



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 5 FEBRUARY 2019

MINUTES

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

Present

The Mayor, Councillor Jamie Hyams
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt

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1. **ACKNOWLEDGEMENT**

The Mayor read the acknowledgement.

GLEN EIRA CITY COUNCIL RESPECTFULLY ACKNOWLEDGES THAT THE BOON WURRUNG PEOPLE OF THE KULIN NATION ARE THE TRADITIONAL OWNERS OF THE LAND NOW KNOWN AS GLEN EIRA. WE PAY OUR RESPECTS TO THEIR ELDERS PAST, PRESENT AND EMERGING AND ACKNOWLEDGE AND UPHOLD THEIR CONTINUING RELATIONSHIP TO AND RESPONSIBILITY FOR THIS LAND.

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 Silver

Seconded: Cr Esakoff

That the minutes of the Ordinary Council Meeting held on 18 December 2018 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: OBJECTION TO PROPOSED DEVELOPMENT 441 INKERMAN ST, ST KILDA EAST**

A petition containing 24 signatures was submitted to the Council Meeting.

The petition read as follows:

We the undersigned, wish to demonstrate our strenuous objection to the planned development at 441 Inkerman St, St Kilda East.

- Congestion: The design of this building includes opening up an additional driveway to underground car parking that is service both the new town houses as well as for the Synagogue next door. This development plans to create an additional driveway on Inkerman Street that will further exacerbate existing parking and traffic issues in the neighbourhood and will create pedestrian road safety concerns in the proximity of the development due to poorly designed egress onto Inkerman St.
- Trees – this address has for many years been the local garden of Inkerman St. This development plans to remove 12-14 well established trees that have been part of the history of Inkerman St.
- Setback – the setback of this development from the Street Frontage, as well as adjoining properties – the development is insensitive to the character and nature of the Street. The current plans show the building to be too close to adjoining properties, and the plans too dense for such an area.
- Over development – originally, this land was permitted to have 2 single developments on it. Now the development is scheduled for 12 double storey townhouses on the property. This overdevelopment brings down the neighbourhood appeal of St Kilda East and morphs it into an overdeveloped, densely housed suburb – uncharacteristic of St Kilda East.
- Neighbourhood Character: This development does not take into account the character of the neighbourhood, local properties and is not sensitive to the residential nature of character of the neighbourhood
- The approval of this development will adversely impact the neighbourhood amenity and the enjoyment of our neighbourhood. We seek for Glen Eira Council to refuse this project which will overdevelop a well established neighbourhood of character. Additionally we ask the Council to establish Tree Protection measures in line with other Councils to help preserve trees in our locale.

Moved: Cr Silver

Seconded: Cr Sztrajt

That Council receives and notes the petition and considers it in conjunction with application GE/DP-32429/2018.

CARRIED UNANIMOUSLY

5.2 PETITION: OBJECTION TO THE PLANNING APPLICATION FOR 10-16 SELWYN STREET, ELSTERNWICK

A petition containing 1,796 signatures was submitted to the Council Meeting.

The petition read as follows:

'This petition draws to the attention of the Council our Objection to the Development of the Woolworths Towers at 10-16 Selwyn St., Elsternwick, 3185.

We the undersigned residents request that Council refuse the Application with reasons being:

- We oppose the modern Towers beside our Heritage Overlay area as they are not in keeping with the Elsternwick Village feel as outlined in the Strategic Plan Vision.
- We oppose the height of the 10 and 14 storey Towers which exceed the heights outlined in the recent Elsternwick Structural Plan. These will over-shadow, over-look and invade the privacy of residents.
- The proposed additional 5000 cars per day, 112 Woolworth's semi-trailer trips per week and waste trucks, their noise and pollution will have a significant negative impact on our surrounding Residential streets and Glen Huntly Rd. No Traffic Management Plan has been supplied by Woolworth's.
- The high tower living and the liquor store open until 11pm contradicts Woolworth's supposed social responsibility. They will increase property and personal safety risks.
- We oppose Woolworth's trade off of height with a place of assembly for a private school being a minority in the community. There is no value to the broader community.
- The area surrounding the site comprises of many Victorian and Edwardian houses including a National Trust House "Glenmore." It is difficult to reconcile the proposed Woolworth development with the Glen Eira Council's vision "that Elsternwick will be a safe, accessible and livable centre that embraces its historic character and strong cultural and village feel.'

