



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING

TUESDAY 30 APRIL 2019

MINUTES

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

RECONVENED ON 2 May 2019 at 7.18pm

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

INDEX

1.	ACKNOWLEDGEMENT	4
2.	APOLOGIES.....	4
3.	OATH OF OFFICE AND DISCLOSURES OF INTERESTS	4
4.	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS	4
5.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS	5
	Nil	
6.	DOCUMENTS FOR SEALING	5
	Nil	
7.	REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS	5
	Nil	
8.	REPORTS FROM COMMITTEES.....	5
	8.1 Advisory Committees	5
	8.1.1 Advisory Committee Minutes.....	5
	8.2 Records of Assembly.....	5
	8.2.1 Records of Assemblies of Councillors	5
9.	PRESENTATION OF OFFICER REPORTS.....	6
	9.1 10 Quinns Road Bentleigh East.....	6
	9.2 846-848 North Road Bentleigh East	10
	9.3 VCAT Watch	21
	9.4 Exploration of Alternative Safe Cycling Routes to Inkerman Road.....	21
	9.5 Public Toilets McKinnon Station - Lease Metro Trains.....	22
	9.6 Classified Tree Register	23
	9.7 Notice of Intention to Block Vehicular Traffic on Selwyn Street, Elsternwick and to Regulate Traffic (One Way) on Gordon Street, Elsternwick for the Purposes of Assisting in the Creation of the Elsternwick Cultural Precinct – CONSIDERATION OF SUBMISSIONS UNDER SECTION 223 LOCAL GOVERNMENT ACT 1989 AND DECISION TO EXERCISE POWERS	24

9.11	Draft Glen Eira Volunteer Framework and Action Plan	25
9.13	Submissions on the Draft Community Plan Commitments 2019-2020 and Draft Strategic Resource Plan 2019-20 to 2028-29	26
9.14	2019-20 Draft Annual Budget (Advertise for Public Comment)	27
9.8	Digitisation of Historic Records.....	33
9.9	Elster Creek Catchment 2018 Action Plan January to March 2019 Update ...	34
9.10	Council Leasing Policy	34
9.12	Endorsement of Living Melbourne: Our Metropolitan Urban Forest Strategy .	35
10.	URGENT BUSINESS	35
11.	ORDINARY BUSINESS	36
11.1	Requests for reports from Officers	36
11.1.1	Options for the Provision of Providing Interim Female Friendly Facilities at Council Pavilions	36
11.2	Right of reply	37
11.3	Councillor questions - Nil	38
11.4	Public questions to Council	38
12.	CONSIDERATION OF IN CAMERA ITEMS.....	38
12.1	Novation of Contract 2019.13 Reactive Tree Services	Error! Bookmark not defined.
12.2	Novation of Contract 2016.033 Comprehensive Tree Pruning Services	Error! Bookmark not
13.	CLOSURE OF MEETING.....	39



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

Nil

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 Athanasopoulos

That the minutes of the Ordinary Council Meeting held on 9 April 2019 and the Special Council Meeting held on 11 April 2019 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

Nil

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 Esakoff

Seconded: Cr Delahunty

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

- a. 26 March 2019 – Arts and Culture Advisory Committee Minutes

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. 26 March 2019 Assembly
- b. 2 April 2019 Assembly
- c. 9 April 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.

9. PRESENTATION OF OFFICER REPORTS

9.1 10 QUINNS ROAD BENTLEIGH EAST

Moved: Cr Cade

Seconded: Cr Esakoff

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-32199/2018 for construction of four attached dwellings at 10 Quinns Road, Bentleigh East 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 TP01-TP14, prepared by Jesse Ant Architects and dated 31 January 2019) but modified to show:
 - (a) A landscape plan in accordance with Condition 3.
 - (b) A note that the fixed balcony screening will have a maximum transparency of 25% up to 1.7m above finished floor level.
 - (c) The side setbacks to comply with Clause 55.04-1 (Standard B17 Side and rear setbacks).
 - (d) Details of the stormwater management system to demonstrate compliance with Clause 55-03-4 (Standard B9 -Permeability).
 - (e) The development modified to achieve compliance with Standard B21 (Overshadowing) of the Glen Eira Planning Scheme for the secluded private open space areas of 14 St Georges Avenue and 8B Quinns Road, with any consequential changes absorbed within the remainder of the approved building envelope.

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

General requirements

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.

Landscaping and tree protection

3. A detailed Landscape Plan must be submitted to Council, to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will

become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate the following:

- (a) A survey, including botanical names, of all existing vegetation to be retained.
- (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
- (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- (d) Landscaping and planting within all open space areas of the site.
- (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) 3 trees within the front setback;
 - (ii) 1 trees within the rear setback;

or 4 trees in locations to the satisfaction of the Responsible Authority.

Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

4. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. An above ground canopy Tree Protection Zone (TPZ) is to be adopted regarding the street tree. No works, structures or machinery will come within 1m of the tree's crown/canopy as per AS 4970-2009 section 3.3.6. TPZ fencing on the nature strip shall form a rectangle along the back of the kerb, across the nature strip either side of the tree and along the edge of the footpath. The footpath must remain open for public access. The TPZ fencing erected across the nature strip shall be located 4.5m East and West of the tree. Temporary fencing to be used as per AS 4970-2009 section 4.3.

Car parking and access

6. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all weather sealcoat;
 - (d) drained;

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

7. The vehicular crossing must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath,

naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Permit expiry

8. 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.

Permit notes:

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.
- B. 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.
- C. 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.
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.

- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. 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.

Asset Engineering Notes

- H. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- I. Preliminary land and flood information available at Council indicates that this property is subject to flooding from Council's drainage network for a storm water event with 1% chance of occurrence in any year.
- J. There is a Council storm water drain within the drainage and sewerage easement located along southern boundary. The developer must locate the exact location of the Council drain prior to construction and the drain must be protected during construction works.
- K. All stormwater runoff must be connected to Council's underground drainage network. No uncontrolled stormwater is to be discharged to adjoining properties and/or footpaths.
- L. Engineering Services encourage the use of rainwater tanks for storage and reuse, for toilet and irrigation purpose and/or stormwater detention system.

CARRIED UNANIMOUSLY

9.2 846-848 NORTH ROAD BENTLEIGH EAST

Moved: Cr Magee**Seconded: Cr Athanasopoulos**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-32104/2018 for the construction of fourteen (14) townhouses and associated basement car parking and alteration to a Road in Road Zone Category 1 at 846-848 North Road, Bentleigh East, 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. TP-02.01, TP-02.02, TP-02.03, TP-02.04, TP-02.05, TP-02.06, TP-03.01, TP-03.02, TP-03.03, TP-04-01, TP-04-02 and TP-04-03 (prepared by In+Situ Design Office, Revision A and all dated 20.06.2018) and LCP-001 (prepared by Urbis and dated 19.07.2018), but modified to show:
 - (a) Provision of a corner splay area along the eastern side of the vehicle accessway, at least 50 per cent clear of visual obstructions and extending a minimum of 2m along the North Road frontage and 2.5m along the accessway. Any objects within this area must be not more than 900mm in height; and
 - (b) Provision of the 5 bicycle spaces (3 for residents and 2 for visitors) in accordance with Clause 52.34 (Bicycle Facilities);
 - (c) Modification to basement plan to incorporate all changes shown on the basement plan (identified as TP-02.01 and prepared by In+situ Design Office) submitted to Council on 12 December 2018).

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

Development 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.*

Landscaping

3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
4. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Environmental Audit Assessment

5. Before the development starts (excluding remediation works for the purpose of the environmental audit), either the following must be submitted to the satisfaction of the Responsible Authority:
 - (a) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (b) An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the sensitive use.

A copy of the certificate or statement must be supplied to the Responsible Authority. The certificate or statement will be read in conjunction with this Permit and all conditions of the statement will form part of this permit. The certificate or statement may be open to peer review at a cost to the permit holder/owner of the land at any time.

Where there are conditions on a Statement of Environmental Audit that require ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987 (unless deemed unnecessary by the Responsible Authority) to give effect to the ongoing maintenance and/or monitoring conditions contained in the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority. A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Management Plans

6. A Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When endorsed, the WMP will form part of the permit.

The WMP must be generally in accordance with the WMP prepared by LID Consulting, dated 20 December 2018, except that the plan must show:

- 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.

7. 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. 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.

Once approved the CMP 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.

Car Parking

8. 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.

General requirements

9. Before the development is occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
10. Before the development is occupied, the provision and design of bicycle parking 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.
11. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.

Permit expiry

12. 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. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the *Planning and Environment Act 1987*.

An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.
- H. Council records indicating that there is existing Council 225mm diameter storm water drain within the easement that runs along the eastern boundary of the property. No structures must be found within 1.0m from the existing drain.

Asset engineering notes:

- I. Protection works must be in place during excavation and construction of the building to protect the Council’s drain located in the easement. Developer/Owner is required to submit the proposed protection works plan to Council for approval prior commencement of any works.

