



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 4 FEBRUARY 2020**

**MINUTES**

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

Present

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

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## 1. **ACKNOWLEDGEMENT**

The Mayor read the acknowledgement.

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

## 2. **APOLOGIES**

Apologies were received from Cr Athanasopoulos and Cr Davey.

**Moved: Cr Silver**

**Seconded: Cr Magee**

That apologies from Cr Athanasopoulos and Cr Davey be received and noted.

**CARRIED UNANIMOUSLY**

## 3. **REMINDER OF DECLARATION BY MEMBERS OF ANY DIRECT AND INDIRECT CONFLICT OF INTEREST OR PERSONAL INTEREST IN ANY ITEMS ON THE AGENDA**

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 MEETING OR MEETINGS**

**Moved: Cr Hyams**

**Seconded: Cr Magee**

That the minutes of the Ordinary Council Meeting held on 17 December 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

Nil

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

Nil

**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY**

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**7.1 Advisory Committees**

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Nil

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**7.2 Records of Assembly**

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**7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

**Moved: Cr Delahunty**

**Seconded: Cr Hyams**

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

1. 3 December 2019
2. 10 December 2019
3. 17 December 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 35 of the Council Meeting Procedure Local Law.

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**8. OFFICER REPORTS (AS LISTED)**

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*It is recorded that Cr Delahunty declared an Indirect Conflict of Interest where residential amenity may be altered and vacated the Chamber at 7.58 pm prior to any discussion on this matter.*

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**8.1 217 GLEN EIRA ROAD AND 2-10 MERRIWOOLA STREET  
ST KILDA EAST**

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

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-20546/2008/C at 217 Glen Eira Road, St Kilda East, subject to the following:

- The land subject to the permit to include additional land at 2, 4, 6, 8 and 10 Merriwoola Street, St Kilda East.
- The permit preamble amended to read as follows:
  - *Buildings and works for the construction of a two-storey building at the Glen Eira Road frontage of the site, a two-storey addition to the existing sports centre, the construction of a flag tower on land affected by the Special Building Overlay and use and development of car parks to be used in conjunction with the existing education centre.*
- Conditions amended to read as follows (noting conditions 1, 2 and 3 have modified wording, conditions 4 to **9 11** are new conditions, and original conditions numbered 4 to 34 have been renumbered **10 to 41** ~~10 to 41~~ **12 to 43** (with a new expiry condition at condition 17)):
  1. Before the development or use associated with the amended permit starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must generally in accordance with the full set of Peddle Thorpe plans endorsed under the planning permit amended on 26 February 2018, but further modified to include:
    - (a) The proposed carpark layouts identified as 'car park set out concept layout plan, Project No. 190528, Drawing No's CLP100, 101 (both Rev. B) & CLP102 (Rev. C) contained in the Traffic Impact Assessment prepared by onemilegrid and dated 24 October 2019 incorporating the landscaping requirements set out at condition 2.
    - (b) An updated Landscape Plan in accordance with Condition 2.
    - (c) A feature fence adjacent to the street frontages of the Merriwoola Street car parks to a maximum of 1.5m high and to be visually permeable and respectful to the residential character of the area.
    - (d) Removal of reference to a permanent bus parking area on Glen Eira Road.

- (e) The provision of obscure screening to the swimming pool windows along the western elevation (McWhae Avenue) to a minimum height of 1.7m.
2. Before the development or use associated with the car parks located on Merriwoola Street starts, a detailed amended Landscape Plan must be prepared to incorporate the Merriwoola car parks to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the amended Landscape Plan is approved, it will become an endorsed plan forming part of this permit. The amended Landscape Plan must incorporate:

General requirements for the Landscaping Plan

- (a) 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

Carpark at 2, 4 and 6 Merriwoola Street

- (a) Provision of a 700mm landscape setback to each street frontage and feature fencing to the satisfaction of the Responsible Authority
- (b) Provision of landscaping in areas not set aside for the parking and accessways associated with the car park
- (c) Unless otherwise agreed in writing, a minimum of four advanced canopy trees with a minimum height of 3 metres when planted, including one in each corner of the carpark
- (d) Details of proposed security arrangements and lighting for the carpark
- (e) Any consequential changes to the layout and number of car parking spaces as a result of the landscaping requirements must be designed in accordance with the design standards of Clause ~~52.03~~ 52.06 of the Glen Eira Planning Scheme