Moved: Cr Silver

Seconded: Cr Delahunty

That Council receives and notes the petition and considers it in conjunction with application GE/PP-31572/2018 – 10-16 Selwyn Street Elsternwick, item 9.2 of this agenda.

CARRIED UNANIMOUSLY

6. DOCUMENTS FOR SEALING

Nil

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

8.1.1 ADVISORY COMMITTEE MINUTES

Moved: Cr Athanasopoulos

Seconded: Cr Delahunty

That the minutes of the Advisory Committee meeting as shown below be received and noted and that the recommendations of the Committee be adopted.

- a. 27 November 2018 – Recreation & Leisure Advisory Committee

CARRIED UNANIMOUSLY

8.2 Records of Assembly

8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS

Moved: Cr Delahunty

Seconded: Cr Silver

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

- a. 4 December 2018
- b. 11 December 2018
- c. 18 December 2018 (pre-meeting)

CARRIED UNANIMOUSLY

Public Participation

The Mayor advised that at this stage of the meeting 15 minutes is allowed for public participation in accordance with clause 230(1) of the Glen Eira Local Law.

The Mayor acknowledged and congratulated Margaret Dunbar who was present in the gallery, for her outstanding work in the community and receiving an Order of Australia Award on Australia Day.

9. PRESENTATION OF OFFICER REPORTS

9.1 SWEARING IN OF CR ANNE-MARIE CADE

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

That Council notes the formal declaration by the Victorian Electoral Commission and swearing in of Cr Anne-Marie Cade by Council's Chief Executive Officer on Thursday 10 January 2019.

CARRIED UNANIMOUSLY

The Mayor acknowledged and welcomed Mr Clifford Hayes MLC who was present in the gallery.

9.2 10-16 SELWYN STREET ELSTERNWICK

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

That Council issues a Notice of Refusal to Grant a Planning Permit for part demolition and construction of a mixed use building of up to 14 storeys, use of the land as a shop, place of assembly and for the sale of packaged liquor in relation to Application No. GE/PP-31572/2018 at 10-16 Selwyn Street, Elsternwick in accordance with the following grounds:

1. The height, form, scale and design detail of the proposed development is excessive and will appear overly dominant from the immediate surrounding streets and in views along Glen Huntly Road and will not adequately respect the low scale character including the heritage character of the surrounding area contrary to Schedule 10 to the Design and Development Overlay at Clause 43.02, Clause 15.01-1S (Urban design), Clause 15.01-1R (Urban design – Metropolitan Melbourne), Clause 15.01-1S (Building design), Clause 15.01-5S (Neighbourhood character), Clause 22.05 (Urban Villages Policy), Clause 58.02-1 (Urban Context) and Clause 58.04-1 (Setbacks) of the Glen Eira Planning Scheme.
2. The proposal does not appropriately respond to the design objectives, design criteria or decision guidelines of Schedule 10 to the Design and Development Overlay at Clause 43.02 of the Glen Eira Planning Scheme.
3. The podium frontage, in particular the ground floor of the development as it presents to Selwyn Street, along with the location of the vehicle access way to the basement carpark fails to sufficiently contribute to the role of Selwyn Street as a cultural precinct, contribute to a sense of place, recognise cultural identity or reflect the existing or preferred neighbourhood character, contrary to Schedule 10 to the Design and Development Overlay at Clause 43.02, Clause 15.01-1S (Urban design), Clause 15.01-1R (Urban design – Metropolitan Melbourne), Clause 15.01-1S (Building design), Clause 15.01-5S (Neighbourhood character), Clause 22.05 (Urban Villages Policy), Clause 58.02-1 (Urban Context), Clause 58.02-5 (Integration with the Street) and Clause 58.03-6 (Access) of the Glen Eira Planning Scheme.
4. The height, form, scale and design fails to conserve or enhance the significance of the Elsternwick Estate and environs heritage precinct and will adversely affect the significance of the heritage place contrary to Clause 43.01 (Heritage Overlay), Clause 15.01-1S (Heritage conservation), Clause 21.10-2 (Heritage), and Clause 22.01 (Heritage Policy) of the Glen Eira Planning Scheme.
5. The proposal is likely to result in adverse impact to the operation of the road network, including road and tram movements and fails to provide adequate mitigation measures to address the impact of vehicle queuing and vehicle and tram wait times. The proposal therefore does not appropriately respond to Clause 18 (Transport), Clause 21.12 (Transport) and Clause 65 (Decision guidelines) of the Glen Eira Planning Scheme.