- J. The developer is required to submit CCTV report of the easement drain before and after the construction is completed. Any damage to the drain will be the responsibility of the developer/owner and any reinstatement works to be carried out must be to Council satisfaction at the developer/owner's cost.
- K. An application is required for Council's consent to Erect a Building or Structure Over Easement as part of the Building permit process.
- L. 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.
- M. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- N. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.

CARRIED

AMENDMENT

Moved: Cr Esakoff

Seconded: Cr Silver

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-32104/2018 for the construction of fourteen (14) townhouses and associated basement car parking and alteration to a Road in Road Zone Category 1 at 846-848 North Road, Bentleigh East, 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. TP-02.01, TP-02.02, TP-02.03, TP-02.04, TP-02.05, TP-02.06, TP-03.01, TP-03.02, TP-03.03, TP-04-01, TP-04-02 and TP-04-03 (prepared by In+Situ Design Office, Revision A and all dated 20.06.2018) and LCP-001 (prepared by Urbis and dated 19.07.2018), but modified to show:
 - (a) Provision of a corner splay area along the eastern side of the vehicle accessway, at least 50 per cent clear of visual obstructions and extending a minimum of 2m along the North Road frontage and 2.5m along the accessway. Any objects within this area must be not more than 900mm in height; and
 - (b) Provision of the 5 bicycle spaces (3 for residents and 2 for visitors) in accordance with Clause 52.34 (Bicycle Facilities);

- (c) Modification to basement plan to incorporate all changes shown on the basement plan (identified as TP-02.01 and prepared by In+situ Design Office) submitted to Council on 12 December 2018).
- (d) Dwelling's 5, 7 and 8 provided with a minimum of 60m² of private open space, with any consequential changes absorbed within the remainder of the approved building envelope.

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

Development 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.*

Landscaping

- 3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
- 4. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Environmental Audit Assessment

- 5. Before the development starts (excluding remediation works for the purpose of the environmental audit), either the following must be submitted to the satisfaction of the Responsible Authority:
 - (a) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (b) An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the sensitive use.

A copy of the certificate or statement must be supplied to the Responsible Authority. The certificate or statement will be read in conjunction with this Permit and all conditions of the statement will form part of this permit. The certificate or statement may be open to peer review at a cost to the permit holder/owner of the land at any time.

Where there are conditions on a Statement of Environmental Audit that require ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987 (unless deemed unnecessary by the Responsible Authority) to give effect to

the ongoing maintenance and/or monitoring conditions contained in the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority. A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Management Plans

6. A Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When endorsed, the WMP will form part of the permit.

The WMP must be generally in accordance with the WMP prepared by LID Consulting, dated 20 December 2018, except that the plan must show:

- 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.
7. 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. 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.

Once approved the CMP 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.

Car Parking

8. 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.

General requirements

- 9. Before the development is occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
- 10. Before the development is occupied, the provision and design of bicycle parking 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.
- 11. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.

Permit expiry

12. 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. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the *Planning and Environment Act 1987*. An amendment application is subject to the procedures set out in Section 73 of the *Planning and Environment Act 1987*.

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

C. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.

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

- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.
- H. Council records indicating that there is existing Council 225mm diameter storm water drain within the easement that runs along the eastern boundary of the property. No structures must be found within 1.0m from the existing drain.

Asset engineering notes:

- I. Protection works must be in place during excavation and construction of the building to protect the Council's drain located in the easement. Developer/Owner is required to submit the proposed protection works plan to Council for approval prior commencement of any works.
- J. The developer is required to submit CCTV report of the easement drain before and after the construction is completed. Any damage to the drain will be the responsibility of the developer/owner and any reinstatement works to be carried out must be to Council satisfaction at the developer/owner's cost.
- K. An application is required for Council's consent to Erect a Building or Structure Over Easement as part of the Building permit process.
- L. 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.
- M. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- N. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.

The Amendment was PUT and **LOST**

The original motion Moved by Cr Magee and Seconded by Cr Athanasopoulos was PUT and **CARRIED**

9.3 VCAT WATCH

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

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

9.4 EXPLORATION OF ALTERNATIVE SAFE CYCLING ROUTES TO INKERMAN ROAD

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

That Council:

1. notes the preliminary, high level, analysis covering both the opportunities and constraints of the alternative corridors to Inkerman Road.
2. acknowledges that the State Government, through the Department of Transport, has foreshadowed a Strategic Cycling Route through Glen Eira, linking the CBD to Dandenong. This draft proposed corridor passes through Inkerman Road, Orrong Crescent and Alma Road.
3. expedites discussions between Glen Eira City Council, the Department of Transport and neighbouring councils, in order to identify the most feasible possible corridor.
4. notes that a further report will be presented containing a comprehensive analysis of each alternative corridor, including the outcome of discussions between Glen Eira City Council, the Department of Transport and neighbouring councils.

