



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**  
**TUESDAY 19 MARCH 2019**

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

**RECONVENED ON 21 MARCH 2019 AT 6.45PM**

**MINUTES**

Present

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

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The Mayor called for a minutes silence in honour of those who lost their lives or were wounded in Christchurch.

### 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**

An apology was received from Cr Athanasopoulos and Cr Esakoff.

**Moved: Cr Magee**

**Seconded: Cr Delahunty**

That the apologies received from Cr Athanasopoulos and Cr Esakoff 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****Moved: Cr Silver****Seconded: Cr Delahunty**

That the minutes of the Ordinary Council Meeting held on 26 February 2019 and the Special Council Meeting held on 12 March 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: OBJECTION TO THE PLANNING APPLICATION FOR 371-377 HAWTHORN ROAD AND 3 OLIVE STREET CAULFIELD SOUTH**

A petition containing 276 signatures was submitted to the Council Meeting.

The petition read as follows:

‘This petition draws to the attention of the Council the application to develop the site at 371-377 Hawthorn Road & 3 Olive Street Caulfield South – GE/DP-32447/2018

We the undersigned residents request that Council:

Reject the application as:

- It has the potential to shadow neighbouring properties and any solar panels
- Car parking in local streets will be impacted
- Local schools are at capacity
- Proposed retail may impact badly on local stores eg supermarket in Glenhuntly Rd
- Increased trucks and other traffic are hazardous in terms of safety & increased pollution
- It is an inappropriate development for the area and not in keeping with local architecture & street scapes
- The development will overlook local residences and ruin privacy.’

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

That Council:

1. receives and notes the petition; and
2. notes that the application was refused by officers under delegation on Thursday 14 March 2019.

**CARRIED UNANIMOUSLY**

**5.2 PETITION: DEVELOPMENT AT 7-15 HORNE STREET ELSTERNWICK**

A petition containing 250 signatures was submitted to the Council meeting. At the Council meeting, another 209 signatures were submitted.

The petition read as follows:

This petition draws to the attention of the Council our Objection to the Development of the 14 storey Tower at 5-17 Horne St., Elsternwick, 3185.

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

- The height and bulk of the proposed 14 storey tower is excessive and inappropriate. It will set a dangerous precedent.
- Horne St and its junction with Glen Huntly Rd are already congested with cars, buses and trams. This development will severely exacerbate it. Peak hour will be impossible.
- Parking is already a serious problem particularly for Horne St and Ross St residents. Further, the developer's request for dispensation for 24 car spaces is unacceptable. This proposed development will exaggerate the situation. Also, the public transport is already at full capacity in peak times.
- The severe overshadowing and loss of privacy are completely unacceptable to residents. This would seriously diminish the amenity and lifestyle.
- We oppose the developer's trade off of extra height for widening the part of the adjoining laneway. Vehicular movement would be chaotic.
- This proposal contradicts the Glen Eira Council's vision of a "safe, accessible and liveable centre that embraces its historic character and ...village feel."

A covering letter was provided clarifying that the objection relates to 7-15 Horne Street, not 5-17 Horne Street, Elsternwick.

**Moved: Cr Silver**

**Seconded: Cr Delahunty**

That Council receives and notes the petition and considers it in conjunction with application GE/PP-32409/2018, 7-15 Horne Street, Elsternwick, item 9.1 of this agenda.

**CARRIED UNANIMOUSLY**

**5.3 PETITION: GLEN EIRA RESIDENTIAL AGED CARE**

A petition containing 139 signatures was submitted to the Council Meeting.

The petition read as follows:

'This petition draws to the attention of the Council to community concerns about the inadequate consultation time to consider the sell off of the Glen Eira Residential Aged Care Services, Warrawee, Spurway and Rosstown particularly as the findings of the Aged Care Royal Commission, are unlikely before April, 2020.

We the undersigned residents request that the Council conduct a transparent consultation and evaluation process that engages residents to review the Glen Eira City Council's Residential Aged Services and their future.'

**Moved: Cr Delahunty**

**Seconded: Cr Silver**

That Council:

1. receives and notes the petition: and
2. considers it in conjunction with the item – Notice of Intention to Sell Land
  - (a) 6-8 Ames Avenue, Carnegie;
  - (b) 89-93 Murrumbeena Road, Murrumbeena; and
  - (c) 854A Centre Road, Bentleigh East

at the Special Council Meeting to be held on 2 April 2019.

**CARRIED UNANIMOUSLY**

**5.4 PETITION: PROPOSED SALE OF ROSSTOWN COMMUNITY, SPURWAY COMMUNITY AND WARRAWEE NURSING HOMES**

A petition containing 100 signatures was submitted to the Council Meeting.

The petition read as follows:

'This petition draws to the attention of the Council:

The Proposed Sale of "Rosstown Community" 6-8 Ames Avenue, Carnegie Vic 3163, "Spurway Community" 89-93 Murrumbeena Road, Murrumbeena Vic 3163 and "Warrawee Nursing Home" 854A Centre Road, Bentleigh East Vic 3165.

We the undersigned residents request that Council:

Does not proceed with the sale of the above-mentioned nursing homes as any updating or developing of the properties will cause great distress to the current, elderly residents along with major stress for their family members especially when their loved ones will be required to move. It will also have an impact on future residents that were relying on moving into a facility which offered great staff. Any updating and developing of the said properties will disrupt and inconvenience the local community surrounding the aged care facilities.