Carpark at 8 and 10 Merriwoola Street

- (a) Provision of a 700mm landscape setback to the Merriwoola Street frontage and feature fencing to the satisfaction of the Responsible Authority
- (b) Provision of a 1000mm landscape setback along the southern and eastern boundaries of the carpark
- (c) Provision of landscaping in areas not set aside for the parking and accessways associated with the car park
- (d) Unless otherwise agreed in writing, a minimum of two advanced canopy trees with a minimum height of 3 metres when planted, including one in each of the north-west and north-east corners of the carpark
- (e) Details of proposed security arrangements and lighting for the carpark
- (f) Any consequential changes to the layout and number of car parking spaces as a result of the landscaping requirements must be designed in accordance with the design standards of Clause ~~52.056~~ 52.06 of the Glen Eira Planning Scheme

3. The use of the swimming pool and sports centre, other than for use by staff and students of Caulfield Grammar as part of the ordinary school use, is permitted to operate between 5:00am to 9:00pm Monday to Friday; 6:00am to 8:00pm Saturday; and 7:00am to 7:00pm Sunday, unless otherwise agreed in writing by the Responsible Authority.
4. The use of the function room, other than for use by staff and students of Caulfield Grammar as part of the ordinary school use, is permitted to operate between 6:00am to 9:00pm Monday to Friday; 6:00am to 8:00pm Saturday; and 9:00am to 7:00pm Sunday, unless otherwise agreed in writing by the Responsible Authority.
5. **Between the hours of 8.00am and 3.30pm Monday to Friday there are to be no large events and no more than 150 patrons and spectators (in addition to staff and students of Caulfield Grammar) permitted to use the swimming pool, unless otherwise agreed in writing by the Responsible Authority.**
6. By no later than six weeks before any large event associated with the swimming pool, sports centre or function room that is not for a school related purpose, (a large event being defined as one that includes more than ~~450~~ 350 people either participating in the event or as a spectator), a Transport Impact Assessment must be submitted to and be approved to the satisfaction of the Responsible Authority. The Transport Impact Assessment must include the date and time of the event, the type of event, details of the number of participants, spectators and staff; how traffic will be managed for the event; the location of car parking to cater for any parking demand; a mechanism to notify residents of any event by no later than one week before the event. Notice is to be given to the residents on any street that directly adjoins the school. The events must be undertaken and traffic managed in accordance with the recommendations of the Traffic Impact Assessment to the satisfaction of the Responsible Authority.
7. The car parks at 2, 4, 6, 8 and 10 must only be used in conjunction with the use of the land at 217 Glen Eira Road as an education centre by Caulfield Grammar and must not be used for any non-school related parking purposes, unless otherwise agreed in writing by the Responsible Authority.
8. **A minimum of 38 car parking spaces must be provided at all times for the non-school related use of the swimming pool, sports centre and function room, unless otherwise agreed in writing by the Responsible Authority.**
9. The areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) fully constructed;
  - (b) properly formed to such levels that may be used in accordance with the plans;
  - (c) surfaced with an all-weather surface or seal coat (as appropriate);
  - (d) drained and maintained in a continuously usable condition;
  - (e) line marked to indicate each car space, loading bay and/or access lane;
  - (f) clearly marked to show the direction of traffic along access lanes and driveways,all to the satisfaction of the Responsible Authority.



10. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
11. Vehicular crossings 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.
12. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways. *(Condition required by Melbourne Water)*
13. The sports centre building and Year 7 centre building must be constructed with finished floor levels a minimum of 300mm above the applicable grading flood level. *(Condition required by Melbourne Water)*
14. The flag tower must maintain a 1.5m offset from the outside edge of the main drain or be set outside any easement, whichever is greater:
  - (a) A licensed land surveyor must be engaged to determine the exact location of the main drain;
  - (b) Any conflict with the requirement will require amended plans to be submitted to Melbourne Water for approval.

*(Condition required by Melbourne Water)*
15. Any removal of structures, trees or road pavement that may have a structural impact on Melbourne Water's asset will require separate approval from Melbourne Water. *(Condition required by Melbourne Water)*
16. Prior to the commencement of or works, a separate application direct to Melbourne Water must be made for any new or modified or storm water connection to Melbourne Water's drains or watercourses. *(Condition required by Melbourne Water)*
17. 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.
18. 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 times referred to if a request is made in writing before this Permit expires or within three (3) months after the expiry date.