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

That Cr Silver be granted a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY

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

That Cr Sztrajt be granted a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY

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

That Cr Delahunty be granted a 2 minute extension of speaking time.

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

9.5 PUBLIC TOILETS MCKINNON STATION - LEASE METRO TRAINS

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

That Council resolves to:

1. enter into a Lease with Metro Trains Melbourne Pty Ltd for the purposes of maintaining the new toilets within McKinnon Railway Station and ensuring public access;
2. authorise officers to finalise the Lease with Metro Trains Melbourne Pty Ltd in accordance with the Terms of Lease; and
3. execute the finalised Lease in an appropriate manner by affixing the common seal of Council.

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

That Cr Esakoff be granted a 2 minute extension of speaking time.

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

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY

9.6 CLASSIFIED TREE REGISTER

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

That Council:

1. notes this report;
2. authorises officers to prepare a draft Tree Protection Local Law and draft Classified Tree Policy as outlined in this report; and
3. receives a report on the draft Tree Protection Local Law and draft Classified Tree Policy by December 2019 at an Ordinary Council Meeting, prior to community consultation.

CARRIED

9.7 NOTICE OF INTENTION TO BLOCK VEHICULAR TRAFFIC ON SELWYN STREET, ELSTERNWICK AND TO REGULATE TRAFFIC (ONE WAY) ON GORDON STREET, ELSTERNWICK FOR THE PURPOSES OF ASSISTING IN THE CREATION OF THE ELSTERNWICK CULTURAL PRECINCT – CONSIDERATION OF SUBMISSIONS UNDER SECTION 223 LOCAL GOVERNMENT ACT 1989 AND DECISION TO EXERCISE POWERS

Moved: Cr Silver

Seconded: Cr Delahunty

That Council:

1. having considered all submissions in accordance with section 223 and having complied with the requirements of section 207A(b) of the Local Government Act 1989, including having considered a summary of its hearings arising from the special meeting of Council held on 11 April 2019 and considered a report from Roads Corporation (VicRoads) concerning the proposed exercise of Council's power in this matter, hereby resolves –
 - (a) to exercise power in accordance with section 207, schedule 11, clause 9 of the LGA, being in relation to the power to block and restrict the passage and access of vehicles over and on Selwyn Street, Elsternwick by placing and maintaining permanent barriers and other obstructions on Selwyn Street in consultation with the key stakeholders and subject to an acceptable design by Council, generally in accordance with the details shown on the plan provided as **Attachment 9** to this report; and
 - (b) to not exercise power in accordance with section 207, schedule 11, clause 8(1)(b) of the Local Government Act, being in relation to the power to regulate traffic on Gordon Street, Elsternwick.
2. requests a further and more detailed precinct design before physically giving effect to the traffic requirements and outcomes as they are shown on **Attachment 9**
3. writes to all submitters of Council's decision and the reasons for the decision.
4. writes to all owners and occupiers within the mail out distribution zone (**Attachment 4**) informing of Council's decision and the reasons for the decision.
5. informs the Elsternwick Cultural Precinct Advisory Committee (**ECPAC**) of Council's decision at the next scheduled meeting of the **ECPAC**, ensuring that as key stakeholders they will be able to participate at all stages of the collaborative design of the precinct to enable meaningful input which can be considered in the design process.
6. requests that the Chief Executive Officer writes to VicRoads, Transport for Victoria, Department of Environment Land Water and Planning (**DELWP**) and the Minister for Local Government advising of Council's decision.

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

That Cr Athanasopoulos be granted a 1 minute extension of speaking time.

CARRIED UNANIMOUSLY

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

Procedural Motion**Moved Cr Silver Seconded Cr Sztrajt**

That the order of proceedings be changed to consider the following items ahead of agenda item 9.8. They are items 9.11, 9.13, 9.14, item 10, item 11.4 and item 12 Confidential Business.

CARRIED UNANIMOUSLY

9.11 DRAFT GLEN EIRA VOLUNTEER FRAMEWORK AND ACTION PLAN

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

That Council endorses the release of the draft *Glen Eira Volunteer Framework* and the draft *Volunteer Framework Action Plan* for public consultation from 1 May 2019 – 31 May 2019.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff declared a Direct and Indirect Conflict of Interest by close association in Part B of item 9.13 – Submissions on the Draft Community Plan Commitments 2019-20 and Draft Strategic Resource Plan 2019-20 to 2028-29.

Cr Esakoff vacated the Chamber at 10.29pm prior to consideration of this matter.