6. The frequency of deliveries and its reliance on residential street to service the supermarket loading bay facility is likely to adversely impact the amenity of the surrounding area, particularly the amenity and safety of residents and the school community within Sinclair Street contrary to Clause 32.04 (Mixed Use Zone), Clause 18 (Transport), Clause 21.12 (Transport) and Clause 65 (Decision guidelines) of the Glen Eira Planning Scheme.
7. The location of the supermarket plant equipment is likely to result in unreasonable amenity impacts to occupiers of adjoining land and future occupiers of dwellings within the development contrary to Clause 13.05-1S (Noise abatement), Clause 58.04-3 (Noise impacts) and Clause 65 (Decision guidelines) of the Glen Eira Planning Scheme.
8. The quality of the residential accommodation is compromised and does not provide an adequate level of amenity for future occupiers including by way of overlooking from the communal open space to habitable room windows, compromised access to daylight inside particular dwellings, compromised access to daylight and ventilation to internal corridors and minimal size to the residential entrance lobbies contrary to Clause 58.03-2 (Communal open space), Clause 58.04-2 (Internal Views), Clause 58.05-2 (Building Entry and Circulation) and Clause 58.07-3 (Windows) of the Glen Eira Planning Scheme

Procedural Motions

Moved: Cr Magee Seconded: Cr Athanasopoulos

That Council grants Cr Silver a 3 minute extension of speaking time.

CARRIED UNANIMOUSLY

Moved: Cr Davey Seconded: Cr Silver

That Council grants Cr Delahunty a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY

Moved: Cr Silver Seconded: Cr Sztrajt

That Council grants Cr Esakoff a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY

Moved: Cr Delahunty Seconded: Cr Silver

That Council grants Cr Hyams a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY

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

It is recorded that Cr Athanasopoulos vacated the Chamber at 9:00pm.

It is recorded that Cr Silver declared an indirect conflict of interest by close association in item 9.3 as his families business is in close proximity to the application site.

It is recorded that Cr Silver vacated the Chamber at 9:01pm prior to consideration of this matter.

9.3 168 HOTHAM STREET ELSTERNWICK

Moved: Cr Sztrajt

Seconded: Cr Magee

It is recorded that Cr Athanasopoulos entered the Chamber at 9:02pm.

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-32269/2018 at 168 Hotham Street, Elsternwick in accordance with the following conditions:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP.01 – TP.05, dated July 2018) but modified to show:
 - (a) Red banding along the verandah edge to be deleted and replaced with darker muted colour (e.g. charcoal), to the satisfaction of the Responsible Authority.
 - (b) A notation on the plans that all glazed areas provided to the shops on the ground floor must at all times be treated in a manner that allows views into the shops from the street frontage and rear car park, to this satisfaction of the Responsible Authority.

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

2. The location of the signs (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
3. The signs must not contain any flashing, intermittent or changing colour light.
4. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
5. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
6. All glazed areas provided to the shops on the ground floor must at all times be treated in a manner that allows views into the shops from the adjacent public realm and rear car park.
7. The permit will expire 15 years from the date of the permit at which stage all signs and structures built specifically to support and illuminate the signs must be permanently removed from the land.

