



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 25 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 Tony Athanasopoulos
Councillor Clare Davey
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

Moved: Cr Delahunty

Seconded: Cr Hyams

That the apology from Cr Cade 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 Sztrajt

Seconded: Cr Delahunty

That the minutes of the Ordinary Council Meeting held on 4 February 2020 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**5.1 PETITION: REQUEST FOR DRAINAGE WORKS ON BUCKINGHAM AVENUE, BENTLEIGH**

A petition containing 15 signatures was submitted to the Council Meeting.

We understand that the council does have a list of streets to carry out the drainage upgrading works. But the delay of the fixes of our street directly caused the flood strike to the Buckingham Avenue once again on the 19 Jan 2020 and two properties and a few cars were flooded. As the council fees we pay each year, the council is responsible deal with such matter. Furthermore with the facts that the water comes from council land pouring into our properties, we believe the council does have legal obligations that it shall bear. So, we humbly request the Council to carry out the drainage upgrading work as soon as possible on our street to prevent future damage.

The petition read as follows:

'We the undersigned residents request that Council to reprioritize the drainage work and

- (A) upsize the storm water drain under Buckingham Avenue to a larger drain (similar to the works which have been carried out on Osborne Avenue and Windsor Avenue);
- (B) install new outlets for water to flow out when the drain on Buckingham Avenue is full;
- (C) start the works in the next 6 months.'

Moved: Cr Hyams

Seconded: Cr Magee

That Council:

1. receives and notes the petition; and
2. advises that drainage improvement works in Buckingham Avenue, Bentleigh is listed in the draft capital works program for consideration as part of the 2020/2021 budget process.

CARRIED UNANIMOUSLY

5.2 PETITION: ACTIVE AGEING EXERCISE PROGRAM

A petition containing 45 signatures was submitted to the Council Meeting. This petition draws to the attention of the Council the request that Cheryl our exercise instructor at the "Active Ageing Exercise Program" be kept on to instruct her usual classes on a weekly basis, Mondays and Wednesday at the Carnegie Library.

'We the undersigned residents of the City of Glen Eira request the re-instatement of Cheryl as our instructor as clearly stated in the attached letter.'

Moved: Cr Delahunty

Seconded: Cr Silver

That Council:

1. receives and notes the petition; and
2. refers the matter to the Chief Executive Officer for consideration.

CARRIED UNANIMOUSLY

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

7.1.1 ADVISORY COMMITTEE MINUTES

Moved: Cr Sztrajt

Seconded: Cr Hyams

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

1. 21 January 2020 – Community Grants Advisory Committee
2. 5 February 2020 – Community Engagement Advisory Committee

CARRIED UNANIMOUSLY

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Hyams****Seconded: Cr Magee**

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

1. 21 January 2020
2. 28 January 2020
3. 4 February 2020 Pre-meeting

CARRIED UNANIMOUSLY

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. At the Mayor's discretion 42 minutes was allowed for public participation.

It is recorded that Cr Delahunty vacated the Chamber at 8:23pm and re-entered at 8.26pm.

It is recorded that Cr Davey and Cr Magee vacated the Chamber at 8:24pm and re-entered at 8.26pm.

8. OFFICER REPORTS (AS LISTED)

Cr Esakoff made a request for Council's consent to be exempted from voting under section 79(b)(2), a conflicting personal interest as she has a friendship with someone who has an interest in the matter and whilst it does not fit the definition in the Local Government Act as an Indirect Interest, it could be perceived as such by the community.

Moved: Cr Silver

Seconded Cr Hyams

That Council accepts Cr Esakoff's request to be exempted from the vote.

CARRIED UNANIMOUSLY

It is recorded that Cr Esakoff vacated the Chamber prior to Item 8.1 and was not present when this item was considered.

Cr Esakoff vacated the Chamber at 8:27pm.

The Deputy Mayor, Cr Dan Sztrajt took the Chair for consideration of this item.