9.13 SUBMISSIONS ON THE DRAFT COMMUNITY PLAN COMMITMENTS 2019-2020 AND DRAFT STRATEGIC RESOURCE PLAN 2019-20 TO 2028-29

Moved: Cr Hyams

Seconded: Cr Silver

Part A

That Council seeks public consultation on:

1. The attached Draft Community Plan Commitments 2019-2020 and Draft Strategic Resource Plan 2019-20 to 2028-29 (excluding any references to Elsternwick Community Hub and Hopetoun Gardens) by:
 - a) giving Public Notice, as required by Section 129 of the Local Government Act 1989, in the Age Newspaper;
 - b) further advertising the submission process in the Caulfield and Moorabbin Leader;
 - c) placing the Draft Community Plan Commitments 2019-2020 and Draft Strategic Resource Plan 2019-20 to 2028-29 on Council's website and making it available at Council's Service Centre and Libraries; and
 - d) inviting submissions to be heard at the Ordinary Council Meeting scheduled for 11 June 2019.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff declared a conflict of interest in Part B, prior to this item and vacated the Chamber at 10:29pm.

Moved: Cr Hyams

Seconded: Cr Sztrajt

Part B

That Council seeks public consultation on:

1. All references to the Elsternwick Community Hub and Hopetoun Gardens in the attached Draft Community Plan Commitments 2019-2020 and Draft Strategic Resource Plan 2019-20 to 2028-29 by:
 - a) giving Public Notice, as required by Section 129 of the Local Government Act 1989, in the Age Newspaper;

- b) further advertising the submission process in the Caulfield and Moorabbin Leader;
- c) placing the Draft Community Plan Commitments 2019-2020 and Draft Strategic Resource Plan 2019-20 to 2028-29 on Council's website and making it available at Council's Service Centre and Libraries; and
- d) inviting submissions to be heard at the Ordinary Council Meeting scheduled for 11 June 2019.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Chamber prior to Part B of item 9.13 and was not present when this item was considered. Cr Esakoff entered the Chamber at 10:31pm.

It is recorded that Cr Esakoff declared a Direct and Indirect Conflict of Interest by close association in Part B of item 9.14 – 2019-20 Draft Annual Budget (Advertise for Public Comment)

Cr Esakoff vacated the Chamber at 10.54pm prior to consideration of this matter.

**9.14 2019-20 DRAFT ANNUAL BUDGET
(ADVERTISE FOR PUBLIC COMMENT)**

Moved: Cr Hyams

Seconded: Cr Silver

Part A

That Council seeks public consultation on the attached *2019-20 Draft Annual Budget* (excluding any references to the Elsternwick Community Hub and Hopetoun Gardens) by:

- a) giving Public Notice, as required by Section 129 of the *Local Government Act 1989*, in the Age Newspaper;
- b) further advertising the submission process in the Caulfield and Moorabbin Leader;
- c) placing the *2019-20 Draft Annual Budget* on Council's website and making it available at Council's Service Centre and Libraries and Learning Centres; and
- d) inviting submissions to be heard at the Council Meeting on 11 June 2019.

AMENDMENT**Moved: Cr Davey****Seconded: Cr Magee****Part A**

That Council seeks public consultation on the attached *2019-20 Draft Annual Budget* (excluding any references to the Elsternwick Community Hub and Hopetoun Gardens) and sets the proposed Early Learning Centre Fees at \$135 per day for the 0-3 year old group and \$127 per day for the 3-5 year old group. Council seeks consultation by:

- a) giving Public Notice, as required by Section 129 of the *Local Government Act 1989*, in the Age Newspaper;
- b) further advertising the submission process in the Caulfield and Moorabbin Leader;
- c) placing the 2019-20 Draft Annual Budget on Council's website and making it available at Council's Service Centre and Libraries and Learning Centres; and
- d) inviting submissions to be heard at the Council Meeting on 11 June 2019.

The Amendment was PUT and **LOST**

The original Motion became the motion before the Chair.

The Motion moved by Cr Hyams and Seconded by Cr Silver was PUT
and **CARRIED**

It is recorded that Cr Esakoff declared a conflict of interest in Part B, prior to this item and vacated the Chamber at 10:54pm.

Moved: Cr Hyams**Seconded: Cr Silver****Part B**

That Council seeks public consultation on all references to the Elsternwick Community Hub and Hopetoun Gardens in the attached *2019-20 Draft Annual Budget* by:

- a) giving Public Notice, as required by Section 129 of the *Local Government Act 1989*, in the Age Newspaper;
- b) further advertising the submission process in the Caulfield and Moorabbin Leader;
- c) placing the *2019-20 Draft Annual Budget* on Council's website and making it available at Council's Service Centre and Libraries and Learning Centres; and
- d) inviting submissions to be heard at the Council Meeting on 11 June 2019.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Chamber prior to Part B of item 9.14 and was not present when this item was considered.