**Moved: Cr Delahunty**

**Seconded: Cr Silver**

That Council:

1. receives and notes the petition; and
2. considers it in conjunction with the item – Notice of Intention to Sell Land
  - (a) 6-8 Ames Avenue, Carnegie
  - (b) 89-93 Murrumbeena Road, Murrumbeena; and
  - (c) 854A Centre Road, Bentleigh East

at the Special Council Meeting to be held on 2 April 2019.

**CARRIED UNANIMOUSLY**

**6. DOCUMENTS FOR SEALING**

Nil

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

Nil



**8. REPORTS FROM COMMITTEES**

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**8.1 Advisory Committees**

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**8.1.1 ADVISORY COMMITTEE MINUTES****Moved: Cr Silver****Seconded: Cr Delahunty**

That the minutes of the Advisory Committee meetings as shown below be received and noted and that the recommendation of the Committees be adopted with the following change to the Audit and Risk Advisory Committee:

- a. 6 December 2018 – Strategic Transport Advisory Committee
- b. 19 February 2019 – Arts and Culture Advisory Committee
- c. 20 February 2019 – Community Grants Advisory Committee
- d. 1 March 2019 – Audit and Risk Advisory Committee

**8.1.2 Residential Aged Care Facilities (include the following paragraph)**

Mr Jones explained the next steps in the sale process following the resolution on 5 February, was adherence with statutory processes, namely sections 189 and 223 of the Local Government Act, 1989. This requires a defined process of giving public notice of the proposed sale, and of hearing any public submissions in relation to the proposed sale.

**CARRIED UNANIMOUSLY**

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**8.2 Records of Assembly**

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**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. 5 February 2019 (pre-meeting)
- b. 12 February 2019
- c. 19 February 2019
- d. 26 February 2019 (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.

At the Mayor's discretion, public participation was extended to 28 minutes.

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**9. PRESENTATION OF OFFICER REPORTS**

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**9.1 7-15 HORNE STREET, ELSTERNWICK**

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

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-32409/2018 for the construction of a multi storey mixed use building comprising dwellings, food and drink premises, offices and shops, use of the land for the purpose of dwellings and reduction of the car parking requirements for food and drink premises, offices and shops at 7-15 Horne Street, Elsternwick.

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

That Cr Delahunty be granted a 3 minute extension of speaking time.

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

That Cr Silver be granted a 3 minute extension of speaking time.

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

That Cr Sztrajt be granted a 3 minute extension of speaking time.

**CARRIED UNANIMOUSLY**

The Meeting was adjourned at 9.06pm for 5 minutes.

The meeting was resumed at 9.14pm.

The refusal Motion Moved by Cr Delahunty and Seconded by Cr Silver was **LOST**

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

That item 9.1, 7-15 Horne Street Elsternwick is considered at a later stage of the meeting.

**CARRIED UNANIMOUSLY**

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**9.2 83 TUCKER ROAD BENTLEIGH - GE/CP-32528/2018**

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**Moved: Cr Magee****Seconded: Cr Cade**

*It is recorded that Cr Delahunty vacated the Chamber at 9:22pm and re-entered at 9.23pm*

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/ GE/CP-32528/2018 for use of the land for the sale and consumption of liquor associated with the existing food and drink premises, at 83 Tucker Road Bentleigh in accordance with the following conditions/grounds:

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 but modified to show:
  - (a) The extent of the red line along the northern elevation to be reduced and follow the building line adjacent to the kitchen, service area, dry room and cool room.
2. The layout and description of the use 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 sale and consumption of liquor may only occur in conjunction with use of the land as a food and drink premises, within the endorsed red line area and between the following hours:
  - Monday to Wednesday (10am to 4pm)
  - Thursday to Sunday (10am to 9pm)
4. The sale and consumption of liquor is limited to no more than 104 patrons at any one time unless otherwise agreed in writing by the Responsible Authority.
5. The predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises.
6. A sign must be displayed at each exit to the premises reminding patrons to limit noise when leaving the premises and to be respectful to the residential neighbours.
7. This Permit will expire if the use is not started within two (2) years from 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.

**CARRIED UNANIMOUSLY**

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**9.3 1032 - 1032A NORTH ROAD BENTLEIGH EAST**

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

That Council supports the proposal at the Victorian Civil and Administrative Tribunal for Amended Planning Permit Application GE/PP-30244/2016 at 1032A & 1032 North Road, Bentleigh East, subject to 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: TP00 (Revision F) dated 25/7/18, TP010 (Revision F) dated 25/7/18, TP011 (Revision F) 25/7/18, TP020 (Revision F) dated 2/8/2018, TP021 (Revision F) dated 25/9/18, TP022 (Revision F) dated 21/8/18, TP023 (Revision F) dated 21/8/18, TP100 (Revision F) dated 21/8/18, TP101 (Revision G) dated 31/8/18, TP102 (Revision F) dated 31/8/18, TP103 (Revision F) dated 31/8/18, TP400 (Revision F) dated 31/8/18, TP401 (Revision F) dated 31/8/18; and, but modified to show:
  - (a) The canopy at the corner of North Road and Poet Road setback to a maximum of one metre off the corner of the proposed building (*VicRoads condition*);
  - (b) The exact make and model of the car stacker specified on the ground floor plan;
  - (c) No more than two shops must be shown at ground floor;
  - (d) The southern wall of the fourth storey must be setback a minimum of an additional 2 metres generally in accordance with the revised fourth floor sketch dated 26 February 2019 (TP-103-Revision G);
  - (e) Light court of the master bedroom of unit 3.02 may be reduced or removed so as to balance the western wall of the fourth storey
2. Not more than 2 staff members/employees must be present in each shop at any one time.
3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Note: This does not obviate the need for a permit where one is required
4. Prior to the occupation of the approved development, the Waste Management Plan (WMP) must prepare and have approved in writing by the Responsible Authority a Waste Management Plan for the site in manner that does not cause unreasonable disturbance to nearby residential properties that is generally in accordance with the Waste Management Plan prepared by Ratio Consultants dated 22 August 2018 and specifically 5.1 and 5.2 (Page 11) of that report. In addition, the WMP must provide for:
  - (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins

