



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 1 MAY 2018

MINUTES

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

Present

The Mayor, Councillor Tony Athanasopoulos
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt
Councillor Nina Taylor

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	There were no documents for sealing.	
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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

Moved: Cr Esakoff

Seconded: Cr Delahunty

That the apology from Cr Jamie Hyams be received and noted.

CARRIED UNANIMOUSLY

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

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 requirement 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 MINUTES OF PREVIOUS COUNCIL MEETINGS

4.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 10 APRIL 2018

Moved: Cr Esakoff

Seconded: Cr Delahunty

That the minutes of the Ordinary Council Meeting held on 10 April 2018 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

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

6. DOCUMENTS FOR SEALING

There were no documents for sealing.

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Cr Athanasopoulos reported on his attendance at the Metropolitan Transport Forum held on 4 April 2018.

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

8.1 ADVISORY COMMITTEES

Moved: Cr Delahunty

Seconded: Cr Taylor

That the minutes of the Recreation & Leisure Advisory Committee meeting of 13 March 2018 and the Community Grants Advisory Committee meeting of 3 April 2018 and the Community Grants Advisory Committee of 17 April 2018 be received and noted and that the recommendations of the Committees be adopted.

CARRIED UNANIMOUSLY

8.2 Records of Assembly

8.2 RECORDS OF ASSEMBLY

Moved: Cr Delahunty

Seconded: Cr Magee

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

- a. 27 March 2018
- b. 3 April 2018
- c. 10 April 2018 (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.

9. PRESENTATION OF OFFICER REPORTS

9.1 345-347 ALMA ROAD AND 13 KOOYONG ROAD, CAULFIELD NORTH

Moved: Cr Delahunty

Seconded: Cr Athanasopoulos

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Sztrajt

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

CARRIED UNANIMOUSLY

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30971/2017 at 345-347 Alma Road and 13 Kooyong Road Caulfield North for use of land for the purpose of a Child Care Centre associated with the existing Synagogue, buildings and works to the existing buildings and the reduction of car parking requirement in accordance with the following grounds:

1. The proposal fails to satisfy the objectives, strategies and policy guidelines of Clauses 21.08 (Institutional and Non Residential Uses in Residential Areas) and 22.11 (Child Care Centres Policy) of the Glen Eira Planning Scheme and presents an inappropriate design response in relation to car parking and car park layout, vehicle access, and amenity impacts on adjoining residential properties.
2. Traffic and parking generated by the proposed use will increase traffic movements and parking demand, particularly at peak drop off and pick up times, which will unreasonably impact the amenity of the area.
3. The layout of the car park and the number of car parking spaces fails to respond to the requirements of Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme and would result in impact the safe operation of the use and the availability of car parking spaces within the surrounding area.
4. The proposal fails to represent a proper and orderly planning outcome and would have a detrimental impact on surrounding amenity.

The Motion Moved by Cr Delahunty and Seconded by Cr Athanasopoulos was
CARRIED

9.2 204-206 BALACLAVA ROAD, CAULFIELD NORTH

Moved: Cr Silver**Seconded: Cr Sztrajt**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31331/17 at 204-206 Balaclava Road, Caulfield North for use and development of a place of assembly (meditation centre and wellness centre), including the construction of a five storey building above basement car park, a reduction in the car parking requirements and buildings and works on land affected by the Special Building Overlay in accordance with the following conditions/grounds:

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 (prepared by Jackson Clements Burrows Architects and dated 09/11/2017) but modified to show:
 - (a) Lower the finished floor level for ground floor from AHD39.55 to AHD 38.85;
 - (b) Modifications to the basement level to enable the reduced floor level for the ground floor. The access to the basement and car parking layout are to be revised with clear dimensions to comply with the requirements specified in Clause 52.06 to the satisfaction of the Responsible Authority;
 - (c) The maximum building height to be no higher than AHD58.40;
 - (d) A total of 13 bicycle parking spaces to be provided for the development with at least 2 bicycle parking spaces be provided as horizontal spaces on the ground floor near the front entry of the building;
 - (e) The cantilevered verandah across the entire frontage to be extended to 750mm from the face of the kerb of Balaclava Road;
 - (f) Fixed obscure glazing to be used for all west-facing windows;
 - (g) Height of the balustrade for the north-facing roof terrace on level 3 to be 1.7m higher above the finished floor level of the terrace;
 - (h) A variation in building materials for the blank wall on the eastern boundary, to provide visual interest to the satisfaction of the Responsible Authority.