8.1 380 HAWTHORN ROAD, CAULFIELD SOUTH

Moved: Cr Silver

Seconded: Cr Hyams

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-33027/2019 for the construction of a multi storey mixed use building (with 2 basement levels), comprising apartments and shops, use of the land for apartments (frontage greater than 2m), reduction of the car parking requirement for the shop use and alteration of access to a road in a Road Zone, Category 1 at 380 Hawthorn Road, Caulfield South, 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.TP02-TP03, TP103-TP113, TP201-TP204 and TP301-TP304, all Revision C, prepared by Armsby Architects and dated 4 December 2019 but modified to show:

Building Design

- (a) The deletion of the Fifth and Sixth Floors – (i.e. Levels 6 and 7).
- (b) The height of the podium reduced by not less than 1.0m.
- (c) The height of the lift overrun reduced by not less than 1.0m.
- (d) The services to the north of the apartment entry to comprise high quality finishes that enhance the appearance of the building or be relocated to Olive Street (design detail drawings should be provided at 1:50 scale). The services must be designed to be integrated with the architecture of the building.

- (e) The west-facing bedroom windows of Apartments 201 and 301 on the first and second floor to be fitted with obscure glass to a height of at least 1.7m above floor level.
- (f) The provision of a 2.0m x 2.0m splay on the north-eastern corner of the building at ground floor level.
- (g) Notes to demonstrate the achievement of the required cooling load as prescribed in Standard D6 of Apartment Developments (Clause 58.03-1 of the Glen Eira Planning Scheme).
- (h) Notes stating that heating and cooling units will not be located on balconies unless the balcony size accords with Standard D19 of Apartment Developments (Clause 58.05-3 of the Glen Eira Planning Scheme).

Car Park Design

- (i) Car parking to be provided in accordance with condition 11.
- (j) The deletion of the loading bay and associated vehicle crossing with consequential changes to the on-street car parking.
- (k) Notes showing the provision of a sight line splay on the exit side of the driveway generally in accordance with Design Standard 1 - Accessways of Clause 52.06-9 of the Glen Eira Planning Scheme (a 1.0m x 1.5m splay with a warning light for pedestrians can be considered).
- (l) The deletion of the trolley bay in Basement 1.
- (m) Adjustments to the car park layout, including:
 - The widening of ramps or the provision of swept path diagrams to demonstrate that there would be sufficient space for 2 vehicles to pass;
 - The installation of wheel stops for Residential Car Spaces 16-21 and Retail Car Spaces 7-14 to provide adequate clearances from the chainwire fences;
 - The provision of diagrams to demonstrate that there would be no vehicle scraping on the ramps or changes to the ramps to minimise vehicle scraping; and
 - The provision of additional details of the curved section of the ramp to demonstrate compliance with Figure 2.9 of AS2890.1:200 (i.e. outside radius, inside and outside clearances to obstructions, and superelevation (if applicable)).
- (n) The location of the basement car park columns and the dimensions of all car spaces to be in accordance with the applicable Design Standards of Clause 52.06-9 of the Glen Eira Planning Scheme.

Landscape Design

- (o) A landscape plan in accordance with Condition 4.
- (p) The addition of a shade canopy for the communal open space, adjacent to the lift shaft covering at least 30% of the terrace floor area.
- (q) The location of street trees and street furniture at the front of the site.

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

2. The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

Public Realm Works and Landscaping

3. Before the development starts, an Urban Design Plan detailing any works in the public realm must be submitted to and approved by the Responsible Authority. The plan must show the proposed urban design treatment in the adjoining public realm areas in Hawthorn Road and Olive Street to ensure the integration of the site with these areas and consistency in the urban design treatment for the Caulfield South Neighbourhood Centre. The plan must be developed in consultation with the Council and be to the satisfaction of the Responsible Authority. When approved the plan will be endorsed and form part of the permit. The plan must show:
 - (a) The repaving of footpaths along the Hawthorn Road and Olive Street frontages;
 - (b) Changes to the on-street parking and street lighting;
 - (c) Street trees; and
 - (d) Any other feature deemed appropriate such as bicycle parking facilities; to the satisfaction of the Responsible Authority.
4. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the Landscape Plan is approved, it will be endorsed and form part of the permit. The Landscape Plan must incorporate:
 - (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (c) The provision of irrigation systems for planter boxes.
 - (d) Landscaping and planting as shown on the development plans.
5. Before the occupation of the building allowed by this permit, landscaping and urban design works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and the landscaping maintained to the satisfaction of the Responsible Authority.

Street Trees

6. The existing street trees to be removed must be replaced by new trees, the species, maturity and location of which must be to the satisfaction of Council's Park Services Department. The new trees must be planted and maintained to the satisfaction of Council at no expense to the Council.