- or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
- (b) One way waste collection movement along the laneway
  - (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.
5. 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.
6. 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
7. 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.

8. 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.
9. 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
10. Car parking for the development must be provided at the following rate:
  - (a) One car space for each of the two-bedroom dwellings;
  - (b) Two car spaces for the three bedroom dwelling; and
  - (c) Three spaces allocated to the shops.
11. 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 with the written consent of the Responsible Authority.
12. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note C.
13. 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.

14. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)".

The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.

VicRoads Conditions:

15. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.
16. Before the commencement of the development, amended plans to the satisfaction of Responsible Authority must be submitted to and approved the Responsible Authority. The amended plan must show:
  - (a) The canopy at the corner of North Road and poet road setback to a maximum of one metre off the corner of the proposed building.

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. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- D. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- E. All stormwater runoff must be connected to Council drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- F. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- G. Drainage associated with basement (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.



- H. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- I. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- J. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.

**CARRIED UNANIMOUSLY**

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**9.4 VCAT WATCH**

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**Moved: Cr Delahunty**

**Seconded: Cr Hyams**

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**

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**9.5 BEYOND LANDFILL - ADVANCED WASTE PROCESSING**

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

That Council:

1. notes the business case that has been developed by the Metropolitan Waste and Resource Recovery Group (MWRRG) to support the procurement of an alternative waste and resource recovery facility;
2. delegates authority to the Chief Executive Officer to participate in the establishment of a Special Purpose Vehicle; and
3. delegates authority to the Chief Executive Officer to enter into agreements required for Council to participate in the *Phase 1 Expressions of Interest* and *Phase 2 Outline Solution* of the procurement process for an alternative waste and resource recovery solution.

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

That the meeting be extended to finish at 11pm.

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

*It is recorded that Item 9.1, 7-15 Horne Street, Elsternwick was adjourned at an earlier stage of the meeting.*

### **Procedural Motion**

**Moved: Cr Silver**

**Seconded: Cr Magee**

That Item 9.1 be considered at this stage of the meeting.

**CARRIED UNANIMOUSLY**

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## **9.1 7-15 HORNE STREET, ELSTERNWICK**

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**Moved: Cr Silver**

**Seconded: Cr Sztrajt**

That Council issue a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-32409/2018 for the Construction of a multi storey mixed use building comprising dwellings, food and drink premises, offices and shops, use of the land for the purpose of dwellings and reduction of the car parking requirements for food and drink premises, offices and shops at 7-15 Horne Street, Elsternwick in accordance with the following conditions:

### **Amended Plans**

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 Drawing No's. TP097A - TP114A and TP097A-TP114A, TP200A, TP201A, TP210A, TP211A, TP220A and DR12A), prepared by CBG Architects & Interior Designers and dated 3 December 2018 but modified to show:
  - (a) A landscape plan in accordance with Condition 5.
  - (b) The building height to be reduced to not more than 8 storeys, achieved through the deletion of 6 levels that contain apartments.
  - (c) The front (north-eastern) setback of the tower element (third floor and above) to Horne Street increased to a minimum of 4.0m.
  - (d) The ground floor setbacks at the side (north) and rear of the building (shown with red hatching on the plans) to provide an effective combined total width (clear of all parts of the building) with the laneways of at least 5.5m (having regard to the trafficable width of the laneways) so that they will allow for 2 way traffic flows with a height clearance of at least 4.0m and the addition of a note to state that the setbacks within the site will be set aside as carriageway easements.
  - (e) The on-site car parking allocation reconfigured to include:
    - i. Not less than one car space for each one or two bedroom apartment;
    - ii. Not less than two car spaces for each three or more bedroom apartment;