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. The layout and description of the use(s) as shown on the endorsed plans
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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. Unless otherwise agreed in writing by the Responsible Authority, the use must operate only between the following hours:
 - Monday to Friday: 9:00am to 10:00pm;
 - Saturday: 9:30am to 3:00pm and
 - Sunday: 9:00am to 9:00pm.
 5. Unless otherwise agreed in writing by the Responsible Authority, not more than 100 patrons may be present on the site at any one time.
 6. Unless otherwise agreed in writing by the Responsible Authority, not more than eight staff members/employees may be present on the site at any one time.
 7. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) transport of materials, goods or commodities to or from the land; and/or
 - (b) appearance of any building, works, stored goods or materials; and/or
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or
 - (d) in any other way,to the satisfaction of the Responsible Authority.
 8. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
 9. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
 10. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 11. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
 12. Before the use starts, the walls on or facing a boundary to 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.
 13. Waste management must be undertaken in accordance with the approved
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Waste Management Plan prepared by Ratio Consultants and dated 3 November 2017, unless otherwise agreed in writing by the Responsible Authority.

14. No amplified music is to be audible external to the premises to the satisfaction of the Responsible Authority.
15. 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.
16. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless otherwise agreed in writing by the Responsible Authority.
17. 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.

18. 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.
19. All disused or redundant vehicle crossings must be removed and the area reinstated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
20. A minimum of one (1) car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to the front entrance of the building and must be clearly marked with a sign to indicate that it must only be utilised by disabled persons. The minimum dimensions of the car space must be 2.4 metres wide with a 2.4m shared space at the side and rear.
21. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
22. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
23. 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.)
24. 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.

Transport for Victoria Conditions

25. The permit holder must take all reasonable steps to ensure that disruption to tram & bus operation along Balaclava Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram or bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.
 26. The permit holder must ensure that all track, tram and overhead infrastructure
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is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

Permit Expiry

27. This Permit will expire if:

- The development and use 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 times referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

28. Within one month of the use commencing under this permit, the permit holder must ensure that Planning Permit No. GE/PP-18496/2006/A is cancelled.

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 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 within a Special Building Overlay. Assessment of the application has been undertaken only in respect to flood plan management issues under Clause 44.05 of Glen Eira Planning Scheme.

D. 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.

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 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.
- H. The use of the laneway for vehicular access needs to comply with Council Policy 8.13 "Use of Rights of Way".

CARRIED UNANIMOUSLY

9.3 331-333 NEERIM ROAD, CARNEGIE

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

That Council resolves that had it been in a position to determine the application, that it would have issued a Notice of Decision to Grant a Planning Permit for Application No.GE/PP-31368/2017, 331-333 Neerim Road Carnegie, subject to 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 TP1.01-TP.106, TP2.01-2.06 and TP3.01-3.04, TP3.06 dated 13/9/17 drawn by Rothe Lowman) but modified to show:

General

- (a) The setback of Dwelling 3.02 to be increased to a minimum of 4.8m (in line with the terrace setbacks) from the eastern boundary and absorbed within the remaining building envelope;
 - (b) The provision of updated shadow diagrams which demonstrate that the proposal complies with Standard B21 (Overshadowing of Open Space) of Clause 55.04-5 of the Glen Eira Planning Scheme, in relation to the extent of overshadowing to the properties at Unit 2/337 Neerim Road and 22 Belsize Avenue.
 - (c) A plan demonstrating how the upper level east and south facing balconies, and habitable room windows complies with Standard B22 (Overlooking) at Clause 55.04-6 of the Glen Eira Planning Scheme, and the provision of any screening required to ensure compliance with the standard.
 - (d) An Accessibility Plan/Table to be provided outlining how the proposal complies with Clause 55.07-7 (Accessibility) of the Glen Eira Planning Scheme;
 - (e) An Environmentally Sustainable Design Report outlining how the development complies with Standard B39 and B49 of Clause 55.07 of the Glen Eira Planning Scheme. Any recommendations within this report must be notated on the plans.
 - (f) A notation on the plans that the dwellings will not exceed a maximum NatHERS annual cooling load of 21mj/m2.
 - (g) A schedule of construction materials, external finishes and colours (incorporating paint and render samples).
 - (h) Notations stating that all existing crossovers on Neerim Road are to be removed and reinstated with footpath / nature strip to Council's satisfaction.
 - (i) Location of any substation/services/metres to be clearly shown on the plans and to be an integral part of the development design.
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- (j) A Landscape Plan in accordance with Condition 2.