Management Plans

7. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainability Management Plan (SMP), generally in accordance with the Sustainable Management Plan prepped by GIW Environmental Solutions Pty Ltd and dated 14 August 2019, must be submitted to the Responsible Authority for approval. The report must address Environmentally Sustainable Development (ESD) principles proposed for the site including, but not limited to, energy efficiency, stormwater collection (including the provision of water tanks) and reuse on the site for toilet flushing within the commercial toilets and for garden irrigation (note that Stormwater management must satisfy the requirements of Clause 53.18 of the Glen Eira Planning Scheme), and waste management and building materials. Any recommended changes to the building must be incorporated into the plans required by Condition 1.

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

8. Before the development starts, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 5 December 2019, with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
 - (a) The collection of waste associated with all of the uses on the land from within the basement, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.

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

9. Before the development starts including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority.

Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- (a) Delivery and unloading points and expected frequency;
- (b) Truck haulage routes, circulation spaces and queuing lanes;
- (c) Details of how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Caulfield Primary School. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
- (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (f) Any requirements outlined within this permit as required by the relevant referral authorities;
- (g) Hours for construction activity in accordance with any other condition of this permit;
- (h) Measures to control noise, dust, water and sediment laden runoff;
- (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan; and
- (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

Acoustic Report

10. Concurrent with the endorsement of any plans pursuant to Condition 1, an Acoustic Report, generally in accordance with the Acoustic Assessment report prepared by Acoustic Logic and dated 2 August 2019, must be submitted to the Responsible Authority for approval. The purpose of the Acoustic Report is to protect residents within the building and in dwellings on adjoining land from external noise from any mechanical plant and equipment servicing the development and to protect residents within the building from noise intrusion from the adjoining roads. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and be submitted to and approved by the Responsible Authority. The report must demonstrate that the building will be designed and constructed to include noise attenuation measures. These measures must achieve noise levels in the bedrooms and other rooms in accordance with Australian Standard AS2107, or otherwise, to the satisfaction of the Responsible Authority.

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

Car Parking

11. The car parking allocation for the approved development must be:
- Not less than one (1) car space for each one or two bedroom apartment;
 - Not less than two (2) car spaces for each three or more bedroom apartment; and
 - Not less than 2.5 car spaces to each 100sqm of lettable floor area for the shops.

With all car spaces to be marked accordingly.

12. 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.

VicRoads requirements

13. Prior to the commencement of the use hereby approved, the redundant crossover at Hawthorn Road is to be removed and the area re-instated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

General requirements

14. Before the development starts, the walls on or facing the boundary of a directly adjoining property must be cleaned and finished in a good state 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.
15. 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.

Permit expiry

16. This Permit will expire if:

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

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

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

Notes

- A. Residents of the apartments allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. Before the construction or carrying out of buildings and works, either:
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- C. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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.

- D. 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.
- E. 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. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.

F. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

G. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described.

It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

H. 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. 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.

VicRoads Note

J. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from the Department VicRoads (Head, Transport for Victoria). Please contact VicRoads prior to commencing any works.

Asset Engineering Notes

K. The existing vehicle crossing in Olive Street is to be fully reconstructed as commercial type vehicle crossing with splays to Council's standards.

L. The existing vehicle crossing in Hawthorn Road must be removed and footpath, kerb and channel and naturestrip reinstated to match the abutting conditions to the satisfaction of VicRoads.

M. Consent/conditions from United Energy are to be sought for proposed power pole near the existing vehicle crossing in Olive Street; a minimum 1m clearance from an existing power pole shall be maintained from the splayed section of vehicle crossing.

N. There must be no net increase in peak stormwater runoff in Council's drainage network. Post development peak stormwater discharge to Council's drainage network must be maintained to the pre-development level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior to any construction works.

O. All stormwater runoff must be connected to Council's underground drainage network. There must be no uncontrolled stormwater discharge to adjoining properties and footpaths.

- P. Drainage associated with basement (seepage and ground water and agriculture waters are to be filtered to rainwater clarity) and must be discharged to the nearest underground Council Pit/Drain and not be discharged to the kerb and channel.
- Q. Asset Protection Permit must be obtained from Council's Engineering Services Department prior to the commencement of any building works.
- R. All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and or stormwater connection to Council's drainage network.
- S. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services Department prior to issuing a planning permit.