19. This amended Permit will expire if:
  - \* The use of the car parks in Merriwoola Street and the use of the swimming pool, sports centre and function room does not start within two (2) years from the date of this Permit; or

- \* The buildings and works associated with the car parks in Merriwoola Street do not start within two (2) years from the date of this Permit; or
- \* The buildings and works associated with the car parks in Merriwoola Street are not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with section 69 of *Planning and Environment Act 1987*.

20. The development must not commence until a Development Contribution Fee has been paid to the Responsible Authority. The fee payable must be calculated in accordance with the Schedule to the Development Contributions Plan Overlay of the Glen Eira Planning Scheme. Note: A \$40.00 administration fee will also be charged.
21. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
22. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility:-AS1428.1-2001 and AS1428.4-2002.
23. Prior to the commencement of the development, a schedule of construction materials, external finishes and colours must be submitted to, and approved by, the Responsible Authority. When approved, the schedule will be endorsed and will form part of the permit.
24. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
25. 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.
26. All existing vegetation shown on the endorsed plan(s) must be suitably marked before any development (including demolition) commences on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
27. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around tree 13 at a radius of 4.5 metres from the base of the trunk to define a 'tree protection zone'. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

28. Any pruning that is required to be done to the canopy of any trees retained on-site is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 – 2007, Standards Australia.
29. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.
30. Root sensitive footings such as pier and beam or screw pile footings (or similar) are to be used where any part of building comes within a 4.5m radius of tree 13. If used, the beam should be designed to be positioned above soil grade to minimise soil excavation and root severance.
31. Root sensitive permeable paving such as ‘on-ground’ or no-dig’ paving (or similar) are to be used where any part of the proposed paving comes within a 4.5m radius of tree 13.

Additional Melbourne Water Conditions dated 8 February 2018

32. Finished floor levels of the pool surrounding areas must be constructed no lower than 14.52 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level at the location of 14.22 metres to AHD.
33. Finished floor levels of the upper plant room area must be constructed no lower than 14.52 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level at the location of 14.22 metres to AHD.
34. Entries and openings to basement plant room must be constructed no lower than 14.52 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level at the location of 14.22 metres to AHD.
35. Basement plant room must be constructed flood proof (tanked) as it is located below the flood level for the property.
36. All electrical and plumbing installations within the pool-plant room must be located above 14.52 metres to AHD or to the satisfaction of the relevant authorities.
37. The building/structure including footings, eaves etc must be set outside any easement or a minimum 5.0 metres laterally clear of the outside edge of Melbourne Water’s main drain running through McWhae Avenue, whichever is greater.
38. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water’s specification. Detail design drawings (to scale) must be submitted to Melbourne Water for approval prior to formal approval from council. Refer to Melbourne Water’s Standard Drawing: ‘Angle of Repose - Footing Design’ for details.
39. A post construction CCTV of Melbourne Water’s main drain is to be undertaken by the developer at own expense and submitted to Melbourne Water for records.

40. No loading shall be placed directly on Melbourne Water's drain (i.e. no stockpiling, plant and heavy machinery).
41. Prior to the issue of an Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to the Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
42. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to making the application, evidence must be provided demonstrating that Council considers it is not feasible to connect to the local drainage system. If connecting to a Melbourne Water's asset, you can now apply using our online application process. (<<http://melbournewater.com.au/apply>>).

Prior to start of construction, 'As Built' record of Melbourne Water's abandoned drain and its treatment must be submitted to Melbourne Water (original drain which was directly under the proposed Aquatic Centre re-aligned in 1994 towards the sports field).

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Delahunty entered the Chamber at 8.08pm and was not present when this item was discussed.*

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**8.2 217 NEPEAN HIGHWAY GARDENVALE**

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**Moved: Cr Silver**

**Seconded: Cr Sztrajt**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/DP-32922/2019 for Construction of a 9 storey building including 21 dwellings and basement parking, buildings and works within the Special Building Overlay, alteration of access to a road in a Road Zone, use of the ground floor as dwellings and reduction of the statutory parking rate for the office and shops at 217 Nepean Highway, Gardenvale on the following grounds:

1. The height, bulk, scale and form of the proposed development is excessive and will appear overly dominant from the immediate surrounding streets and will not adequately respect the existing or preferred neighbourhood character contrary to Clause 15.01-1R (Urban design – Metropolitan Melbourne), Clause 15.01-1S (Building Design), Clause 15.-1-5S (Neighbourhood Character) and Clause 22.07 (Housing Diversity Area).
2. The height, bulk, scale and form of the proposed is excessive and is not complementary to the role and scale of the Gardenvale Local Centre.
3. Insufficient car parking is provided on site and this is likely to result in adverse impacts on parking availability in the area contrary to Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme.

