



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**

**TUESDAY 24 JULY 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 Jamie Hyams  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt  
Councillor Nina Taylor

---

**INDEX**

<b>1.</b>	<b>ACKNOWLEDGEMENT .....</b>	<b>4</b>
<b>2.</b>	<b>APOLOGIES.....</b>	<b>4</b>
<b>3.</b>	<b>OATH OF OFFICE AND DISCLOSURES OF INTERESTS .....</b>	<b>4</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS .....</b>	<b>4</b>
<b>5.</b>	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS .....</b>	<b>5</b>
	5.1 Petition: 774-776 Glen Huntly Road, Caulfield South .....	5
<b>6.</b>	<b>DOCUMENTS FOR SEALING .....</b>	<b>5</b>
	Nil	
<b>7.</b>	<b>REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS .....</b>	<b>5</b>
	7.1 National General Assembly of Local Government Conference Canberra 2018.....	5
<b>8.</b>	<b>REPORTS FROM COMMITTEES .....</b>	<b>5</b>
	<b>8.1 Advisory Committees .....</b>	<b>5</b>
	Nil	
	<b>8.2 Records of Assembly.....</b>	<b>6</b>
	8.2 Records of Assembly .....	6
<b>9.</b>	<b>PRESENTATION OF OFFICER REPORTS.....</b>	<b>7</b>
	9.1 VCAT Watch .....	7
	9.2 Caulfield Village - Planning Scheme Amendment C151: Social and Affordable Housing.....	7
	9.3 Shelford Girls' Grammar School Combined Planning Scheme Amendment and Planning Permit Application.....	8
	9.4 Bus services in Glen Eira .....	9
	9.5 Gambling, Alcohol and Drug Use in Glen Eira .....	10
	9.6 Glen Eira Family Violence Prevention Action Plan 2018-2019 and Policy .....	11
	9.7 Elster Creek Catchment 2018 Action Plan Quarter Two Update.....	12

---

9.8	Proposal to enter into a Lease between Glen Eira City Council & Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) Premises: Part of the land known as The Wedge, Corner Booran Road and Glen Eira Road, Caulfield.....	13
9.9	Instruments of Appointment and Authorisation .....	14
<b>10.</b>	<b>URGENT BUSINESS .....</b>	<b>14</b>
<b>11.</b>	<b>ORDINARY BUSINESS .....</b>	<b>14</b>
	<b>11.1 Requests for reports from Officers .....</b>	<b>14</b>
	11.1(a) Viability of Steam Weeding .....	14
	11.1(b) Carnegie Caulfield Cycling Club.....	15
	11.1(c) Feeding of Wildlife .....	15
	<b>11.2 Right of reply - NIL .....</b>	<b>15</b>
	<b>11.3 Councillor questions - NIL.....</b>	<b>15</b>
	<b>11.4 Public questions to Council .....</b>	<b>16</b>
<b>12.</b>	<b>CONSIDERATION OF IN CAMERA ITEMS.....</b>	<b>18</b>
	There were no confidential items submitted to the meeting.	
<b>13.</b>	<b>CLOSURE OF MEETING.....</b>	<b>19</b>



## 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 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

**Moved: Cr Hyams**

**Seconded: Cr Magee**

That the minutes of the Ordinary Council Meeting held on 3 July 2018 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: 774-776 GLEN HUNTLY ROAD, CAULFIELD SOUTH****Moved: Cr Silver****Seconded: Cr Sztrajt**

That:

1. Council receives and notes the petition; and
2. the petition is considered in conjunction with the application process.

**CARRIED UNANIMOUSLY****6. DOCUMENTS FOR SEALING**

Nil

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

Cr Magee reported on his attendance at an award ceremony last Wednesday evening where Council received an award for Outstanding Local Government Initiative in Collection/Processing/Marketing for our food waste project at the Australian Organics Recycling Association Awards.

**7.1 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT CONFERENCE CANBERRA 2018****Moved: Cr Athanasopoulos****Seconded: Cr Silver**

That Council receives and notes the National General Assembly of Local Government Conference Canberra 2018 report.

**CARRIED UNANIMOUSLY****8. REPORTS FROM COMMITTEES**

---

**8.1 Advisory Committees**

---

Nil

---

**8.2 Records of Assembly**

---

**8.2 RECORDS OF ASSEMBLY****Moved: Cr Hyams****Seconded: Cr Magee**

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

- a) 19 June 2018
- b) 26 June 2018
- c) 3 July 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**

*It is recorded that Cr Magee vacated the Chamber at 8:00pm.*

**9.1 VCAT WATCH**

---

**Moved: Cr Hyams****Seconded: Cr Silver**

That Council notes:

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

*It is recorded that Cr Magee entered the Chamber at 8:02pm.*

**CARRIED UNANIMOUSLY**

---

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

---

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

That Council:

1. notes the Panel report for Amendment C151; and
2. abandons Amendment C151 and writes to the Minister for Planning advising that the amendment has been abandoned.