CARRIED

It is recorded that Cr Esakoff vacated the Chamber prior to item 8.1 and was not present when this item was considered. Cr Esakoff entered the Chamber at 8.45pm.

Cr Esakoff resumed as Chair of the meeting for the remaining items.

8.2 31 STATION STREET, CAULFIELD EAST - CAULFIELD VILLAGE STAGES 7 AND 8

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

That Council resolves to approve the Development Plan, reference GE/DPNO-18700/2019 allowing the mixed use development of Stages 7 and 8 of the Caulfield Mixed Use Area comprising a supermarket, retail premises, office, dwellings and associated road and infrastructure works in eight buildings ranging in height from two to nine storeys above two basement levels at 31 Station Street Caulfield East, subject to the following changes and ongoing requirements:

1. Before any works associated with Stages 7 and 8 of the Caulfield Mixed Use Area start, an amended Development Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Development Plan must be generally in accordance with the Development Plan material including plans drawn by ARM Architecture (Appendix J dated August 2019) but modified to show:

Traffic, Parking and Transport

- (a) All accessways, ramp grades, kerbs, column locations and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme to the satisfaction of the Responsible Authority.
- (b) A signage and linemarking plan for the car park to be prepared to the satisfaction of the Responsible Authority.
- (c) motorcycle parking provision to satisfy the requirements specified in AS2890.1:2004.
- (d) Provision of cross-sectional information for each proposed ramp within the development to show compliance with Design Standard 3 at Clause 52.06-9 of Glen Eira Planning Scheme. Ramp widths and characteristics must meet the requirements of Figure 2.8 and Figure 2.9 of AS2890.1:2004 to the satisfaction of the Responsible Authority.
- (e) Grade changes across a footpath and within the property designed in accordance with Appendix C of AS2890.1:2004 to ensure that vehicles will not scrape their undersides to the satisfaction of the Responsible Authority.
- (f) Where the driveway crosses a footpath, the driveway grade is to be 1 in 40 (2.5%) or less across the footpath over a lateral distance of at least 1.0m to the satisfaction of the Responsible Authority.
- (g) The loading bay entry widened to safely accommodate a medium ridged vehicle.
- (h) The residential bicycle spaces labelled on the plans.
- (i) All visitor bicycle spaces labelled on the plans.
- (j) Bicycle hoops to the kerb along The Boulevard modified to be parallel to the kerb, to comply with Figure 2.3 of AS2890.3-2015.
- (k) Residential car parking rates provided in accordance with Caulfield Mixed Use Area in the Glen Eira Planning Scheme (Schedule 1 to the Parking Overlay)

Development Plans

- (l) The location of any substation/services/metres to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority. Any on-site substation must not be located in the front setbacks and must not reduce any open space for each apartment.

Layout not to be altered

2. The development and layout and description of the uses as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit or approval is not required) without the prior written consent of the Responsible Authority.

General requirements

3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the prior written consent of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. Before the buildings are occupied, provision must be made for the connection of all required services to support the particular uses to the satisfaction of the Responsible Authority.
7. All redundant vehicle crossings are to be removed and reinstated with kerb and channel to the satisfaction of the Responsible Authority

Amenity requirements

8. The use of the supermarket and retail premises must be managed so that the amenity of the area is not detrimentally affected though the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any buildings, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
9. Noise levels to and from the development must not exceed those required to be met under the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2), or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria, EPA Publication 1254 and any other relevant guideline or Australian Standard.

10. All security alarms must be of a silent type and be directly connected to a security service to the satisfaction of the Responsible Authority.

Landscaping

11. Before the development starts, a detailed landscape plan (including all public realm and street tree planting) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the approval. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions and generally in accordance with the plans submitted by Tract Consultants with the application. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
 - (a) A survey, including botanical names, of all existing vegetation to be removed and/or retained.
 - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary (as applicable).
 - (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
 - (d) Landscaping and planting within all open space areas of the site.
 - (e) Details of soil volumes to be provided for all core landscape areas to enable adequate soil depths for the future growth of all landscaping within the development site,
 - (f) All species selected must be to the satisfaction of the Responsible Authority.
 - (g) Street furniture, public lighting and embellishments to public spaces or proposed buildings within the site consistent with an urban design concept prepared as part of the Landscape Plan.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.
13. 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.