- iii. Not less than four car spaces for the shops and food and drink premises; and
  - iv. Not less than 37 car parking spaces provided for the office.
- (f) All sides of all balconies at the front of the building from the fourth to the seventh floors to be open with the deletion of wintergarden louvres and side walls.
  - (g) The first and second floor office windows facing the rear laneway to be screened so that they will have not more than 25% clear openings to a height of at least 1.7m above floor level to limit views toward the Ross Street properties.
  - (h) The services area on the third floor to be relocated so that it is internal to the building.
  - (i) The planter box along the rear section of the residents' lounge terrace on the third floor will be required to be extended to adjoin the services area to limit views toward the Ross Street properties.
  - (j) Bicycle parking room on the ground floor to show the provision of 31 spaces to the satisfaction of the Responsible Authority.
  - (k) The provision of at least 6 staff bicycle parking spaces for the shops and food and drink premises on the ground floor (within the building) to the satisfaction of Council.
  - (l) The provision of change rooms and showers for cyclists within each of the first and second floor office areas.
  - (m) The ramp to the bin rooms to be of a sufficient width to ensure that bin collection will not interfere with the shared area of the accessible car space.
  - (n) The addition of a note to state that street trees and bicycle hoops at the front of the site will be located to the satisfaction of the Responsible Authority.
  - (o) Notes to demonstrate the achievement of the required cooling load as prescribed in Standard D6 of Apartment Developments (Clause 58.03-1 of the Glen Eira Planning Scheme).
  - (p) Notes to demonstrate rainwater collection for non-drinking purposes and the provision of a stormwater management system as prescribed in Standard D13 of Apartment Developments (Clause 58.03-8 of the Glen Eira Planning Scheme).
  - (q) Detailed notes and information describing accessibility features to demonstrate compliance with Standard D17 of Apartment Developments (Clause 58.05-1 of the Glen Eira Planning Scheme).
  - (r) Notes stating that heating and cooling units will not be located on balconies unless the balcony size accords with Standard D19 of Apartment Developments (Clause 58.05-3 of the Glen Eira Planning Scheme).
  - (s) Detailed notes and information showing the location and dimensions of storage spaces to demonstrate compliance with Standard D20 of Apartment Developments (Clause 58.05-4 of the Glen Eira Planning Scheme).
  - (t) Any changes required by the Sustainability Management Plan.

- (u) Laneway widths to be correctly dimensioned.

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

#### Layout not to be altered

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.

#### Section 173 Agreement

3. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
  - (a) The owner will construct the shared space side laneway in accordance with plans and specifications to the satisfaction of Glen Eira City Council and complete the works before the occupation of the building.
  - (b) The owner will maintain the shared space side laneway for not less than 5 years after the date of its completion to the satisfaction of Glen Eira City Council.
  - (c) The owner will set aside the land adjacent to the side and rear laneways (shown with red hatching on the plans with a height clearance of 4.0m) as a carriageway easement in favour of the Glen Eira City Council.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

#### Urban Design and Landscaping

4. Before the development starts, a plan detailing the urban design streetscape treatment of the public realm must be submitted to and approved by the Responsible Authority. The plan must show the proposed urban design treatment of public areas within the subject land site and surrounding public realm area to ensure the integration of the site with these areas and consistency in the urban design treatment. The plan must be developed in consultation with the Glen Eira City Council Urban Planning, Urban Design and Engineering Departments and be to the satisfaction of the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plans must show:
  - (a) Detail of all proposed hard surface materials/paving.
  - (b) The inclusion of water sensitive urban design features.
  - (c) The pedestrian path along the northern edge of the development to include safety measures to separate the path from the road/carriageway.
  - (d) Bicycle facilities.

- (e) Disabled access features where applicable.
  - (f) Any other feature deemed appropriate, to the satisfaction of the Responsible Authority.
5. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and form part of the permit. The Landscape Plan must incorporate:
- (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) 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.
  - (c) Landscaping and planting as shown on the development plans.
6. Before the occupation of the buildings allowed by this permit, landscaping and urban design works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

#### Management Plans

7. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainability Management Plan (SMP) must be submitted to the Responsible Authority for approval. The report must address Environmentally Sustainable Development (ESD) principles proposed for the site including, but not limited to, energy efficiency, stormwater collection (including the provision of water tanks) and reuse on the site for toilet flushing within the commercial toilets and for garden irrigation (note that Stormwater management must satisfy the requirements of Clause 53.18 of the Glen Eira Planning Scheme), and waste management and building materials. Any recommended changes to the building must be incorporated into the plans required by Condition 1.

Once approved, the SMP will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The SMP must not be varied except with the written approval of the Responsible Authority.

8. Before the development starts, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.

- (b) Designation of methods of collection including the need to provide for private services. This method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- (d) Details for best practice waste management once operating.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

9. Before the development starts 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 of how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) Hours for construction activity in accordance with any other condition of this permit;
  - (h) Measures to control noise, dust, water and sediment laden runoff;
  - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan; and
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

#### Green Travel Plan

10. Before the office use starts, a Green Travel Plan (GTP) must be prepared and submitted to the Responsible Authority for approval. The plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by staff. The plan must include, but not be

limited to, the following:

- (a) A description of the location in the context of alternative modes of transport, including walking, cycling and objectives for the Green Travel Plan;
- (b) Outline Green Travel Plan measures for the development including, but not limited to:
  - i. The distribution of information packs to staff (train, tram and bus timetables relevant to the local area must be included);
  - ii. Car pooling;
  - iii. Bicycle parking and facilities available on the land;
  - iv. Local walking paths and networks to key destinations;
  - v. A plan showing the bicycle parking areas to be provided for use by staff; and
  - vi. Monitoring and review.
- (c) The Green Travel Plan must not be amended without the written consent of the Responsible Authority.
- (d) Once approved, the Green Travel Plan will be an endorsed plan under the planning permit to ensure that the Green Travel Plan continues to be implemented by staff to the satisfaction of the Responsible Authority.

#### Car Parking

11. 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.

12. 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.

#### Wind effects Report

13. Before the development starts, a wind modelling assessment undertaken by a suitably qualified person to assess the wind impact of the development at ground level must be submitted to the Responsible Authority. Any recommendations or required modifications to the building must be implemented to the satisfaction of the Responsible Authority.