**CARRIED UNANIMOUSLY**

---

**9.3 SHELFORD GIRLS' GRAMMAR SCHOOL  
COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT  
APPLICATION**

---

**Moved: Cr Silver****Seconded: Cr Hyams**

That Council:

1. modifies the conditions within the draft planning permit forming part of the documentation for the combined planning scheme amendment by adding the following condition: *1(e) The provision of 14 bicycle spaces designed in accordance with Clause 52.34-4 of the Glen Eira Planning Scheme.*
2. seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment (combined Amendment and Planning Permit Application GE-/PP31418/2017)

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

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

**CARRIED UNANIMOUSLY****CARRIED UNANIMOUSLY**

---



**9.4 BUS SERVICES IN GLEN EIRA**

---

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

That Council:

1. writes to the Public Transport Minister, Shadow Transport Minister, Local Members of Parliament and candidates in the upcoming State election, to advocate for continued involvement in route planning within Glen Eira.
2. acknowledges the adopted *Integrated Transport Strategy* and progresses Project 3.2 – Review Bus Service.
3. writes to Transport for Victoria, Public Transport Minister, Shadow Transport Minister, Local Members of Parliament and candidates in the upcoming State election regarding Council's preferred route for the new East Bentleigh service.
4. writes to Transport for Victoria, Public Transport Minister, Shadow Transport Minister, Local Members of Parliament and candidates in the upcoming State election to advocate for a new light rail service on North Road to be considered as part of the feasibility study for the Caulfield to Monash proposal.

**Amendment****Moved: Cr Esakoff****Seconded: Cr Sztrajt**

Include part 5 to read:

5. advocates for a trial of the introduction of electric bus services into the City of Glen Eira.

The Amendment was PUT and **CARRIED**The Motion as amended was PUT and was **CARRIED****Moved: Cr Silver****Seconded: Cr Delahunty**

That Council:

1. writes to the Public Transport Minister, Shadow Transport Minister, Local Members of Parliament and candidates in the upcoming State election, to advocate for continued involvement in route planning within Glen Eira.
2. acknowledges the adopted *Integrated Transport Strategy* and progresses Project 3.2 – Review Bus Service.
3. writes to Transport for Victoria, Public Transport Minister, Shadow Transport Minister, Local Members of Parliament and candidates in the upcoming State election regarding Council's preferred route for the new East Bentleigh service.
4. writes to Transport for Victoria, Public Transport Minister, Shadow Transport Minister, Local Members of Parliament and candidates in the upcoming State election to advocate for a new light rail service on North Road to be considered as part of the feasibility study for the Caulfield to Monash proposal.

5. advocates for a trial of the introduction of electric bus services into the City of Glen Eira.

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

**CARRIED**

---

## 9.5 GAMBLING, ALCOHOL AND DRUG USE IN GLEN EIRA

---

**Moved: Cr Athanasopoulos**

**Seconded: Cr Sztrajt**

That Council:

1. notes this report; and the evidence of gambling, alcohol and drug use in Glen Eira, the impacts and Council's work in these areas.
2. approves purchasing of a membership to the Alliance for Gambling Reform which will support the work of Council to advocate for and take local action to reduce the harms from gambling.
3. delivers additional training to key frontline staff to improve early detection and referral to services to reduce harms in the community.
4. includes harm reduction as a priority in the Community Grants Program.
5. publishes the Gambling, Alcohol and Drugs Factsheets online through Council's website.

**CARRIED UNANIMOUSLY**

---

**9.6 GLEN EIRA FAMILY VIOLENCE PREVENTION ACTION PLAN 2018-2019 AND POLICY**

---

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

That Council endorses the *Glen Eira Family Violence Prevention Action Plan 2018-2019* and the *Family Violence Prevention in the Community Policy*.

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

That the meeting be extended to conclude at 11pm.

**CARRIED UNANIMOUSLY**

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

A one minute silence was observed to remember the victims of domestic violence.

---

**9.7 ELSTER CREEK CATCHMENT 2018 ACTION PLAN QUARTER TWO UPDATE**

---

**Moved: Cr Taylor****Seconded: Cr Davey***It is recorded that Cr Esakoff vacated the Chamber at 10:08pm.***RECOMMENDATION**

That Council:

1. notes the information contained within the report and Quarter 2 status update of deliverables in the *Elster Creek Catchment Action Plan 2018*;
2. supports the community consultation and engagement activities within the *Action Plan*;
3. continues to support officer involvement in work that supports and identifies actions regarding flood risk communication and flood mitigation; and
4. acknowledges the positive engagement and commitment demonstrated by our partners: Melbourne Water, City of Bayside, City of Port Phillip and City of Kingston in working together on flood risk communication and mitigation initiatives in the Elster Creek catchment.