Permit notes:

- A. This planning permit represents the planning approval for the 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.
- B. Any failure to comply with the conditions of this planning 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 planning permit by the Victorian Civil and Administrative Tribunal.
- C. Nothing in the grant of this planning 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.

CARRIED UNANIMOUSLY

It is recorded that Cr Silver vacated the Chamber prior to item 9.3 and was not present when this item was considered. Cr Silver entered the Chamber at 9:06pm.

It is recorded that Cr Hyams declared an indirect conflict of interest because of conflicting duties as he is on the committee who are the applicants for this planning application.

It is recorded that Cr Hyams vacated the Chamber at 9:07pm prior to consideration of this matter.

The Deputy Mayor Cr Silver took the Chair for consideration of this item.

9.4 260 BOORAN ROAD, ORMOND

Moved: Cr Esakoff**Seconded: Cr Athanasopoulos**

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-29905/2016/A at 260 Booran Road Ormond, in accordance with the following amended conditions:

Condition 7 to be modified to read:

7. The use may only operate between the hours of:
 - 8:30am to 3:30pm, Monday to Friday with up to 50 students and 8 staff
 - 3:30pm to 7:30pm, Monday to Friday with up to ~~30~~ 15 students and 2 staff
 - 10:00am to 3:00pm, Saturday with up to ~~30~~ 15 students and 2 staff

Unless otherwise agreed in writing by the Responsible Authority.

Condition 8 to be modified to read:

8. Up to two community events may be held each calendar year with up to 100 students.

Condition 10 to be modified to read:

10. The use of land as an Education Centre will cease four (4) years from the date of this Permit; this must not be altered without the prior written consent of the Responsible Authority.

New condition 13 to read:

13. By no later than one week before each of the events allowed under condition 8, notice must be provided to each dwelling along Booran Road between North Road and Marara Road and to the Responsible Authority (Council) and must include details of the event, the date of the event and the hours of the event.

New condition 14 to read:

14. All activities after 6pm must be undertaken within the buildings to limit any adverse noise impacts to the occupiers of surrounding buildings to the satisfaction of the Responsible Authority.

New condition 15 to read:

15. Within three months of the date of this amended permit, a parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- (a) the location of all areas on-and off-site to be used for staff and student parking
- (b) the owner's permission to use any off-site land for parking
- (c) the means to direct staff and students to the areas identified for car parking
- (d) measures to discourage staff and student car parking in the residential streets

A full list of conditions proposed for the Notice of Decision to Grant an Amended Planning Permit are as follows:

1. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
2. The layout and description of the use(s) 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. 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 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.

4. Disabled access to the building must be provided to the satisfaction of the Responsible Authority.

All work carried out to provide disabled access must be constructed in accordance with AS 1428.1 to the satisfaction of the Responsible Authority.
 5. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
 6. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
 7. The use may only operate between the hours of:
 - 8:30am to 3:30pm, Monday to Friday with up to 50 students and 8 staff
 - 3:30pm to 7:30pm, Monday to Friday with up to 15 students and 2 staff
-

- 10:00am to 3:00pm, Saturday with up to 15 students and 2 staff
Unless otherwise agreed in writing by the Responsible Authority.
- 8. Up to two community events may be held each calendar year with up to 100 students.
- 9. The landscaping as shown on the endorsed plan must be maintained, and any dead, diseased or damaged plant replaced to the satisfaction of the Responsible Authority.
- 10. The use of land as an Education Centre will cease four (4) years from the date of this Permit; this must not be altered without the prior written consent of the Responsible Authority.
- 11. Six (6) car parking spaces must be available at the Ormond United Church at 419 North Road Ormond for the Education Centre.
- 12. A minimum of four (4) bicycle parking spaces must be provided on the land for the use. The design and layout of the bicycle parking spaces must accord with either Clause 52.34, AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria.

New condition 13 to read:

- 13. By no later than one week before each of the events allowed under condition 8, notice must be provided to each dwelling along Booran Road between North Road and Marara Road and to the Responsible Authority (Council) and must include details of the event, the date of the event and the hours of the event.