General

14. Before the development is occupied, the provision and design of bicycle parking and associated facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.
15. During the construction of the building allowed by this permit, the laneways adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment and the like, so as to maintain free vehicular passage to abutting benefiting properties at all times, unless otherwise allowed with the written consent of the Responsible Authority.

Permit expiry

16. This Permit will expire if:
  - The development does not start within two (2) years from the date of this Permit; or
  - The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

**Notes:**

- A. Residents of the apartments allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. Before the construction or carrying out of buildings and works, either:
  - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
  - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- C. 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.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. There must be no net increase in peak stormwater runoff in Council's drainage network. Post development peak stormwater discharge to Council's drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior to any construction works.
- I. All stormwater runoff must be connected to Council's drainage network. There must be no uncontrolled stormwater discharge to adjoining properties and footpaths.
- J. There must be no net increase in peak stormwater runoff in Council's drainage network. Post-development peak stormwater discharge to Council's drainage network must be maintained to the predevelopment level for a 10 year ARI. Detailed plans and computations prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior to any construction works.
- K. Engineering Services encourage the use of rainwater tanks for storage and re-use for toilet and irrigation purposes and/or the installation of a stormwater detention system.
- L. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.

- M. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

**CARRIED**

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## 9.6 REHABILITATION SERVICES

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**Moved: Cr Delahunty**

**Seconded: Cr Magee**

*It is recorded that Cr Sztrajt vacated the Chamber at 10:15pm and re-entered at 10.16pm*

That Council:

1. Include on Council's website a link to;
  - a) Victorian alcohol and other drug charter and resources
  - b) Health Complaints Commission.
2. Writes to the Victorian Government, Federal Government and Federal Opposition to advocate for mandating the National Quality Framework for non-funded private providers.
3. Recommend to the Municipal Association of Victoria to include the adoption of the National Quality Framework for private sector providers of alcohol and other drug treatment services as an advocacy issue to the Federal Government.

**CARRIED UNANIMOUSLY**

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**9.7 NATURE STRIP PLANTING GUIDELINES**

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

That Council endorses the Nature Strip Planting Guidelines with the following change to paragraph 2 under:

**What happens if I no longer wish to continue with the nature strip planting?**

The nature strip must also be returned to grass on sale or vacating of the property. Alternatively a new permit can be obtained by the purchaser of a property if they agree to continue to maintain the nature strip in accordance with the guidelines.

**CARRIED UNANIMOUSLY**

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**9.8 VIABILITY OF STEAM WEEDING**

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**Moved: Cr Davey****Seconded: Cr Cade**

That Council:

1. notes the report;
2. endorses that officers continue with current methods of weed control; and
3. endorses that officers trial alternative herbicide products to control weeds that do not contain Glyphosate and continue to investigate new options as they become available.

**CARRIED UNANIMOUSLY**

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**9.9 OUTER CIRCLE RAILWAY LINEAR PARK MANAGEMENT PLAN**

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

That Council:

1. adopts the Outer Circle Railway Linear Park Management Plan; and
2. requests that officers give further consideration to how the safety of pedestrians, cyclists and recreational users can be best protected in the final design, consistent with best practice standards.

**CARRIED UNANIMOUSLY**

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**9.10 FOUNDATION FOR YOUTH EXCELLENCE APPLICATIONS  
RECOMMENDATIONS QUARTER 1, 2019**

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**Moved: Cr Silver****Seconded: Cr Cade**

That Council approves the following Foundation for Youth Excellence grants for the 1st Quarter 2019:

- \$1,200 to Jordana Infeld to participate in the 2019 Studio International Artist Residency program in Kyoto, Japan.
- \$600 to Koharu Nishikawa to participate as part of Tennis Australia's 2019 Junior Developmental Team - Victoria.
- \$1,200 to Liam Fothergill to compete at the 2019 APLU Lacrosse Championships in Gyeongju, Korea.
- \$1,200 to Rebecca Fancke to compete in the IASF World Cheerleading Championships in Orlando, Florida, USA
- \$1,200 to Skyler Kah to compete at the 2019 Winter Universiade Games in Krasnoyarsk, Russia

**CARRIED UNANIMOUSLY**

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**9.11 APPOINTMENT OF COUNCILLOR TO THE AUDIT AND RISK ADVISORY COMMITTEE**

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

That Council appoints Cr Jamie Hyams as a substitute to the Audit and Risk Committee for the remainder of the 2019 Council year.

**Council's Advisory Committee**

| <b>Committee</b>         | <b>Councillors appointed 2018/19 year</b>                                           |
|--------------------------|-------------------------------------------------------------------------------------|
| Audit and Risk Committee | Cr Magee<br>Cr Delahunty<br>Cr Athanasopoulos – substitute<br>Cr Hyams - substitute |

**CARRIED UNANIMOUSLY**

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

That Council brings forward Item 11.4 - Public Questions to Council to this stage of the meeting.

**CARRIED UNANIMOUSLY**

**11.4 Public questions to Council**

Questions were received from Robyn Lenga, Simone Zmood, Gary Mallin and Eli Goodhardt for this Council meeting. The submitters were not present in the Chamber at this stage of the meeting and in accordance with the Local Law their questions were not read at the meeting. A letter will be sent to the submitters including their questions and the responses.