It is recorded that Cr Magee and Cr Davey vacated the Chamber at 10.56pm and returned at 10.57pm.

Procedural Motion

Moved: Cr Silver

Seconded: Cr Athanasopoulos

That Item 11.4 Public Questions to Council be brought forward and dealt with at this stage of the meeting.

CARRIED UNANIMOUSLY

11.4 PUBLIC QUESTIONS TO COUNCIL

Questions were received from Harry Elkus, Herschel Landes, Helen Fischer, Paul Steinberg and Shaun Lyons 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. Simone Zmood – Caulfield North

- 1) What is the lux of the old and new (LED) street lighting in the following streets? - Glen Eira Road - Balaclava Road - Inkerman Road/Street - Alma Road
- 2) What capital works can be done with the \$400,000 allocated to the Inkerman safe cycling corridor pilot in the 2019-2020 budget? Please provide more detail than "Finalise design and commence construction".

Response:

- 1) It is not possible to measure the exact lux level of current lighting on those streets without a detailed on-site assessment. However Council's road street lighting upgrade will see approximately 1300 lights being changed over to efficient LED technology. The lights have been industry assessed through a rigorous process and have been approved on the basis that they are 'like for like' replacement in terms of lighting levels. The lights we are changing over are 150W HPS (high pressure sodium) to equivalent 70W LEDs, and 250W HPS to equivalent 155W LEDs. The new lights perform better at the start of their life and so may appear to be at a higher lighting level than those currently in place.
 - 2) Council's 2019-20 Draft Annual Budget, discussed tonight (item 9.14), allocates \$400,000 for the Integrated Transport Strategy – Inkerman Road Safe Cycling Corridor Pilot. The money allocated is to allow for design development of the project, including treatment design, traffic modelling, intersection analysis and quantity surveying.
-

2. Robyn Lenga – Caulfield North

Why haven't you responded to questions asked on HAVE YOU SAY Inkerman Rd there are as of today 49 comments of which you (the council) have replied to only one?

Response:

We have made available a 'feedback' section for community to share their thoughts and discuss the project, as well as a 'question and answer' section for those who have specific questions to ask the project team.

The community feedback received in the 'feedback' section is reviewed and included as official submissions during the consultation stage.

Officers will respond to direct questions in the 'feedback' section if they require further clarification and haven't been asked in the 'question and answer' section. Officers have responded to one 'feedback' post to date, this was from a local business owner specific to car parking for their business.

It is recorded that Cr Esakoff entered the Chamber at 10.58pm.

3. Gary Mallin – Caulfield North

Given that more than 1000 people have so far signed the Save Inkerman petition, do councillors know how many of Camden ward's 49,000 residents will be better or worse off because of the proposed Inkerman safe cycle path pilot?

Response

The Inkerman Road Safe Cycling Pilot is in the initial stages of community consultation, this means that at this stage, there has been no detailed exploration or decision about the design of a safe cycling corridor along Inkerman Road.

Council is currently encouraging the community to provide their feedback through Council's website and to actively engage in the ongoing consultation process. Any decisions on the project will be made by the elected Council, considering feedback received from community members and other stakeholders.

4. Bette Hatfield on behalf of GE Residents Association – Caulfield North

Could Council please advise if the proposed planning scheme amendments (arising from the Structure Planning undertaken for the major activity centres of Bentleigh, Carnegie and Elsternwick) include the implementation of the Activity Centre Zone.

Response

The Planning Scheme Amendment prepared for Bentleigh and Carnegie, which is currently awaiting authorisation from the Minister, does not propose the implementation of the activity centre zone.

Council's submitted amendment proposes to use a mixture of schedules to residential zones, commercial zones and Design and Development Overlays to implement the Structure Plan objectives and quality design of built form. It is our view that this suite of tools can better provide for the outcomes envisaged in our Structure Plans and Quality Design Guidelines.

The Planning Scheme Amendment to implement the Elsternwick Structure Plan is currently in the early stages of preparation and no decision has been made on the most suitable suite of planning tools for this centre.