New condition 14 to read:

- 14. All activities after 6pm must be undertaken within the buildings to limit any adverse noise impacts to the occupiers of surrounding buildings to the satisfaction of the Responsible Authority.

New condition 15 to read:

- 15. Within three months of the date of this amended permit, a parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:
 - (a) the location of all areas on-and off-site to be used for staff and student parking
 - (b) the owner's permission to use any off-site land for parking
 - (c) the means to direct staff and students to the areas identified for car parking
 - (d) measures to discourage staff and student car parking in the residential streets

Permit notes:

- A. This Planning Permit represents the Planning approval for the use and/or development of the land.
-

This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

- B. 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.
- C. 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.

CARRIED UNANIMOUSLY

It is recorded that Cr Hyams vacated the Chamber prior to item 9.4 and was not present when this item was considered.

It is recorded that Cr Hyams entered the Chamber at 9:14pm and resumed as Chairperson for the remainder of the meeting.

9.5 VCAT WATCH

Moved: Cr Delahunty

Seconded: Cr Davey

That Council notes the recent decisions and applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.

CARRIED UNANIMOUSLY

9.6 PROPOSED NEW PARK - AILEEN AVENUE, CAULFIELD SOUTH

Moved: Cr Delahunty**Seconded: Cr Davey**

That Council:

1. approves the presented concept plans ;
2. resolves that statutory procedures be commenced pursuant to section 206 clause 3 of Schedule 10 of the Local Government Act 1989 to discontinue the western section of Heather Road, Caulfield South, as shown in the concept plans;
3. resolves that following the completion of the public notification process of Council's intentions to discontinue the road, in the event that submissions are received, that submitters be invited to be heard at an Ordinary Council meeting;
4. resolves that following the completion of the public notification process of Council's intentions to discontinue the road, in the event that no submissions are received all of the statutory procedures for the discontinuance of the road, including the publication of the discontinuance of the road in the Victoria Government Gazette, be finalised; and
5. authorises officers to proceed with the detailed design of the new local open space following the completion of the road discontinuance statutory process.

CARRIED

9.7 CAULFIELD PARK MASTERPLAN

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

That Council:

1. notes the feedback received during community consultation; and
2. endorses the recommended changes to the draft Masterplan which will be updated and presented to a future Ordinary Council Meeting for adoption.

CARRIED UNANIMOUSLY**Procedural Motion****Moved: Cr Silver****Seconded: Cr Magee**

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY

9.8 LEASE 6 AILEEN AVENUE, CAULFIELD SOUTH

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

It is recorded that Cr Delahunty vacated the Chamber at 9:52pm.

That Council:

1. Commence the statutory procedures in accordance with Sections 190 and 223 of the Local Government Act 1989 for Council to enter into a lease of its property at 6 Aileen Avenue, Caulfield South being the land contained in certificate of title volume 5656 folio 133 (the Property).
 - a. That the term of the lease will be one year.
 - b. That the annual rental for the Property will be \$52,404.
2. Authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Local Government Act 1989 in respect of the lease of the Property.
3. Gives public notice in the local newspapers and on Council's website in the week commencing 11 February 2019 on the proposal to lease the Property in accordance with Section 190 of the Local Government Act 1989 and commences a public consultation process inviting written submissions from the community by 5:00pm Thursday 14 March 2019.
4. If submissions are received to the public notice:
 - a. Authorise the Chief Executive Officer to set the time, date and place to hear submissions.
 - b. Hear submitters who elected to speak to their submission at the Ordinary Council meeting to be held at 7.30pm on 9 April 2019.
 - c. Consider and determine the submissions at the Ordinary Council meeting on 30 April 2019 in an open session.
5. If no submissions are received to the public notice, authorise officers to proceed to enter into the lease .

CARRIED UNANIMOUSLY

9.9 2018 ADVOCACY SUCCESS UPDATE

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

That Council notes the report.

It is recorded that Cr Delahunty entered the Chamber at 9:53pm.