**1. Jacinta Smith - Elsternwick**

My question relates to the date upon which overshadowing impact is calculated. Currently the date used is currently measured on Sept 22nd between 9am to 3pm. The overshadowing law has not been updated since 1999. Other Council's have raised concern about the appropriateness of using September 22nd and have requested support for changing the date to June 22nd. The shadow from tall developments, which are increasingly common in our suburbs, is greater in reach in the winter months, and the community is increasingly aware of the importance of sunlight to our mental health. Our daily commutes and working hours can be longer than in time gone by.

I therefore ask that you support residents in requesting updated legislation, by way of the Minister for Planning Richard Wynne, to have the date on which overshadowing is calculated changed to June 22nd.

**Response:**

While Council is yet to form a view on any changes to statewide provisions, we are currently working on additional shadow protection controls for our open spaces. This is something we see as viable within the current Victorian planning framework. For example, last year we proposed winter shadow controls for a number of open spaces in Bentleigh, Carnegie, and East Village through their respective Planning Scheme Amendment processes. We will also follow a similar process for the Elsternwick area.

Once this work is complete, Council will consider its relevance for consideration for other sites across the municipality.

In the meantime, Council encourages residents to advocate directly to the Minister for Planning for any changes to the Victorian Planning Provisions, particularly to statewide residential development design guidelines.

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**2. Nicholas Nethercote – Caulfield South**

VCAT has previously overturned council's rejections of planning applications in commercial areas of neighbourhood centres, in part due to lack of height controls. For example, for 240 McKinnon Road, VCAT said "There is no specific design or built form policy or control for the neighbourhood centre". For 67 Hawthorn Road, VCAT said "There is no specific

guidance in the scheme in a schedule to the zone, a DDO or a policy regarding the preferred height."

To assist in understanding how controls have been improved, could council please provide an overview of the process surrounding the introduction of the first interim height controls in Bentleigh, including strategic justification and timeframes?

### **Response**

At the Ordinary Council Meeting of 9 August 2016, the Planning Scheme Review 2016 Report and its corresponding Work Plan was adopted by Council. The Work Plan specified three structure plans to be implemented for Council's activity centres within the first four years. In addition to adopting the Work Plan, Council also resolved to: "Advocate to the Minister for Planning for interim height controls in the Bentleigh and Carnegie activity centres." At the Council meeting on 31 August 2016, Council resolved to request the Minister to prepare, adopt and approve the amendments for interim height controls through a fast track amendment process.

After considering Council's application and requesting significant information to justify the request, the Minister finally granted the first interim height controls for Bentleigh and Carnegie on 4 April 2017. Council was only able to obtain interim controls due to the fact that we were immediately embarking on a robust process of detailed structure planning for these centres, which is still ongoing.

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### **3. Nicholas Nethercote – Caulfield South**

David Southwick MP recently wrote to council, saying "residents are concerned about the lack of interim height controls in the Caulfield South area". He also called on council "to introduce considered and appropriate height limits to areas such as the Caulfield South precinct." Clifford Hayes MLC also recently wrote to council, saying the following about the lack of height controls: "Residents consider that this is prejudicial to their capacity to successfully object to proposals like the 371-377 Hawthorn Road one". He also requested that council "investigate, as a matter of urgency, applying for mandatory height controls in the commercial areas of its Caulfield South neighbourhood centre." Council has said that strategic planning for neighbourhood centres such as Caulfield South will begin in July 2021, more than 2 years from now.

Will council introduce interim height controls for commercial areas to protect residents against oversized planning applications between now and then?

### **Response**

In order to substantiate a request for interim height controls to the Minister for Planning, councils are required to undertake place-based strategic work.

The strategic work required would typically include: appropriate built form analysis, identification of key features and opportunities of each centre and possible future land uses and development directions and how proposed planning provisions protect and manage these.

This is a comprehensive process that involves community consultation, site specific analysis and strong justification. Unfortunately, this process takes both time and resources, and Council is unable to undertake this process across all of our 19 shopping strips at once.



Council has committed to a staged rollout, which has prioritised our major activity centres such as Bentleigh, Elsternwick, Carnegie, Caulfield Station and Glen Huntly, all of which are in various stages of progress.

Council has also developed and adopted new Quality Design Guidelines, which inform the design outcomes sought for our community.

In the meantime any planning permit applications will be thoroughly assessed against the relevant provisions of the Glen Eira Planning Scheme and will have particular regard to the scale of the neighbourhood centre.

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#### **4. Suzanne Hill – Caulfield South**

Objections to Urbis' Hawthorn Road development revealed height limit inconsistency across Glen Eira. Caulfield South CZ1 has none. I quote Cr Hyams' email: "We have a very busy schedule of strategic planning work over the next few years. As part of last year's planning scheme review, which was passed at our October 16 meeting, we adopted a work plan which included that Urban Design Framework development for our Neighbourhood Activity Centres will commence in 2021. I would expect that the Caulfield South Neighbourhood Centre, having been designated a Large Neighbourhood Centre, would be one of the first considered." I then asked: Is there any reason why Council cannot ask for interim height limits now, especially since Glen Eira is so far ahead of targets relating to accommodation? No response.

Why hasn't Council asked for interim height limits? 2021 is far too late. Without limits VCAT could approve inappropriate high-rise

#### **Response**

Council did receive your further question, but only on the evening of Thursday 14 March, which is why you had not received a response at the time of submitting your public question.

