treesor 10 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.
5. 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.
6. Provision of a tree management plan prepared by a suitably qualified arborist that outlines all tree protection measures required during construction (including demolition and excavation) for the Willowleaf Peppermint tree located within 80 Mitchell Street (adjoining south).
7. A suitably qualified arborist must be on-site during construction (including demolition and excavation) within the Tree Protection Zone of the Willowleaf Peppermint tree associated with 80 Mitchell Street to ensure compliance with the tree management plan.
8. 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.
9. Prior to the commencement of the development, a fee of \$1,047.69 must be paid to the Responsible Authority for the removal and replacement of the existing street tree (Street tree 01). The street tree will be replaced with the species, maturity and location of which will be selected by Council's Parks Services Department.
10. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.

11. 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 **2.0** 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 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.
12. 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 is 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.
13. No excavation is to come within 1.5 metres of the existing street tree 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.
14. Car parking allocated at the following 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.
15. 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.

16. 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.
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. 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.
20. 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.
21. 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.
  22. Each dwelling to have provisions for six cubic metres of storage space.
  23. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
  24. The removal of easement approval will expire if:
    - Two (2) years after the date of this Permit if the plan of removal of easement is not certified within that time; or
    - Five (5) years after the date of certification of the plan of the removal of easement.

The Responsible Authority may extend the times for expiry of this approval (pertaining to the removal of easement) referred to above if a request is made in writing by the owner or occupier of the subject land before this Permit expires or within six (6) months afterwards.

*Melbourne Water conditions:*

25. The dwellings must be constructed with finished floor levels set no lower than 28.14 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 27.84m to AHD.
26. The entry / exit driveway of the basement carpark must incorporate a flood proof apex of a minimum of 28.14 metres to AHD which is 300mm above the applicable flood level. The basement structure must not obstruct flows or reduce flood storage in any instances where it protrudes above natural surface level.
27. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.
28. **The development must maintain a minimum 6 metres of open space from the northern property boundary set at the existing natural surface level for the passage of overland flows, unless otherwise agreed in writing by Melbourne Water. No structures are permitted within this setback, (i.e. no garages, sheds or water tanks) apart from 50% open style fencing.**
29. The development must maintain a minimum 1 metre of open space from the southern property boundary set at the existing natural surface level for the passage of overland flows. No structures are permitted within this setback, (i.e. no garages, sheds or water tanks) apart from open style fencing.

**30. A combined total setback of 8 metres is required from the eastern and western property boundary, with at least 3 metres located on the eastern boundary. The following changes are required:**

- **Bike storage must be relocated from the setback**
- **Services must be relocated from the setback**
- **Landscaping located along the western boundary must be maintained at natural surface levels no retaining walls are permitted**
- **Bunding to basement must be located outside setback**
- **The fencing along the boundary must be open style**

**Or otherwise to the satisfaction of Melbourne Water.**

31. The building/structure including footings, eaves and basement etc. must be set outside any easement or a minimum 2 metres laterally clear of the outside edge of Melbourne Water's asset, whichever is greater.

32. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Please refer to Standard Drawing: 'Angle of Repose - Footing Design' on Melbourne Water's website for details.

33. Prior to formal approval, a suitably qualified licensed land surveyor must be engaged to determine the exact location of Melbourne Water's asset adjacent to the northern property boundary of the site and must be shown on the resubmitted plans. This is required in order to determine the exact impacts on this asset. Please contact Asset Services on 9679 6614 for more information on appropriate methods to locate this asset.

**34. All open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows (and no retaining walls are to be used in the development of the land.)**

- **The landscape retaining walls located within the front setback must be removed.**

**Or otherwise to the satisfaction of Melbourne Water.**

35. No fill is to be imported into the floodplain/overland flow path.

36. Any proposed decking must be constructed with unenclosed foundations to allow for the passage of overland flows.

37. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.

38. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

39. Prior to the commencement of works, a separate build over application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain.

40. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels reduced to the AHD (as constructed), and must be submitted to Melbourne Water to demonstrate that the development has been constructed in accordance with Melbourne Water's freeboard requirements.

41 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.

Cr Esakoff proposed an AMENDMENT to the MOTION that a condition 1(e) be added stating that:

- (e) **All air conditioners to be screened to the satisfaction of the Responsible Authority.**

This amendment was accepted by the MOVER and SECONDER and became the SUBSTANTIVE MOTION without objections from the meeting.