Car Parking

- (k) Car parking to be provided in accordance with Condition 8.
- (l) All car parking spaces provided and clearly dimensioned in accordance with the specific design requirements of Clause 52.06 of the Glen Eira Planning Scheme (including grades as applicable);
- (m) A minimum height clearance of 2.1 metres provided at the entrance to the basement car park, and above other accessway ramps within the basement. Clearance is required to be measured as per Fig 5.3 of AS2890.1:2004;

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) 9 trees along the northern boundary;
 - (ii) 7 trees along the southern boundary;
 - (iii) 9 trees along the eastern boundary;
 - (iv) 8 trees along the western boundary; and
 - (v) 1 larger tree species within each of the north-west, north-east and south-east site corners.

Or 36 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. 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.
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4. 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.
5. 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.

6. Before the dwellings are occupied, the walls on or facing a boundary to 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.
7. 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.
8. The car parking allocation for the approved development must be:
 - One (1) car space be allocated to each of the one/two-bedroom dwellings;
 - Two (2) car spaces be allocated to each of the three-bedroom dwellings; and
 - A minimum of one (1) residential visitor car space for every five (5) dwellings..
9. 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;

to the satisfaction of the Responsible Authority.

10. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 11. 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.
 12. Before the development starts, 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.
 13. 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.
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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 to be undertaken by private services unless otherwise agreed in writing by the responsible authority. The private collection 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: 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.
- D: 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.
- E: 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.
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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.

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

CARRIED UNANIMOUSLY

9.4 VCAT WATCH

Moved: Cr Delahunty**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

9.5 CAULFIELD VILLAGE - PLANNING SCHEME AMENDMENT C151: SOCIAL AND AFFORDABLE HOUSING

Moved: Cr Delahunty**Seconded: Cr Silver****Procedural Motion****Moved: Cr Silver****Seconded: Cr Delahunty**

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

CARRIED UNANIMOUSLY

That Council:

1. Reaffirms its commitment to exploring all possible mechanisms to achieve the delivery of affordable housing as part of the Caulfield Village development.
2. Having given consideration to the issues explored in this report, resolves to not proceed with Amendment C151 and support a position to the Panel appointed to consider Amendment C151 that it intends to abandon the amendment.
3. Advises the Panel and submitters to Amendment C151 of Council's resolution.
4. Writes to the owner of the Caulfield Village development to seek their commitment to enter into genuine discussions on an appropriate affordable housing commitment as part of the upcoming stages of the development.
5. Undertakes further strategic work to consider the most appropriate means of securing the delivery of affordable housing across the City.
6. Continues to work with neighbouring councils to develop a regional commitment to affordable housing.

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

9.6 CAULFIELD STATION PRECINCT PARTNERSHIP WITH VPA

Moved: Cr Silver**Seconded: Cr Taylor**

That Council:

1. endorses the partnership of the Victorian Planning Authority to prepare a *Structure Plan* for the Caulfield Station Precinct.
2. endorses the commencement of community engagement to inform the future direction of the Caulfield Station Precinct.
3. will remain the Responsible Authority and that officers will provide further reports to Council at key decision points of the Structure Plan process.

CARRIED UNANIMOUSLY

It is recorded that Cr Silver left the Council meeting at 9:14pm and did not return.

9.7 DRAFT CONNECTING WITH YOUNG PEOPLE STRATEGY 2018-2021

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

That Council endorses the release of the draft *Connecting with Young People* for public exhibition for a period of 21 days commencing 1 May 2018.