In order to substantiate a request for interim height controls to the Minister for Planning, councils are required to undertake significant place-based strategic work.

The strategic work required would typically include: appropriate built form analysis, identification of key features and opportunities of each centre and possible future land uses and development directions and how proposed planning provisions protect and manage these.

This is a comprehensive process that involves community consultation, site specific analysis and strong justification. Unfortunately, this process takes both time and resources, and Council is unable to undertake this process across all of our 19 shopping strips at once.

**10. URGENT BUSINESS****Moved: Cr Magee****Seconded: Cr Davey**

That Council considers a motion as an item of urgent business expressing our deepest sympathy to the community of Christchurch.

**CARRIED UNANIMOUSLY**

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

On behalf of the residents of Glen Eira we express our deepest sympathy to families and friends of those who have lost their lives in Christchurch. Like all Australians we are deeply saddened by these events and we send our heartfelt condolences to the people of Christchurch and to the Christchurch Islamic Community.

We condemn this act of violence and stand against violence in all its forms. Council believes that all should have the right to worship in peace and safety.

We send our thoughts and prayers to all in Christchurch who have been impacted by this tragedy.

Kia kaha stay strong

**CARRIED UNANIMOUSLY**

## 11. ORDINARY BUSINESS

### 11.1 Requests for reports from Officers

#### 11.1.1 Inkerman Road Protected Bicycle Corridor Pilot Project

**Moved: Cr Silver**

**Seconded: Cr Sztrajt**

That officers prepare a report which analyses alternative protected bicycle corridors to the Inkerman Road protected bicycle corridor. The report should focus on two alternatives and compare them against the Inkerman Road project:

Dandenong Road. Undertake analysis of a protected bicycle corridor connection along Dandenong Road between the Djerring Trail (at East Caulfield Reserve) and St Kilda Road, including a review of:

- an option along the central median
- an option along an existing traffic lane
- key connection points, pinch points and intersections
- the impact on parking and traffic capacity
- bicycle safety

Alma Road (all or in part). Undertake analysis of protected bicycle paths going one way along Alma Road and the other way along Inkerman Road, including a review of

- options to reconnect at the eastern end
- key pinch points and intersections
- the impact on parking or traffic capacity
- bicycle safety

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That Mayor adjourned the meeting at 10.59pm on Tuesday 19 March to reconvene at 6.45pm on Thursday 21 March 2019 in the Council Chamber, corner Glen Eira and Hawthorns Roads, Caulfield.

## 21 MARCH 2019 RECONVENED ORDINARY COUNCIL MEETING MINUTES

### Present

The Mayor, Councillor Jamie Hyams  
Councillor Anne-Marie Cade  
Councillor Clare Davey  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt

The meeting was reconvened at 6.45pm on Thursday 21 March with further consideration by Council on Item 11.1.1 Inkerman Road Protected Bicycle Corridor Project.

The Motion Moved by Cr Silver and Seconded by Cr Sztrajt was **CARRIED**

**11.1.2 SOLAR PANEL OVERSHADOWING****Moved: Cr Sztrajt****Seconded: Cr Silver**

That officers prepare a report on the impact of new developments on solar panels on adjoining properties. The report should cover:

- The effectiveness, clarity and usability of the current State Planning provisions for 'residential rooftop solar energy facilities',
- If the current State Planning provisions do not provide effective and clear guidance, advocacy options for Glen Eira City Council with the State Government, including more effective planning provisions (State and Glen Eira specific) that protect solar panels on adjoining properties from unreasonable overshadowing, or a compensation mechanism to offset the impact for existing 'residential rooftop solar energy facilities'.

**CARRIED UNANIMOUSLY**

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

This section was dealt with after Item 9.11 at the meeting on 19 March 2019.

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

To return to Item 10 - Urgent Business

**CARRIED UNANIMOUSLY**

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

That a further matter related to Item 9.5 be considered as Urgent Business in the confidential part of this meeting pursuant to sections 89(2)(d) and 89(2)(h) of the Local Government Act 1989 given it concerns contractual matters or any other matter which the Council or Special Committee considers would prejudice the Council or any person.

**CARRIED UNANIMOUSLY**

**12. CONSIDERATION OF IN CAMERA ITEMS****Moved: Cr Hyams****Seconded: Cr Magee**

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

12.1 Tender 2019.5 Neville Street Reconstruction Stage 1  
*Local Government Act 1989 - Section 89(2) (d)*

12.2 Tender 2019.12 Provision of Park, Landscape, Turf Construction and Maintenance Works  
*Local Government Act 1989 - Section 89(2) (d)*

12.3 Tender 2019.48 Supply and Delivery of Hot Mix Asphalt  
*Local Government Act 1989 - Section 89(2) (d)*

9.5 Beyond Landfill – Advanced Waste Processing  
*Local Government Act 1989 - Section 89(2)(d) and (h)*

**CARRIED UNANIMOUSLY**

The Mayor thanked the members of the gallery for coming to the meeting and advised that after consideration of the confidential items the meeting will be closed.