The SUBSTANTIVE MOTION was PUT and

**CARRIED UNANIMOUSLY**

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## 9.7 11 Perth Street, Murrumbeena

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**Moved: Cr Athanasopoulos**

**Seconded: Cr Hyams**

That Council issues a Notice of Decision to Grant a Planning Permit for construction of five (5) triple storey dwellings above basement car park for Application No. GE/PP-31145/2017 at 11 Perth Street, Murrumbeena, in accordance with the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as 'Town Planning Drawings for 5 x unit development at 11 Perth Street Murrumbeena', Job No. 1711, Sheets 03 - 08 & 10, Revision B, dated 14/11/17 and prepared by Raso Architects) but modified to show:

Landscaping

- (a) A Landscape Plan in accordance with Condition 2;

Plan modifications and annotations

- (b) Modification to the internal layout of Units 4 and 5 so that they each contain no more than 2 bedrooms, or rooms capable of being used as bedrooms (i.e. rooms currently identified as bedrooms and retreats);
- (c) Annotation on the plans outlining that written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 10.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection;
- (d) Annotation that the openable sections of the south facing windows at the uppermost level of Unit 5 will open no more than 100mm outwards;
- (e) Annotation that the pedestrian walkway on the eastern side of the site is to be constructed of permeable paving or permeable material;
- (f) An elevation of the front fence;

Materials and finishes

- (g) A schedule of construction materials, external finishes and colours (incorporating paint samples);

Vehicle access and basement configuration

- (h) An apex provided at the top of the basement access ramp at least 100mm freeboard above the back of the footpath/street building line. This must be shown on the ground floor plan and in cross-section;
- (i) The ground floor plan modified to show the proposed crossover aligned with the basement car park ramp and 3 metres in width. A note must be provided on the ground floor plan to the effect that it is to be a splayed crossing constructed to Council standards;
- (j) The ground floor plan modified to show the basement access ramp gradients (i.e. consistent with the basement plan);
- (k) Car spaces 3 and 4 widened to 2.6 metres and car space 8 widened to 3.2 metres;

- (l) The car park aisle adjacent to spaces 6, 7 and 8 increased to a minimum of 6.4 metres; and
- (m) The solid wall along the basement access ramp, adjacent to the visitor car space to be cutback or the wall be no greater than 900mm in height for the first 2.5 metres from the bottom of the basement floor.

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

2. Before the development starts, 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) Landscaping in the front setback of the site to include evergreen species that provides adequate screening to the private open space areas at the front of the site; and
- (f) 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) 3 trees within the front setback;
  - (ii) 3 trees within the private open space areas (one for each of Dwellings 3, 4 and 5);
  - (iii) 2 trees along the eastern side of the site (up-right species); and
  - (iv) 1 tree in each of the south-eastern and south-western corner of the site (i.e. 2 trees along the southern boundary).

Or 10 trees as above in locations to the satisfaction of the Responsible Authority.

All species selected must be to the satisfaction of the Responsible Authority.

3. 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.*

4. This Permit will expire if:

- The development does not start within two (2) years from the date of this Permit;
- 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.

5. 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.

6. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

7. Before the development is occupied, all walls on or facing the boundary of an adjoining property 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.
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. The existing street tree to be removed must be replaced by a tree, the species, maturity and location of which must be to the satisfaction of the Responsible Authority. The new tree must be planted and maintained to the satisfaction of Council at no expense to the Council.
11. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 10.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
12. Before the development (including excavation) starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved 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 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; and

- (j) 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.
14. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
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:
- One (1) car space be allocated to each of the two-bedroom dwellings;
  - Two (2) car spaces be allocated to each dwelling with three or more bedrooms; and
  - One (1) visitor space be provided to each 5 dwellings.
17. 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.
18. Before any construction starts above the basement floor level, 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.
19. Before any construction starts above the basement floor level (or at another time that is agreed in writing by the Responsible Authority), 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.

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Conditions End

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NOTES: *(The following notes are for information only and do not constitute part of this permit or conditions of this permit)*

- A. The amendments specified in Condition 1 of this Planning 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. 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. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- 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 Planning Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

#### Council's Asset Management Department Advise

- I. No net increase in peak stormwater runoff to the Council drainage network is permissible. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval prior to any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit.
- J. Engineering Services encourage using rainwater tanks for storage and reuse for toilet and irrigation purposes and/or stormwater detention systems.
- K. Drainage associated with the basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain/Pit and not discharged to the kerb and channel.
- L. All storm water runoff must be connected to the Council underground drainage network. No uncontrolled storm water discharge to adjoining properties and footpaths is permissible.



- M. Any firefighting equipment for the building must be accommodated within title boundary. Submitted plans do not show the location of any hydrant/booster. Council will not allow private fire equipment in the Road Reserve.
- N. All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and/or storm water connection to the Council drainage network.