*It is recorded that Cr Esakoff entered the Chamber at 10:12pm.***CARRIED UNANIMOUSLY**

- 9.8 **PROPOSAL TO ENTER INTO A LEASE BETWEEN GLEN EIRA CITY COUNCIL & VICTORIA AMATEUR TURF CLUB (INCORPORATING THE MELBOURNE RACING CLUB)**  
**PREMISES: PART OF THE LAND KNOWN AS THE WEDGE, CORNER BOORAN ROAD AND GLEN EIRA ROAD, CAULFIELD.**
- 

**Moved: Cr Hyams**

**Seconded: Cr Athanasopoulos**

**Procedural Motion**

**Moved: Cr Athanasopoulos**

**Seconded: Cr Hyams**

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

**CARRIED UNANIMOUSLY**

1. That Council agree to enter into a lease pursuant to Section 17D of the Crown Land (Reserves) Act, 1978 with the Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) for those parts of Crown Folio Volume 11766 Folio 687, Crown Allotment 2031, Crown Land Temporarily Reserved for Public Recreation Purposes, shown hatched on the plan in Attachment 2 - Plan of Lease Areas, to this report on the following terms and conditions:
  - i. that the term of the lease will be five (5) years with 2 further terms of 2 years each;
  - ii. that a single, upfront payment of \$137,500 plus GST be made on execution of the lease representing rental for the first 5 year term; and
  - iii. that the commencing rental for the first year of the first further term is \$30,400 per annum (plus GST), to be increased annually by CPI (All Groups Melbourne Index).
2. That Council authorise its Chief Executive Officer or delegate to execute the lease referred to in item 1 above using the seal of Council.

The Motion Moved by Cr Hyams and Seconded by Cr Athanasopoulos was PUT and **CARRIED**

---

**9.9 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION**

---

**Moved: Cr Hyams****Seconded: Cr Silver**

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) and section 232 of the *Local Government Act 1989* (Vic) resolves that:

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

**CARRIED UNANIMOUSLY**

**10. URGENT BUSINESS****11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****11.1(a) Viability of Steam Weeding****Moved: Cr Taylor****Seconded: Cr Esakoff**

That a report be prepared to consider the viability of Glen Eira City Council investing in alternative non-toxic weed control such as 'steam weeding' to move away from herbicides.

**CARRIED UNANIMOUSLY**

**11.1(b) Carnegie Caulfield Cycling Club****Moved: Cr Davey****Seconded: Cr Magee**

That Council receives a report as follows:

- 1: The suitability of the Packer Park pavilion to meet the needs of the Carnegie Caulfield Cycling Club, including consultation with the club and Cycling Australia.
- 2: Risk assessment of the perimeter fencing around the velodrome for users, including riders and pedestrians.
- 3: Assessment of the suitability of the velodrome lighting.
- 4: Report on the allocation, conditions and charges to the Carnegie Caulfield Cycling Club for they use of the Packer Park Velodrome and Pavilion.
- 5: That this report is brought to an Ordinary Council meeting no later than 26th September 2018.

**CARRIED UNANIMOUSLY****11.1(c) Feeding of Wildlife****Moved: Cr Delahunty****Seconded: Cr Athanasopoulos**

That Council receives a report as follows:

1. examines how Local Laws in other municipalities have dealt with the public health risks of feeding wildlife;
2. makes recommendations regarding the potential of implementing similar clauses into the upcoming review of Glen Eira City Council's Local Law;
3. considers the current limitations with in the Public Health and Wellbeing Act and suggests an advocacy response which may simplify the current evidential requirements in the current legislation.

**CARRIED UNANIMOUSLY****11.2 Right of reply - NIL****11.3 Councillor questions - NIL**

## 11.4 Public questions to Council

### 1. David Margetts – Caulfield South

Considering the overarching governance principles 8.2b and 8.2c (Local Government Bill Exposure Draft, 2018) it may well be important for the Glen Eira City Council to consider the possible changes in soil hydrology from deep excavations and the possible changes in the soil's composition and structure as this could well have a major impact on the environment for future generations who reside in the City of Glen Eira. The experts in the field (hydrogeologists and edaphologists) are usually consulted to ensure good governance, especially when the ground water is so close to the surface in parts of the City of Glen Eira and the resulting salinity levels are high.