It is recorded that Cr Sztrajt vacated the Chamber at 9:56pm.

It is recorded that Cr Esakoff vacated the Chamber at 10:00pm.

CARRIED UNANIMOUSLY

9.10 RISK MANAGEMENT FRAMEWORK

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

That Council approves the Risk Management Framework and Policy [**Attachment 1**] (to replace the current Risk Management Policy) and Risk Appetite Statement [**Attachment 2**].

It is recorded that Cr Esakoff entered the Chamber at 10:03pm.

CARRIED UNANIMOUSLY

9.11 ANZAC DAY 2019

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

That Council holds an Anzac Day Memorial Service on Sunday, 28 April 2019 and provide funding to the Caulfield RSL for their Anzac Day service (final amount to be confirmed by the Council's Chief Executive Officer).

It is recorded that Cr Athanasopoulos vacated the Chamber at 10:04pm.

It is recorded that Cr Sztrajt entered the Chamber at 10:14pm.

CARRIED

9.12 APPOINTMENTS OF COUNCILLORS TO EXTERNAL COMMITTEES AND ADVISORY COMMITTEES

It is recorded that Cr Athanasopoulos entered the Chamber at 10:16pm.

Moved: Cr Magee

Seconded: Cr Esakoff

That Council appoints Councillors to the External Committees and Council's Advisory Committees listed below for the remainder of the 2019 Council year.

External Committees

Committee	Councillors appointed 2017/18 year	Councillors appointed 2018/19 year
Metropolitan Local Government Waste Forum	Cr Taylor – representative Cr Davey - substitute	Cr Delahunty – representative Cr Davey - substitute
Metropolitan Transport Forum (MTF)	Cr Athanasopoulos – representative	Cr Magee - representative Cr Athanasopoulos - substitute
Municipal Association of Victoria (MAV)	Cr Taylor – representative Cr Esakoff - substitute	Cr Magee – representative Cr Esakoff - substitute

Council's Advisory Committees

Committee	Councillors appointed 2017/18 year	Councillors appointed 2018/19 year
Arts & Culture Advisory Committee	Cr Esakoff Cr Delahunty Cr Hyams	Cr Esakoff Cr Delahunty Cr Hyams Cr Cade
Audit and Risk Committee	Cr Magee Cr Athanasopoulos	Cr Magee Cr Delahunty Cr Athanasopoulos - substitute
CEO Employment Matters Committee	All Councillors	All Councillors
Citizen of the Year	Cr Davey Cr Sztrajt Cr Magee	Cr Davey Cr Magee Cr Silver

Community Engagement Advisory Committee	Cr Athanasopoulos Cr Delahunty Cr Hyams	Cr Cade Cr Delahunty Cr Magee
Community Grants Advisory Committee	Cr Hyams Cr Esakoff Cr Delahunty	Cr Magee Cr Esakoff Cr Silver
Local Laws Advisory Committee	Cr Silver Cr Magee Cr Delahunty	Cr Silver Cr Magee Cr Delahunty Cr Cade
Memorial Structure for Holocaust Survivors Project Working Group	Cr Silver Cr Sztrajt Cr Athanasopoulos	Cr Silver Cr Sztrajt Cr Magee
Recreation & Leisure Advisory Committee	Cr Silver Cr Taylor Cr Athanasopoulos	Cr Silver Cr Delahunty Cr Hyams Cr Athanasopoulos
Strategic Transport Advisory Committee	Cr Athanasopoulos Cr Davey Cr Magee	Cr Athanasopoulos Cr Davey Cr Cade
Sustainability Advisory Committee	Cr Davey Cr Taylor Cr Sztrajt	Cr Davey Cr Sztrajt Cr Athanasopoulos

CARRIED UNANIMOUSLY

9.13 NATIONAL GENERAL ASSEMBLY JUNE 2019

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

That Council authorises the attendance of a maximum of two Councillors at the Australian Local Government Association – 2019 National General Assembly of Local Government Conference from 16 to 19 June 2019 in Canberra.