**CARRIED**

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**8.3 51 HAWTHORN ROAD CAULFIELD NORTH VIC 3161**

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

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/DP-33103/2019 for buildings and works including, part demolition, external alterations to the existing building, construction of a four storey addition to the rear of the existing building and a reduction in the car parking requirements at 51 Hawthorn Road, Caulfield North, on the following grounds:

**Grounds of Refusal:**

1. Insufficient car parking is provided and this will have an adverse impact on the availability of car parking in the area and will impact amenity.
2. The four storey scale of the extension is not consistent with the policy guidelines for neighbourhood centres at Clause 22.07 (Housing diversity area policy) of the Glen Eira Planning Scheme and fails to respect the existing site context and neighbourhood character.
3. The proposal would result in unacceptable amenity for future occupiers of the dwellings. There is no private open space for units 1, 2 and 3 and unit 3 relies on borrowed light to its bedroom.

**CARRIED UNANIMOUSLY**

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**8.4 VCAT WATCH**

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**Moved: Cr Hyams****Seconded: Cr Cade**

*It is recorded that Cr Silver vacated the Chamber at 8:34pm.*

That Council notes the applications currently before the Victorian Civil and Administrative Tribunal and the recent decisions of the Tribunal.

**CARRIED UNANIMOUSLY**

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**8.5 PLANNING SCHEME AMENDMENT C201GLEN MURRUMBEENA VILLAGE  
PRECINCT, MURRUMBEENA**

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**Moved: Cr Delahunty****Seconded: Cr Hyams***It is recorded that Cr Silver entered the Chamber at 8:36pm.*

That Council:

1. considers the submissions (including the four late submissions) received;
2. notes the summary of submissions received and planning officer and heritage consultant comments/recommendations document (Attachment 3);
3. requests the Minister for Planning to appoint a Planning Panel to consider:
  - a) submissions received during the exhibition period for Amendment C201glen; and
  - b) the four late submissions received after the close of the exhibition period for Amendment C201glenin accordance with Section 23 of the *Planning and Environment Act 1987*;
4. refer the submissions and the late submissions to the Planning Panel for its consideration.

**CARRIED UNANIMOUSLY**

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**8.6 SAFE CYCLING CORRIDOR PILOT - STEPS TO DETAILED DESIGN**

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**Moved: Cr Hyams****Seconded: Cr Delahunty**

That Council:

1. notes and endorses the steps proposed to progress the design phase of the Safe Cycling Corridor Pilot project and develop a Corridor Plan;
2. communicates the proposed design process to the Glen Eira community and stakeholders;
3. thanks all community members who submitted expressions of interest to join the Safe Cycling Corridor Pilot Community Reference Group and endorses shortlisted candidates; and
4. approves a fixed-term extension to the community members currently on Council's Strategic Transport Advisory Committee to end of September 2020 (Wednesday 30 September).

**CARRIED**

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**8.7 BENTLEIGH AND CARNEGIE STRUCTURE PLANS  
PLANNING SCHEME AMENDMENT C184**

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**Moved: Cr Hyams****Seconded: Cr Delahunty**

That Council:

1. endorses the documentation for proposed Amendment C184 to the Glen Eira Planning Scheme, to lodge with the Minister for Planning for the purposes of obtaining authorisation to prepare and exhibit a planning scheme amendment;
2. adopts the Bentleigh Structure Plan Addendum February 2020 and Carnegie Structure Plan Addendum February 2020;
3. authorises the Manager City Futures to undertake minor changes to the Amendment, including changes requested by the Minister for Planning or the Department of Environment, Land, Water and Planning in order to receive authorisation, where the changes do not affect the purpose or intent of the Amendment;
4. subject to receiving authorisation from the Minister for Planning, places the Amendment on public exhibition for a period of at least one month; and
5. requests officers to explore implementing a Development Contributions Plan for the Structure Plan projects and infrastructure identified in the Bentleigh, Elsternwick and Carnegie Structure Plans.