Trolley Management Plan

14. Before the supermarket use starts, a Trolley Management Plan to the satisfaction of the Responsible Authority detailing measures for the efficient management of shopping trolleys including collection and storage must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the approval.
The Trolley Management Plan must be implemented and complied with in association with the supermarket use at all times to the satisfaction of the Responsible Authority and must not be varied except with the written consent of the Responsible Authority.

Loading Bay Management Plan

15. Before the use of the supermarket starts, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form

part of the approval. The plan must be drawn to scale and dimensioned. The plan must include:

- (a) Operating hours of the loading bay for the supermarket;
 - (b) Routes travelled on the local road network by commercial vehicles;
 - (c) Specifications of commercial vehicles;
 - (d) Frequency of commercial deliveries and details of the management of such deliveries;
 - (e) Maintenance and cleaning of the loading bay.
16. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Waste Management Plan

17. The provisions, recommendations and requirements of the endorsed Waste Management Plans identified as Waste Management Plan (Retail/Commercial Plan) and Waste Management Plan (Residential Plan), both dated 17 January 2020 must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied without the prior written consent of the Responsible Authority.

Construction Management Plan

18. Before the development starts, including any demolition and excavation, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the approval. The Construction Management Plan (CMP) must show:
- (a) Hours for construction activity (including demolition);
 - (b) Measures to control noise, dust, water and sediment laden runoff;
 - (c) The location of vehicle wash-down bay/s for construction vehicles in the precinct;
 - (d) Measures to minimise the disruption to traffic flow and the impact on available car parking in and around the precinct;
 - (e) Measures to minimise inconvenience to surrounding residents from construction noise and altered or temporary traffic conditions;
 - (f) Identification of the location of parking areas for construction and sub-contractors' vehicles;
 - (g) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (h) Measures to minimise the disruption to traffic flow and impact on car parking in and around the precinct specifically during MRC events;
 - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (j) Measures to maintain access to residential properties within Haywood Street at all times;
 - (k) Contact details of key construction site staff; and
 - (l) The location of any site sheds and the like.
19. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Site Management Plan

20. Before the development starts, a Site Management Plan to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the approval. The Site Management Plan must include, but not limited to, measures to ensure:
- (a) No polluted water is to be discharged to the stormwater drainage system. Stormwater quality protection must be as per Section 110 of Council specifications.
 - (b) All stored wastes are to be kept in designated areas or covered containers that prevent escape into the storm water system.
 - (c) All EPA requirements including "Environmental Guidelines for Major Construction Sites" must be met.
 - (d) Earth works must be as per AS 3798-2007 "Guidelines of commercial and residential developments". All compaction to filling must be to Level 1. Independent Geotechnical Report with compaction tests must be submitted to Council.
 - (e) Site Management and its implementation will be performance based. The developer must take immediate action to rectify any problems as and when identified by Council.
 - (f) Prior to any earth works commencing immediate properties including Monash University and MRC shall be notified in writing at least 2 weeks prior.
 - (g) In the event of forecasts of extreme weather, the developer shall undertake any additional work as required and or identified by Council.
21. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Public Realm Management Plan

22. Before the development starts, a Public Realm Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the approval.
The plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
- (a) Plans, elevations, treatments and materials schedules prepared in conjunction with the responsible authority for the following public areas: The Village Heart; Heywood Street; Normanby Road; and The Boulevard;
 - (b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);
 - (c) Details of water sensitive urban design;
 - (d) A plan defining the area the works are to be undertaken; and
 - (e) Vehicle and pedestrian access arrangements including any signage or safety measures.

Before the development is completed, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Environmental Management Plan

23. Before the development starts, an Environmental Management Plan to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the approval. The Environmental Management Plan must include:
- (a) An explanation of the ecologically sustainable development (ESD) principles adopted for the proposed development.
 - (b) A statement of the ESD targets proposed for the development of the site covered by this schedule and what key design initiatives will be incorporated to achieve these targets.
 - (c) An outline of the proposed management systems to ensure that the development can be set up and managed effectively to achieve and maintain the ESD performance targets identified for the site.
24. The provisions, recommendations and requirements of the endorsed Environment Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Open Space Contribution

25. Prior to occupation of buildings on the land associated with Stages 7 and 8, a cash contribution equal to 4% of the site value in respect of the Residential Precinct and 5% in respect of the site value of the Mixed Use Precinct must be paid to Council for open space in accordance with Section 9.0 of the Priority Development Zone Schedule 2. The amount of contribution will be calculated on the basis of a valuation of the land undertaken by Council. The valuation must occur no more than 12 months before the contribution payment.