5. Mary Neighbour – Caulfield South

- 1) Is Council aware that due to its failure to provide adequate planning controls in the form of height limits for much of Glen Eira, hundreds of Glen Eira residents have been forced into complex, time-consuming and costly actions to prevent inappropriate developments that would significantly impact their quality of life? If council is aware of this, how does it intend to act in a timely and effective manner to solve this problem for the residents that Council is elected to represent?
- 2) Caulfield South is a Neighbourhood Activity Centre, not a Major Activity Centre, as defined by the Victorian Government Department of Planning's online Activity Centres Overview. In the Glen Eira Planning Scheme, Caulfield South is designated a Neighbourhood Centre. Yet, in an email to a Caulfield South resident, Cr Jamie Hyams described Caulfield South as "having been designated a Large Neighbourhood Centre" (email to Suzanne Hill, 14 March 2019). Could Council please explain when, and through what process, Caulfield South was designated a Large Neighbourhood Centre, and where in the Victorian Government's planning policies there is a definition of the term "Large Neighbourhood Centre"?

Response

- 1) The vast majority of Glen Eira does have mandatory height controls in the form of longstanding residential zones. Interim mandatory height controls are also in place across the major activity centres of Bentleigh and Carnegie. Council pushed for interim mandatory height controls in Elsternwick however this was not approved by the Minister and therefore height controls are discretionary in this location.

In order to substantiate a request for interim height controls to the Minister for Planning, councils are required to undertake detailed and strategically justified place-based planning.

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.

While other areas don't have mandatory height limits, they are covered by long standing policies that are intended to limit height in accordance with the surrounding scale. Unfortunately VCAT is not obliged to apply those policies and in recent years has been more liberal in its approach to commercial zones.

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.

- 2) Caulfield South is designated a large neighbourhood centre in the Glen Eira *Activity Centre, Housing and Local Economy Strategy* which was adopted by Council in 2017. This strategy post-dates the activity centre hierarchy in the *Glen Eira Planning Scheme* and work is underway to re-write the *Glen Eira Planning Scheme* to reflect this *Strategy* and other recent strategic work through a Planning Scheme Amendment.

There is currently no definition of a large neighbourhood centre in the Victorian Government's Planning Policies, however, Council's *Activity Centre, Housing and Local Economy Strategy* contains the following definition of a neighbourhood centre:

"Local centres that provide access to local goods, services and employment opportunities that serve the needs of the surrounding local neighbourhood with suitable residential development opportunity that responds to its urban context in and around the centre. There is a greater focus on delivering these outcomes in larger neighbourhood centres."

The Mayor adjourned the meeting at 10.59pm on Tuesday 30 April to reconvene at 7.15pm on Thursday 2 May 2019 in the Council Chamber, corner Glen Eira and Hawthorn Roads, Caulfield.

THURSDAY 2 MAY 2019 RECONVENED ORDINARY COUNCIL MEETING MINUTES**Present**

The Mayor, Councillor Jamie Hyams
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Dan Sztrajt

The meeting was reconvened at 7.18pm on Thursday 2 May 2019.

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

That the order of proceedings be changed to consider the remaining items in the following order. Item 9.8, 9.9, 9.10, 9.12, Item 10, 11.1, 11.2, 11.3 and Item 12 confidential business.

CARRIED UNANIMOUSLY

9.8 DIGITISATION OF HISTORIC RECORDS

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

That item 9.8 – Digitisation of Historic Records be deferred to the 21 May 2019 Council Meeting.

CARRIED UNANIMOUSLY

9.9 ELSTER CREEK CATCHMENT 2018 ACTION PLAN JANUARY TO MARCH 2019 UPDATE

Moved: Cr Delahunty**Seconded: Cr Cade**

That Council:

1. notes the information contained within this report which is an update of deliverables in the Elster Creek Catchment Action Plan 2018;
2. notes that most of the actions in the Elster Creek Catchment Action Plan 2018 are nearing completion;
3. notes further community consultation will be undertaken in May 2019 and a new Action Plan will be developed by 30 June 2019; and
4. acknowledges the positive engagement and commitment demonstrated by the Elster Creek Community Reference Group and our partners, Melbourne Water, City of Port Phillip, City of Bayside and City of Kingston in working together to identify and implement initiatives in the Elster Creek Catchment to reduce downstream flooding impacts.

CARRIED UNANIMOUSLY

It is recorded that Cr Athanasopoulos entered the Chamber at 7.20pm.

9.10 COUNCIL LEASING POLICY

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

That Council:

1. notes the draft Council Leasing and Licensing Policy;
2. authorises officers to commence public consultation of the draft Council Leasing and Licensing Policy; and
3. requests a report on the outcomes of the public consultation process at a future Council meeting.