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

That Council grants Cr Sztrajt a two minute extension of speaking time.

**CARRIED UNANIMOUSLY**The Motion moved by Cr Hyams and seconded by Cr Delahunty was **CARRIED**

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**8.8 CITY PLAN  
UPDATE TO THE ACTIVITY CENTRE HOUSING AND LOCAL ECONOMY  
STRATEGY**

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**Moved: Cr Hyams****Seconded: Cr Delahunty**

That Council:

1. notes the updates made to the *Activity Centre, Housing and Local Economy Strategy* as set out in Attachment 1 the *Glen Eira City Plan 2020*;
2. adopts the *Glen Eira City Plan* as council policy; and
3. requests Council officers to commence preparing the statutory documentation, and any further supporting documentation required, to implement the *City Plan* into the Glen Eira Planning Scheme through a future Planning Scheme amendment.

**CARRIED UNANIMOUSLY**

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**8.9 OPEN SPACE STRATEGY REFRESH - OVERVIEW AND ENGAGEMENT PLAN**

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

That the meeting be extended to finish at 11pm.

**CARRIED UNANIMOUSLY**

That Council:

1. notes the Open Space Strategy Refresh document; and
2. authorises officers to commence community engagement.
3. extends the consultation period for an additional week to conclude on 22 March 2020.

**CARRIED UNANIMOUSLY**



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**8.10 CAULFIELD RACECOURSE RESERVE TRUST RESPONSE TO DRAFT ISSUES AND OPPORTUNITIES PAPER**

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**Moved: Cr Cade****Seconded: Cr Hyams**

That Council notes the submission.

**CARRIED UNANIMOUSLY**

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**8.11 OFF PEAK SWIM ENTRY GLEN EIRA LEISURE**

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

That Council endorses the following fees and charges to be available during all opening hours for Glen Eira residents at Carnegie Swim Centre.

Entry Type	Cost	Standard Cost
Over 70 casual swim WITH concession	\$2.00	\$4.80

**CARRIED UNANIMOUSLY**

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**8.12 RESPONSE TO VICTORIAN BUSHFIRE EMERGENCY**

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

That Council:

- a. makes a donation of \$10,000 to support Victorian communities impacted by the recent bushfires to the Gippsland Emergency Relief Fund;
- b. provides Council facilities free-of-charge for not for-profit community organisations fundraising for communities impacted by the bushfires; and
- c. writes to the Municipal Association Victoria requesting that they investigate developing a campaign to encourage Councils and other businesses to purchase goods and services from bushfire affected communities.

**CARRIED UNANIMOUSLY**

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**8.13 CITIZENSHIP CEREMONIES - DRESS CODE**

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

That Council endorses the Citizenship Ceremonies Dress Code shown as Attachment 1 to the Council meeting report.

**CARRIED**

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**8.14 2020 COUNCIL ELECTIONS - ATTENDANCE OR POSTAL VOTE**

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

That Council resolves that the 2020 election be conducted by attendance vote at an estimated cost of \$749,371.44 (excluding GST).

*It is recorded that Cr Sztrajt vacated the Chamber at 10:21pm and re-entered at 10.23pm.*

**CARRIED UNANIMOUSLY**

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**8.15 LEASE FOR ELSTERNWICK MATERNAL & CHILD HEALTH CENTRE**

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

That Council:

1. authorises officers to finalise the terms of a new lease with Mobile Instant Printing Services Pty Ltd (ACN 079321378) for Council's continued occupation for the whole of the ground floor of premises located at 274-276 Glen Eira Road, Elsternwick; and
2. executes the lease in an appropriate manner including affixing the common seal.

**CARRIED UNANIMOUSLY**

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**8.16 COMMUNITY INFRASTRUCTURE LOAN SCHEME APPLICATION**

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**Moved: Cr Hyams****Seconded: Cr Sztrajt***It is recorded that Cr Esakoff vacated the Chamber at 10:29pm.*

That Council resolves to approve the lodgement of an application for a loan of \$10 million under the *2019 Community Infrastructure Loans Scheme* for the Eat Street Community Space Project and the Bentleigh Library redevelopment, and if successful, will refer the associated funding for consideration as part of the 2020-21 budget deliberations.