CARRIED

**9.14 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING
31 DECEMBER 2018**

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

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

CARRIED UNANIMOUSLY

10. URGENT BUSINESS - NIL**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****11.1.1 Digitisation of Council's Historical Records****Moved: Cr Silver****Seconded: Cr Sztrajt**

That Officers provide a report that sets out an overview of:

1. current Council historical records;
2. the extent to which these records are digitised; and
3. recommend priorities and estimated costs for further digitisation with such digitised records to be made publicly available.

CARRIED UNANIMOUSLY

11.2 Right of reply**11.3 Councillor questions****11.4 Public questions to Council**

Questions were received from Mr John Denmead, Mr Richard Mitchell, Mr Max Deacon, Mr Nives Mallon and Ms Bev Dillon. As these submitters were not present in the Chamber at this stage of the meeting their questions were not read at the meeting. Letters will be sent to all submitters including the questions and the responses in accordance with the Local Law.

1. Karen Boyd-Jones - Elsternwick

Why does the "Traffic Generation and Surrounding Road Network Plan (page 44 of the Report) not state the impact on Sinclair, Elizabeth, Regent and Gordon Streets and St Georges Road please?

Response:

The traffic modelling outlined in the table is a summary of the expected traffic volumes provided by the permit applicant as part of their submission at the key intersections surrounding the subject land. It does not represent the impact on all surrounding streets and it is noted that there will be increased traffic volumes in Sinclair, Elizabeth, Regent and Gordon Streets.

The recommendation put forward by the Urban Planning Department considers that the proposal is likely to result in adverse impact to the operation of the road network, including road and tram movements and fails to provide adequate mitigation measures to address the impact of vehicle queuing and vehicle and tram wait times. This has been included as a ground of refusal in their recommendation.

2. Karen Boyd-Jones - Elsternwick

The planning report refers to "Transport for Victoria" issues – is this a public document available to the residents please?

Response:

Council is required to comply with several different pieces of legislation that have regard to privacy and the disclosure of planning documents. While we are not able to distribute a copy of the referral response from Transport for Victoria, we can make it available for anyone to view at our planning counter in the Customer Service Centre.

The Urban Planning Department is also happy to provide a summary of the response. If you would like a summary of the referral response, please contact Zac Van Grondelle, Senior Urban Planner, on 9524 3333.

3. Errol Malta - Elsternwick

Would the council only approve a supermarket on the site if Transport for Victoria approves signalisation of the Selwyn Street/Glenhuntly Road intersection? When is Glenhuntly Road going to have the tram super stops installed and how would this affect the traffic?

Response:

Resolving the traffic management arrangements at the corner of Selwyn Street and Glenhuntly Road is a major consideration for Council and would need to occur before a supermarket could be considered in this location. That being said, there are many unresolved factors with this proposal, not just those relating to traffic management.

Transport for Victoria is the responsible authority for the tram services and upgrades of tram stops and is therefore responsible for upgrades and improvements to the tram facilities. Council is not aware of Transport for Victoria's proposed timing to upgrade this stop, however the Disability Discrimination Act states that all tram stops should be made compliant by 2032.

Council will work with all agencies and stakeholders to make the Elsternwick cultural precinct safe and inviting to all pedestrians and public transport users.

4. Kathy Deacon - Elsternwick

Re the Location of the Woolworths Loading Docks in Sinclair Street 1. There is a contradiction in the Planner's report - on page 22 it states the loading docks in Sinclair Street will adversely affect the local amenity and then on page 46 it states although not ideal it is considered on balance appropriate.

1. What is your justification for deeming it appropriate despite the huge impact on the local amenity?
2. How can the council justify having the loading docks located on Sinclair Street with the impact that it will have on all traffic, noise, pollution and danger to the northern precinct of the development; and
3. how does this fit into the "Safe Schools Program" with the primary school opposite?

Response:

The officer recommendation includes a ground of refusal that the frequency of deliveries and its reliance on residential streets to service the supermarket loading bay facility is likely to have adverse impact to the amenity of the surrounding area.