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**12.1 TENDER 2019.5 NEVILLE STREET RECONSTRUCTION STAGE 1**

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

That Council:

1. appoints **Presta Construction Group Pty Ltd, ACN 096 137 745** as the contractor under Tender number 2019.5 Neville Street Stage 1 Reconstruction for an amount of \$1,616,355.40 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/s on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

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**12.2 TENDER 2019.12 PROVISION OF PARK, LANDSCAPE, TURF CONSTRUCTION AND MAINTENANCE WORKS**

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

That Council:

1. appoints **UDL M Pty Ltd, ACN 610 979 309** as panel contractor under **Tender number 2019.12** for **categories 1A, 3 and 8**, in accordance with the Schedule of Rates submitted.
2. appoints **Sevron Pty Ltd, ACN 165 444 011** as panel contractor under **Tender number 2019.12** for **categories 1A, 13 and 15**, in accordance with the Schedule of Rates submitted.
3. appoints **Turf Renovations Australia Pty Ltd, ACN 082 775 193** as panel contractor under **Tender number 2019.12** for **categories 1A, 3, 4, 8, 9, 10, 12, 15 and 16** in accordance with the Schedule of Rates submitted.
4. appoints **Elaeocarpus Pty Ltd, ACN 126 802 051** as panel contractor under **Tender number 2019.12** for **categories 1A, 4, 12 and 13** in accordance with the Schedule of Rates submitted.
5. appoints **Bark King Group Pty Ltd, ACN 074 900 342** as the trustee for Johnston Family Trust, trading as Bark King (ABN 49 629 868 816) as panel contractor under **Tender number 2019.12** for **category 1B**, in accordance with the Schedule of Rates submitted.
6. appoints **Ecodynamics Services Pty Ltd, ACN 102 359 213** as the trustee for Ecodynamics Services Trust, trading as We Blow (ABN 14 772 744 278) as panel contractor under **Tender number 2019.12** for **category 1B**, in accordance with the Schedule of Rates submitted.
7. appoints **Green Corp Group Pty Ltd, trading as Plantmark, ACN 006 483 254** as panel contractor under **Tender number 2019.12** for **category 2**, in accordance with the Schedule of Rates submitted.
8. appoints **Lilydale Instant Lawn Pty Ltd, ACN 120 387 279** as panel contractor under **Tender number 2019.12** for **category 3**, in accordance with the Schedule of Rates submitted.
9. appoints **Alfco Investments Pty Ltd, trading as I.T.S. VICTORIA** (Independent Turf Services), ACN 123 143 804 as panel contractor under **Tender number 2019.12** for **category 4**, in accordance with the Schedule of Rates submitted.
10. appoints **RPS Industries Pty Ltd, ACN 121 109 402** as panel contractor under **Tender number 2019.12** for **categories 5, 6 and 7**, in accordance with the Schedule of Rates submitted.
11. appoints **Abel Concepts (Aust) Pty Ltd, ACN 101 103 271** as panel contractor under **Tender number 2019.12** for **category 9**, in accordance with the Schedule of Rates submitted.
12. appoints **Environmental Weed Management (Aust) Pty Ltd, ACN 105 303 188**, as the trustee for Salter Family Trust (ABN 78 816 904 902) as panel contractor under **Tender number 2019.12** for **category 10**, in accordance with the Schedule of Rates submitted.

13. appoints **Shade Living (VIC) Pty Ltd, ACN 080 855 125** as the trustee for Alter Reality Unit Trust, trading as Shade Living (ABN 52 010 530 247) as panel contractor under **Tender number 2019.12** for **category 11**, in accordance with the Schedule of Rates submitted.
14. appoints **Shadewise Pty Ltd, ACN 110 912 742** as panel contractor under **Tender number 2019.12** for **category 11**, in accordance with the Schedule of Rates submitted.
15. appoints **Densal Pty Ltd, ACN 088 222 075**, as the trustee for the Densal Unit Trust (ABN 32 052 163 380) as panel contractor under **Tender number 2019.12** for **categories 12 and 13**, in accordance with the Schedule of Rates submitted.
16. appoints **The Fencing Man Pty Ltd, ACN 106 216 933**, as the trustee for The Fencing Man Business Trust (ABN 54 455 957 092) as panel contractor under **Tender number 2019.12** for **category 14**, in accordance with the Schedule of Rates submitted.
17. appoints **GMD Plumbing Pty Ltd, ACN 051 890 085** as the trustee for The Michaelides Family Trust (ABN 39 237 263 170) as panel contractor under **Tender number 2019.12** for **categories 15 and 16**, in accordance with the Schedule of Rates submitted.
18. appoints **Malvern Irrigation Supplies Pty Ltd ACN 143 104 867**, as the trustee for Malvern Irrigation Supplies Unit Trust (ABN 17 421 182 033) as panel contractor under **Tender number 2019.12** for **category 15**, in accordance with the Schedule of Rates submitted.
19. prepares the contracts in accordance with the Conditions of Contract included in the tender.
20. authorises the CEO to execute the contracts on Council's behalf.
21. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**



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**12.3 TENDER 2019.48 SUPPLY AND DELIVERY OF HOT MIX ASPHALT**

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**Moved: Cr Silver**

**Seconded: Cr Magee**

That Council:

1. appoints **Fulton Hogan Industries Pty Ltd, ACN 000 538 689** as the contractor under Tender number 2019.48 in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender to be further negotiated and agreed to by Council;
3. authorises the CEO to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

**13. Closure of Meeting**

The meeting closed at 7.15pm

Confirmed this 9<sup>th</sup> day of April 2019.

**Chairperson.....**