**CARRIED UNANIMOUSLY**

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**8.17 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING  
31 DECEMBER 2019**

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

That Council notes the Financial Management Report for the period ending 31 December 2019.

**CARRIED UNANIMOUSLY**

**9. URGENT BUSINESS****9.1 COMMUNITY SPORTS INFRASTRUCTURE GRANT PROGRAM****Moved: Cr Delahunty****Seconded: Cr Silver**

That Council considers the Community Sports Infrastructure Grants process as an item of urgent business.

**CARRIED UNANIMOUSLY**

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

*It is recorded that Cr Esakoff entered the Chamber at 10:33pm.*

That Council:

1. writes to the Prime Minister, Treasurer, and Minister for Youth and Sport:
  - a) seeking clarity on recent commentary suggesting that clubs who missed out on grants under the Community Sports Infrastructure Grants program should apply again;
  - b) when this should happen and by what guidelines will this be assessed; and
  - c) that we wish to draw attention to the Caulfield Park lighting project. The priority of Caulfield Park oval 7 should reflect its assessment score of 83 which, on the basis of transparent application of the 2018/19 grant round's funding criteria, should have made it more meritorious than other successful funding bids;
2. writes to Glen Eira Sporting Clubs inviting them to provide to Council any information on applications made under the 2018/19 Community Sports Infrastructure Grants process, with an offer to advocate on their behalf where those applications objectively scored above the funding threshold but were subsequently unsuccessful; and
3. explores the option of accessing pro-bono advice regarding any claim that Council or Glen Eira Clubs may have in relation to this issue.

**CARRIED UNANIMOUSLY**

**10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff - Nil****10.2 Right of reply - Nil****10.3 Councillor questions - Nil****10.4 Written public questions to Council****1. Markus Oswald - Carnegie**

- a) How many and which of the Very High and High Priority Recommendations from the current Open Space Strategy approved by Council in April 2014 have been completed?
- b) How much land and where has land has been acquired using the Open Space Contributions that is now accessible by the general public as open space?

**Response:**

- a) There were 41 Very High Priority and a further 52 High Priority actions listed in the Open Space Strategy adopted by Council in 2014.

Of the 41 Very High Priority actions:

- 14 have been completed.
- 15 are underway and are at various points of progress, these include the new open space at Aileen Avenue, connectivity around Virginia Park Estate, new open space in Carnegie and input into the Caulfield Racecourse Reserve land planning.
- 6 have been actioned and are ongoing as they are dependent on future actions.
- 6 actions have been deferred as they are dependent on timing of projects and other actions such as Glen Huntly Park masterplan (pending Racecourse / Caulfield Station planning and Neerim Road grade separation) and open space around the Elsternwick Renewal areas which will be considered as part of the Elsternwick Urban Renewal area.

In terms of the 52 High Priority Actions:

- 22 have been completed, these include a number of master plans, park upgrades and resulting from the grade separation and creation of the Djerring Trail.
- 4 actions are ongoing such as opportunities to improve walkability and reviewing heritage as part of master planning.
- 8 actions are underway, these include the Eat Street project, Spring Road Reserve upgrade and planning of future projects.
- 4 actions have been deferred such as those in proximity to upcoming grade separation projects on Neerim and Glenhuntly Roads.

- b) Over 4,000m<sup>2</sup> of new open space has been created through acquisition, closure of roads or demolition of structures in existing open space. This includes projects such as Gardenvale Park, Riddell Park, Eskdale Fitzgibbon Park, Booran Reserve, Nina Court Reserve, Joyce Park and removal of the scout halls at Halley Park and EE Gunn Reserve.

New open space projects are planned in the future including a new 1,500m<sup>2</sup> park in Aileen Avenue in Caulfield South, 2,700m<sup>2</sup> as a result of public acquisition overlays in Mimosa Road and Mile End Road, and a new open space adjacent the Carnegie Library car park.