When will the Glen Eira City Council release the reports from the hydrogeologist and the edaphologist that would have been necessary to ensure that deep excavation does not impact on soil structure in the City of Glen Eira?

#### **Response:**

Unfortunately we weren't able to complete this response in full today. We will get back to you before the end of the week via the email address that you provided. Your question and the response will both also be published in the Council minutes of the next Ordinary Council Meeting (14 August 2018) in accordance with clause 232 (2) (h) of the Local Law.

-----

### 2. Bernadette Pierce – Caulfield South

#### Question 1

The Council meeting of July 2nd 2018 ratified the July 2017 document: Glen Eira-Planning for the Future. This document differed from the widely distributed May 2017 document. The change of Caulfield South from a 'neighbourhood centre' to a 'large neighbourhood centre' appears to have been imposed without any consultation with the residents of the said centre. Given the Victorian Ombudsman's report published in December 2016, it is surprising that the lack of transparency of decision-making is continuing in Glen Eira City Council.

Will Glen Eira City Council outline clearly the impact to the residents of Caulfield South of this change of name, including any further height allowances, and will Glen Eira City Council be prepared to consult with the residents as to their views?

#### **Response:**

The 25 July 2017 Council meeting report will be attached to your letter to assist you with your enquiry.

Council's adopted Activity Centre, Housing and Local Economy Strategy designates Caulfield South and Bentleigh East as Large Neighbourhood Centres. This resulted from an extensive community engagement process.



The opportunity to provide feedback was promoted widely including:

- a link to the Strategy and online feedback form was sent to participants (approx. 2,200) with email addresses from the first two stages of the activity centre consultation;
- a link to the Strategy and online feedback form was sent to everyone registered on Council's Have Your Say online engagement platform (approx. 850 people);
- a four page summary of the Strategy included as a lift-out in the June 2017 edition of Glen Eira News.
- a four page summary of the Strategy hand delivered to traders in each of the activity centres.
- a discussion at Council's Disability Reference Committee meeting.

The consultation page was visited more than 500 times and the Strategy was downloaded 300 times. A total of 38 online feedback forms were completed, with 26 submissions received by email during the consultation period.

The adopted classification of the Caulfield South Centre came about as a result of the community engagement process; particularly feedback from traders. The submission from the Caulfield Commerce Association sought a different classification, which acknowledged the size of the centre and opportunities for positive change.

The Activity Centre, Housing and Local Economy Strategy provides the strategic context to undertake future detailed precinct planning across our activity centres, including Caulfield South. This process will involve further community and stakeholder engagement.

-----

#### Question 2

Could Glen Eira Council explain the dates and details of when the Caulfield South Neighbourhood residents were informed (and consulted) regarding the extension of the height limit of new buildings from 2 storeys to the present 3 storey limit?

A survey of hundreds of residents conducted in the area has not produced any resident who was aware of the extended height limit, and yet the influx of planned new buildings of 3-5 storeys indicate that the developers have for some time had this information.

#### **Response:**

In 2002, Council initiated Planning Scheme Amendment C25 which, amongst other things, differentiated Glen Eira into Housing Diversity Areas and Minimal Change Areas. This Amendment, which was ultimately approved by Council, involved extensive community and stakeholder consultation together with an independent expert panel hearing process where all submitters were invited. Of the 172 submissions received from the entire municipality to this Amendment, there were 120 submissions from the Caulfield South community; representing a significant proportion of submissions.

Through this process in 2002, Caulfield South was designated as a Neighbourhood Centre, which was a particular type of Housing Diversity Area. In contrast to Minimal Change Areas, Housing Diversity Areas were locations where higher density housing could be directed due to their proximity to public transport, commercial areas, and community facilities. At the time, there was no mandatory height limit through the Residential 1 Zone. That is, Caulfield South never had a two storey mandatory height limit. In fact, subject to compliance with State Government design standards, buildings of three storeys or more were possible.

In 2013, greater protection was achieved through the State Government's introduction of new residential zones. The residential areas of the Caulfield South Neighbourhood Centre converted from the Residential 1 Zone (with no height limit) to the General Residential Zone with a three storey mandatory height limit. The conversion was made possible by the community consultation and strategic work conducted in 2002. The General Residential Zone provided the centre with significantly more protection than before. The General Residential Zone prohibits the residential areas of the Caulfield South Neighbourhood Centre from having five storey apartments. These are only possible along the commercial sections of Glen Huntly Road and Hawthorn Road.

## **12. CONSIDERATION OF IN CAMERA ITEMS**

There were no confidential items submitted to the meeting.

**13. CLOSURE OF MEETING**

The meeting closed at 10.47pm.

Confirmed this 14 day of August 2018

**Chairperson.....**