**CARRIED**

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## 9.8 6 - 8 Bevis Street, Bentleigh East

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**Moved: Cr Hyams**

**Seconded: Cr Sztrajt**

That Council issues a Notice of Refusal for Planning Permit Application No. GE/PP-31008/2017 at 6-8 Bevis Street, Bentleigh on the following grounds:

**Grounds of Refusal:**

1. The proposal is an overdevelopment of the site with inappropriate massing and visual bulk that would adversely affect the amenity of the adjoining properties and the streetscape.
2. The proposed development does not adequately satisfy the objectives of Clause 21.04 of the Glen Eira Planning Scheme (Housing and Residential Development) or Clause 22.05 (Urban Villages Policy) of the Glen Eira Planning Scheme and would adversely affect neighbourhood character and the amenity of Bevis and Filbert Streets.
3. The proposal does not satisfy the following objectives of Clause 55 (ResCode) of the Glen Eira Planning Scheme:
  - Clause 55.02-1 – Neighbourhood character
  - Clause 55.03-1 – Street setback
  - Clause 55.04-5 – Overshadowing open space
  - Clause 55.04-6 – Overlooking
  - Clause 55.05-4 – Private open space
  - Clause 55.06-1 – Detail design

**Procedural Motion**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Hyams**

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

**CARRIED UNANIMOUSLY**

The MOTION moved by Cr Hyams and Seconded by Cr Sztrajt was PUT and

**CARRIED UNANIMOUSLY**

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## **9.9 VCAT Watch**

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**Moved: Cr Hyams**

**Seconded: Cr Silver**

That Council notes:

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

**CARRIED UNANIMOUSLY**

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## **9.10 Quarterly Service Performance Report**

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**Moved: Cr Sztrajt**

**Seconded: Cr Hyams**

That Council notes the attached Quarterly Service Performance Report.

**CARRIED UNANIMOUSLY**

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## **9.11 Energy Procurement Contracts**

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**Moved: Cr Taylor**

**Seconded: Cr Esakoff**

That Council:

- joins the State Government contracts for supply of electricity to Council's large market sites and street lights under a progressive procurement model (the State Purchase Contracts for Retail Supply of Electricity More than 40MW per annum).
- commits to tendering for small market electricity services and natural gas services for all Council sites as a participant in Procurement Australia's upcoming tender.
- delegates authority to the CEO to approve, negotiate and sign contracts for provision of the services above for up to 30 June 2020 on behalf of Council.

**CARRIED UNANIMOUSLY**

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**9.12 Draft Community Engagement Strategy 2018-2021**

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**Moved: Cr Hyams**

**Seconded: Cr Athanasopoulos**

That Council endorses the release of the draft *Community Engagement Strategy 2018-2021* for public exhibition for a period of 28 days commencing 1 March 2018.

**CARRIED UNANIMOUSLY**

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**9.13 Amendments to Privacy Policy and Health Records Policy**

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**Moved: Cr Silver**

**Seconded: Cr Esakoff**

That Council review and approve proposed amendments to the Privacy and Health Records Policies.

**CARRIED UNANIMOUSLY**

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**9.14 Submission on Local Government Bill Exposure Draft**

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**Moved: Cr Hyams**

**Seconded: Cr Taylor**

That Council endorses the submission to Local Government Victoria as outlined in Attachment 1.

8.43pm Cr Sztrajt left the Chamber

**CARRIED UNANIMOUSLY**

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**9.15 Financial Management Report for the Period Ending  
31 January 2018**

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**Moved: Cr Hyams**

**Seconded: Cr Esakoff**

That Council notes the Financial Management Report for the period ending 31 January 2018.

**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 - NIL**

**11.4 Public Questions to Council -**

This item was dealt with at an earlier stage of the meeting held on Tuesday 27 February 2018.

## **12. CONFIDENTIAL BUSINESS**

The three confidential agenda items 12.1, 12.2 and 12.3 were considered at a Special Council Meeting held on Wednesday 28 February 2018.

Item 12.1 – Tender 2018.121 Information Technology Consultancy

Item 12.2 – Tender 2018.045 Bailey Reserve Skate Park Redevelopment

Item 12.3 – Tender 2018.141 Provision of Facilities Management Services

The 3 agenda items 12.1, 12.2 and 12.3 were considered urgent contractual items that were to be considered in-camera and were listed on the agenda of the adjourned 27 February 2018 Council meeting. The reasons these were considered urgent was that delaying the signing of the contracts for a further week would raise operational risk, would delay commencement of a significant capital works project and delay consideration of one contract that is in over-holding.

## **13 CLOSURE OF MEETING**

The Mayor closed the meeting at 8.50pm.

Confirmed this 20 Day of March 2018

Chairperson: .....