CARRIED UNANIMOUSLY

9.12 ENDORSEMENT OF LIVING MELBOURNE: OUR METROPOLITAN URBAN FOREST STRATEGY

Moved: Cr Delahunty**Seconded: Cr Esakoff**

That Council:

1. endorses the Living Melbourne: Our Metropolitan Urban Forest Strategy; and
2. requests Council officers develop an Urban Forest Strategy that is based on the framework and the values of the Living Melbourne Strategy and targets the needs, outcomes and goals of our community to be presented at a future Council meeting.

CARRIED UNANIMOUSLY**10. URGENT BUSINESS****Moved: Cr Athanasopoulos****Seconded: Cr Delahunty**

That Council considers the Novation of Contract 2019.13 Reactive Tree Services and Novation of Contract 2016.033 Comprehensive Tree Pruning Services as confidential items of urgent business to be considered in the in-camera, confidential section of the Council Meeting.

CARRIED UNANIMOUSLY

11. ORDINARY BUSINESS**11.1 Requests for reports from Officers****11.1.1 Options for the Provision of Providing Interim Female Friendly Facilities at Council Pavilions****Moved: Cr Athanasopoulos****Seconded: Cr Delahunty**

That Council calls for a report on the options for providing interim female friendly facilities for sporting teams at Council pavilions which do not currently have these facilities including considering using existing facilities or installing temporary buildings.

CARRIED UNANIMOUSLY

11.2 Right of reply

Cr Esakoff - I feel compelled to respond to comments made in this Chamber during debate at the Ordinary Council Meeting that commenced on Tuesday night, 30 April, continuing now.

I speak under Local Law 238(1) that states 'a correction in order to balance the views the public might otherwise form' -

I moved an amendment to item 9.2 to make compliant with Rescode the open space requirements for dwellings 5, 7 & 8. I did speak briefly to it, only pointing out the amenity of future residents and the precedent of accepting below par, understanding that the meeting was going to be long and not wanting to waste more time than necessary.

Two speakers spoke in support of my amendment and several spoke against it, before the Mayor summed up the debate and the vote was Put and Lost.

The first speaker against my Amendment referred to what he considered 'disingenuous' comments. assuming he meant disingenuous, meaning he considered them to be 'dishonest, deceitful, underhand, duplicitous, insincere, false, lying, untruthful, mendacious ' I reject this assertion and state that my intention was not any of these things. It was a sincere, honest attempt to add a condition that made compliant the Rescode standard of private open space in developments.

He also stated it was hypocritical to approve some applications, and not others, even those compliant with rescode. I want to respond to that aspersion by saying that generally speaking, I almost always will endeavour to include conditions in approvals that address non-compliance when it counts the most. That certainly covers amenity concerns, be it overshadowing, setbacks, parking and the like. There are of course occasions that councillors including myself will find an acceptable outcome such as a front setback being non-compliant as it still fits well within the streetscape.

The second speaker against my amendment called this argument of compliance one that had 'suddenly leapt forward' which of course is not factual. It is not a new argument, it is something we discuss prior to and at nearly every single council meeting in which a planning application is being decided and my history on wanting to see compliance at least where it matters the most is well known.

Perhaps I should have spent more time in speaking to my amendment, including more of the ramifications of approving less private open space than Rescode requires, by talking about it in many cases creating greater separation between it and neighbouring properties which goes to neighbourhood character, as well as the amenity for neighbours as well as future resident amenity, the fact that applying Rescode standards allows for better landscaping opportunities including opportunities for more canopy tree planting in these spaces, creating a greener, leafier environment which is exactly what we all espouse to want to see in Glen Eira.

I want the public to know that I was not being dishonest in wanting the best outcome for this otherwise good application.

I want the public to know that I was not suddenly raising an argument that I (and others) have not discussed prior to and during every planning decision - it is something I have been keen to apply wherever and whenever I see an outcome below the standard that I believe Glen Eira deserves.

It was not simply an argument about what is more important - internal amenity versus private open space. It has more far reaching effects than that simple argument.

11.3 Councillor questions - Nil**11.4 Public questions to Council**

This section was dealt after Item 9.14 of the agenda on Tuesday 30 April 2019.

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

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;

with the following matters of confidential urgent business pursuant to section 89(2)(d) to be considered in-camera

12.1 Novation of Contract 2019.13 Reactive Tree Services

Local Government Act 1989 - Section 89(2)(d)

12.2 Novation of Contract 2016.033 Comprehensive Tree Pruning Services

Local Government Act 1989 - Section 89(2)(d)

CARRIED UNANIMOUSLY

The Mayor advised that following consideration of the confidential items, the meeting will be closed.

13. CLOSURE OF MEETING

The meeting closed at 7.34pm.

Confirmed this 21 May 2019.

Chairperson.....