CARRIED UNANIMOUSLY

9.8 PUBLIC NOTICE OF THE DRAFT COUNCIL AND COMMUNITY PLAN 2017-2021

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

That Council seeks public consultation on the attached Draft Council and Community Plan 2017-2021 including the Draft Strategic Resource Plan 2017-18 to 2026-27 by:

- a) giving Public Notice, as required by Sections 125 (3) and 223 of the *Local Government Act 1989*, in the Age Newspaper;
- b) further advertising the submission process in the Caulfield and Moorabbin Leader;
- c) placing the Draft Council and Community Plan 2017-2021 on Council's website; and
- d) inviting submissions to be heard at the Council Meeting on 12 June 2018.

CARRIED UNANIMOUSLY

9.9 2018-19 DRAFT ANNUAL BUDGET (ADVERTISING FOR PUBLIC COMMENT)

Moved: Cr Athanasopoulos**Seconded: Cr Delahunty**

That Council seeks public consultation on:

1. The attached *2018-19 Draft Annual Budget* by:
 - a) giving Public Notice, as required by Section 129 of the *Local Government Act 1989*, in the Age Newspaper;
 - b) further advertising the submission process in the Caulfield and Moorabbin Leader;
 - c) placing the 2018-19 Draft Annual Budget on Council's website; and
 - d) inviting submissions to be heard at the Council Meeting on 12 June 2018.

CARRIED UNANIMOUSLY

Procedural Motion**Moved: Cr Sztrajt****Seconded: Cr Taylor**

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

9.10 SUBMISSION - PROPOSED PLANNING SCHEME AMENDMENT GC96 - METRO RAIL NETWORK UPGRADE

Moved: Cr Delahunty**Seconded: Cr Athanasopoulos**

That Council:

1. endorses the attached submission in relation to the Melbourne Metro Rail Authority's proposed planning controls for the Metro Rail Network Upgrade; and
2. forwards the attached submission to the Melbourne Metro Rail Authority.

CARRIED UNANIMOUSLY

9.11 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 MARCH 2018

Moved: Cr Magee**Seconded: Cr Davey**

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

CARRIED UNANIMOUSLY

9.12 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Moved: Cr Davey**Seconded: Cr Taylor**

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

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

CARRIED UNANIMOUSLY

9.13 EXTERNAL MEMBERSHIP TO SUSTAINABILITY ADVISORY COMMITTEE

Moved: Cr Taylor**Seconded: Cr Davey**

That Council:

1. appoints the following as Community Representatives to Council's Sustainability Advisory Committee for a two year period
 - a) Kim Sullivan;
 - b) Malcolm Dow; and
 - c) Thirumagal Arunachalam-Elanthendral
2. appoints Dr Susie Moloney as the Environmental Specialist to Council's Sustainability Advisory Committee for a two year period; and
3. writes to the successful applicants congratulating them on their appointment, and to the unsuccessful applicants thanking them for their applications and encouraging them to join the newly established Sustainability Champions Network.
4. writes to the outgoing members of the committee thanking them for their participation and commitment to the committee.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS -**Moved: Cr Delahunty****Seconded: Cr Sztrajt**

That Council considers the matter of the recent Parks & Leisure Australia awards as a matter of urgent business.

CARRIED UNANIMOUSLY

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

That Council formally acknowledges that this evening Parks & Leisure Australia Awards of excellence were granted, and that Glen Eira City Council was the successful recipient of awards in the following categories.

- Park of the Year – Booran Reserve
- Best Play Space over \$500,000 – Booran Reserve
- Major Event of the Year – Groove & Graze Series

CARRIED UNANIMOUSLY

11. ORDINARY BUSINESS**11.1 Requests for reports from Officers****11.1(a) LIGHTING AT SPORTING RESERVES****Moved: Cr Magee****Seconded: Cr Davey**

A report on lighting at sporting reserves including the policy for lighting provided by Council, current lighting at each reserve and any potential improvements, cost arrangements for clubs and options for further Council support.

CARRIED UNANIMOUSLY

11.1(b) IMPACT OF ADDICTION**Moved: Cr Athanasopoulos****Seconded: Cr Magee**

That officers prepare a report outlining evidence of gambling, drug and alcohol use in Glen Eira; including the impact that addiction in these areas can have on families and communities, as well as Council's current work in this area and further ways Council could assist in this area.