This is included on page 22 of the report and has regard to concerns about the suitability of servicing the loading bay facility, including how trucks would reach the loading bay facility, the timing of deliveries and the management arrangements to ensure that it operates in a safe manner.

The refusal ground does not however object to the location of the facility as set out on page 46 of the report. where it is identified that while the loading area is sited adjacent to a residential area and is not an ideal outcome, it is considered, on balance, to be the most appropriate location given the broader vision of Selwyn Street as a cultural precinct.

In relation to questions one and two, I can confirm:

- From an officer perspective, there are many examples of supermarket servicing facilities that have a residential interface throughout metropolitan Melbourne. The key concern is the unknown servicing arrangements including how and when the trucks will get to the facility, and how they will safely enter and exit the facility. This impact has not been resolved as part of the application and therefore it forms a ground of refusal as part of the recommendation.

In relation to the third question, the scope of consideration is whether the proposal presents a safe environment for pedestrians, including school children. These considerations align with the concepts of a Safe School Zone under Council's Integrated Transport Strategy.

At this stage the management of the loading bay facility is not resolved, and therefore the officers do not consider that it presents an acceptable level of safety for pedestrians.

12. CONSIDERATION OF IN CAMERA ITEMS**Moved: Cr Delahunty****Seconded: Cr Silver**

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 Aged Care

Local Government Act 1989 - Section 89(2) (a), (f) and (h)

CARRIED UNANIMOUSLY

12.1 AGED CARE

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

1. That Council sell the three residential aged care facilities owned and operated by Council, namely "Rosstown Community", "Spurway Community" and "Warrawee Nursing Home", and its residential aged care business conducted at these facilities, subject to Council undertaking a market process which identifies an appropriate purchaser and gives rise to a commercial agreement which is satisfactory to Council.
2. A sale of the nature described in Resolution 1 above will result in the following properties being surplus to Council's requirements:
 - (a) Lot 2 of Plan of Subdivision PS114117 (being the whole of the land contained in Certificate of Title Volume 9095 Folio 668) and Lot 1 on Title Plan TP173896S (being the whole of the land contained in Certificate of Title Volume 6723 Folio 580) and known as 6-8 Ames Avenue, Carnegie, Victoria 3163;
 - (b) all of the land in Plan of Consolidation CP167755N (as shown on Title Plan TP458143J and being the whole of the land contained in Certificate of Title Volume 9954 Folio 233) and known as 89-93 Murrumbeena Road, Murrumbeena, Victoria 3163; and
 - (c) Lot 1 on Plan of Subdivision PS438537M (being the whole of the land contained in Certificate of Title Volume 10638 Folio 633) and known as 854A Centre Road, Bentleigh East, Victoria 3165; and
3. As a result of the above, in the first instance Council:
 - (a) will commence the statutory procedures in accordance with sections 189 and 223 of the Local Government Act 1989 for the sale of some or all of the properties by public tender;
 - (b) will give public notice in The Age newspaper on 7 February 2019 of the proposed sale of some or all of the properties by public tender in accordance with section 223 of the Local Government Act 1989;
 - (c) pursuant to section 223(1) of the Local Government Act 1989, will consider and if required, hear any submissions received in relation to the sale of some or all of the properties by public tender; and
 - (d) authorises the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its administrative functions under section 223 of the Local Government Act 1989 in respect of the sale of some or all of the properties by public tender.
4. Following the conclusion of the statutory process outlined in Resolution 3 above, the Chief Executive Officer will report to Council on the 2 April 2019 at a Special Council Meeting as to the outcome of the process, at which point Council will confirm whether the proposed transaction will proceed to an expression of interest process for the purpose of identifying potentially suitable purchasers who appear willing to accept the key commercial terms required by Council for any transaction to proceed.

5. That the resolution parts 1 to 5 inclusive be made available to the public.

Procedural Motion

Cr Silver called for the motion to be PUT to the meeting for a decision.

The Motion was PUT and was **CARRIED**

13. CLOSURE OF MEETING

The meeting closed at 10.57pm.

Confirmed this 26 day of February 2019

Chairperson.....