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## 2. Anne Preston - Geelong

- a) The Community Local Law 2019 was implemented last November making it a requirement that a permit be obtained from Council to fly a model aircraft (including drones) from Council reserves. I have made at least 3 requests since November that the Council website be updated to include details that can be easily found, along with the permit application link. Why is such a simple task taking so long to do?
- b) I had a drone permit application emailed to me back in November last year which I had properly filled in and submitted only to have it rejected twice on the grounds "we do not approve for the flying of drones across 17 parks for a period of 12 months". Whilst I can only be in one place at any one time, can only fly one drone at a time and my hobby is weather dependant, it seems discriminatory to reject my application considering I have also provided a written presentation to Council showing which 17 parks would be suitable for flying. This document takes into consideration the CASA drone rules and use in a shared space. Do councillors agree that their parks, as well as public open spaces under their control are for the use and enjoyment of all?

For your information, up to 8 November, City of Greater Geelong had issued 143 drone permits and have not had a single complaint. Their permits are free and are now valid for 2 years.

### **Response:**

- a) The review and subsequent adoption of the Community Local Law 2019 was a significant undertaking, impacting a large range of controls.

Whilst most aspects of the new Community Local Law were promptly implemented (including updated forms, applications and website information) the publication of a small number of forms was delayed.

The application for the operation of model aeroplanes (including drones in public reserves) has now been updated and is available on the website at this link :

<https://www.gleneira.vic.gov.au/services/support-and-safety/local-law-requirements/operation-of-model-aeroplanes>

- b) We agree that our parks should be available for the enjoyment of all, which is why Council regulates the use of drones, as they can impact on the enjoyment of other people. In assessing an application, we give consideration to all users of the public open space including sporting clubs, dog walkers, fitness groups and those relaxing for passive recreation. I am sure that you will appreciate that with limited open space available for such a large and diverse group of users, Council needs to satisfy itself that the proposed activities will not impact adversely on other uses occurring at the same time. That is why activities such as the use of drones, are assessed through a permit process.

Unfortunately we cannot assess the potential impact on other users if a permit is lodged seeking unrestricted and ongoing use across a twelve-month period.

**11. CONFIDENTIAL ITEMS****Moved: Cr Hyams****Seconded: Cr Sztrajt**

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

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

## 11.1 Citizen of the Year Awards - Confidential

*Local Government Act 1989 - Section 89(2) (h)*

## 11.2 Response to Ombudsman's Final Draft Report and Proposed Recommendations

*Local Government Act 1989 - Section 89(2) (f)*

## 11.3 Supply of Natural Gas

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

## 11.4 Waste Fee Structure for Bentleigh bin enclosures

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

## 11.5 Tender 2020.11 Coorigil Road Reconstruction, Stage 1

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

## 11.6 Tender 2020.25 Supply and Delivery of a Combination Drain Jetting and Vacuuming Vehicle

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

## 11.7 Tender 2020.49 Heather Street Carpark Renewal

*Local Government Act 1989 - Section 89(2) (d)***CARRIED UNANIMOUSLY**

The Mayor announced that at the conclusion of the confidential business items, the meeting will be closed.

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**11.3 SUPPLY OF NATURAL GAS**

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

That Council:

1. appoints AGL Sales Pty Ltd, ABN 88 090 538 337 for the supply of natural gas for large metered sites and Origin Energy Limited ABN 33 071 052 287 for small metered sites as per the terms and conditions of the Procurement Australia Contract No PA 2206/0638 – Retail Energy;
2. authorises the CEO to execute the contract/s on Council's behalf; and
3. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

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**11.5 TENDER 2020.11 COORIGIL ROAD RECONSTRUCTION, STAGE 1**

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

That Council:

1. appoints **Fercon Pty Ltd, ACN 116 527 363 as the contractor under Tender number 2020.11** for an amount of **\$1,382,837.00** exclusive of GST in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**



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**11.6 TENDER 2020.25 SUPPLY AND DELIVERY OF A COMBINATION DRAIN  
JETTING AND VACUUMING VEHICLE**

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

That Council:

1. Appoints DCS Manufacturing Pty Ltd, ACN 43 612 742 220 as the contractor under Tender number 2020.25 for an amount of \$535,444.00 exclusive of GST.
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.
4. Incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

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**11.7 TENDER 2020.49 HEATHER STREET CARPARK RENEWAL**

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

That Council:

1. appoints JNR Civil Pty Ltd, ACN 608 122 747 as the contractor under Tender number 2020.49 for an amount of \$651,500.99 inclusive of GST in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY****12. CLOSURE OF MEETING**

The meeting closed at 10.53pm.

Confirmed this 25 Day of February 2020.

**Chairperson.....**