CARRIED UNANIMOUSLY

11.2 Right of reply NIL**11.3 Councillor questions NIL****11.4 Public questions to Council****1. Neil Freeman - Caulfield**

On the 9 February 2017, the residents of Newstead Street, Caulfield, submitted a petition to the City of Glen Eira. The petition called for Permit Only parking for all times beyond the current 2P restrictions now in force and to make the restrictions enforceable on Public Holidays and for Newstead Street as a whole to be a 2P Parking Area. The ordinary response of a City Council so petitioned is to respond to the first named petitioner. The City of Glen Eira has not responded to the first named petitioner nor any other resident in Newstead Street. Despite emailing the City of Glen Eira and telephone calls, no response has been provided. When will the first named petitioner be provided with a response?

Response:

The petition was received and read at the Ordinary Council meeting of 28 February 2017. Council resolved:

1. *That the petition be received and noted*
2. *That a report be prepared for Council, following a review*

A report was prepared and considered at the Ordinary Council meeting of 2 May 2017. The report concluded that there is ample parking available along the street at all times of the day and therefore changes to the existing parking restrictions are not warranted. Based on the outcomes of the report it was resolved:

That Council:

1. *notes this report; and*
2. *continues to enforce parking restrictions in Newstead Street as part of its parking safety program throughout the municipality.*

A copy of the Council meeting minutes (including the report) will be attached to the letter sent to you after this meeting and can also be viewed on Council's website.

I'm sorry that you did not receive direct notification of the outcome of your petition. We will revise our processes to ensure that a copy of the council resolution is provided to the lead petitioner as part of standard practice in the future, when it is clear who the lead petitioner is.

2. Markus Oswald - Carnegie

- a) The Strategic Resource Plan indicates a planned allocation of \$2.95m for Shepparson Avenue Market Development for design, concept plans and initial consultation and there is also planned budget allocations for the market/library area in the 2018-19 Draft Annual Budget. This there a budget and timing estimate for the actual market?

- b) The 2018-19 Draft Annual Budget includes allocations for various Caulfield to Dandenong Rail Corridor Open Space Upgrade projects in its Capital Works Project Listing to "Reconstruct, renew and refresh public areas or council assets that have been impacted by the LXRA project". Isn't reinstatement the responsibility of the LXRA? Why is Council, and therefore its ratepayers, paying from Council Cash?

Response:

- a) Council has prepared a Strategic Resource Plan (SRP) for the ten years 2018-19 to 2027-28 as part of its ongoing financial planning to assist in adopting a budget within a longer term strategic framework.

At this stage, funding for construction of the Market Development has been provisionally allocated from 2028-29 to 2030-31. This timing will be dependent on community feedback, funding models and Council priorities.

The SRP and capital works program is reviewed annually as part of the Council's budget process and funding for capital works projects is reprioritised where required.

-
- b) Reinstatement of all Council infrastructure affected during the level crossing project works is the responsibility of the Level Crossing Removal Authority (LXRA). Council has put in place quality assurance processes to ensure that infrastructure is reinstated to equal or better condition than at the commencement of the project.

Council's 2018-19 Budget provides funding of \$200k for the Caulfield to Dandenong Rail Corridor Open Space Upgrade. This funding relates to works that will enhance amenity and provide improvements on Council land and assets that abut the rail corridor, but are outside the project zone and not the responsibility of the LXRA.

12. CONSIDERATION OF IN CAMERA ITEMS**Moved: Cr Esakoff****Seconded: Cr Sztrajt**

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 Banking Services - Extension of State Purchase Contract
Local Government Act 1989 - Section 89(2) (d)

12.2 Tender 2018.214 EE Gunn Reserve Cricket and Baseball Practice Net Facility
Local Government Act 1989 - Section 89(2) (d)

CARRIED UNANIMOUSLY

12.2 TENDER 2018.214 EE GUNN RESERVE CRICKET AND BASEBALL PRACTICE NET FACILITY

Moved: Cr Magee**Seconded: Cr Esakoff**

That Council

1. appoints **LJM Construction Aust Pty. Ltd., ACN 610 919 581** as the contractor under Tender number 2018.214 for an amount of \$606,129.17 (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

13. CLOSURE OF MEETING

The meeting closed at 10.29pm.

Confirmed this 22 Day of May 2018

Chairperson.....