Section 173 Agreements

26. Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner of the land must enter into an agreement with the Glen Eira City Council pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:

Provision of affordable housing within the approved development.

- (a) The allocation of dwellings generally in accordance with the endorsed "Appendix S Affordable Housing Schedule" for the provision of affordable housing within the development;
- (b) Each dwelling designated in the endorsed Appendix S shall be provided as affordable housing for a period of 10 years calculated from the date of first occupation of each designated dwelling;
- (c) The affordable housing provided within the development is to primarily target, but is not limited to, the provision of Key Worker accommodation;
- (d) All dwellings shall be provided at not more than 80% of the Market Rent to eligible Key Worker or other tenants meeting affordable housing criteria.

- Key Worker means any public or private sector employee who is considered to provide an essential service;
- (e) The management of the affordable housing dwellings shall be by an institutional asset manager or other manager to the satisfaction of the Responsible Authority with no ownership criteria or controls;
 - (f) The institutional asset manager must prepare a management plan to the satisfaction of the Responsible Authority which includes a leases register and annual audit of all tenancies demonstrating compliance with affordable housing criteria;
 - (g) No State Government, Council or any Housing Provider or Association funding will be made available or required for the provision of affordable housing;
 - (h) Car spaces are to be provided to the affordable housing dwellings in accordance with the residential car parking rate set out for the Caulfield Mixed Use Area in the Glen Eira Planning Scheme; and
 - (i) One bicycle space must be allocated to each affordable housing dwelling.

Normanby Road / Smith Street / Caulfield Boulevard intersection and Tram Stop

- (j) Provide a mechanism to either (1) delay the construction of the tram stop to facilitate and integrated bike path within the tram stop design and (2) to make a cash in lieu payment (including detailed costings to be verified by Council) for the construction of the tram stop to enable a design to be developed that incorporates a bike path, or (3) that the tram stop is to be delivered in accordance with the Integrated Transport Plan should a resolution on the bike path not be made with all costs borne by the developer.
- (k) that this agreement is intended to supplement the agreement made pursuant to section 173 of the Planning and Environment Act 1987 registered on the land in instrument AJ044224F;

Building over the easement in relation to works within the easement along the Normanby Road frontage of Buildings L and G (as shown on the endorsed Development Plan)

- (l) Implementing the requirements of Items 1 to 10 of City of Glen Eira document number 19/1255192 entitled "Owners Agreement to Standard Conditions for Application for Consent to Erect a Building or Structure Over Easements and/or Council's Drains or Build within 1.0m Laterally to Council's Drains". The agreement must be registered on the current title to the subject land and, upon subdivision, any titles created which are affected by the easement.

Civil works, drainage and infrastructure

27. Before the development starts (excluding demolition, bulk excavation and site preparation works), detailed Drainage Plans to the satisfaction of the Responsible Authority in relation to Stages 7 and 8, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the approval. The Drainage Plans must be prepared by a suitably qualified engineer and be designed to be generally in accordance with the Whole of Land Drainage Management Plan.

28. Before the development starts (excluding demolition, bulk excavation and site preparation works), functional layout plans of all civil works associated with Stages 7 and 8 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 approval. The plans must be prepared by a suitably qualified engineer and must be drawn to scale and dimensioned.
29. The land must be drained to the satisfaction of the Responsible Authority.
30. Before the development is occupied, all public works including road works and drainage associated with Stages 7 and 8 must be constructed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

31. This Development Plan approval will expire if:
 - The development does not start within three (3) years from the date of this approval; or
 - The development is not completed within five (5) years of the date of this approval.

CARRIED

8.3 VCAT WATCH

Moved: Cr Hyams**Seconded: Cr Davey**

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

CARRIED UNANIMOUSLY

8.4 HERITAGE REVIEW OF 15 ROCKBROOK ROAD, ST KILDA EAST

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

That Council:

1. endorses the heritage citation for Lloyd House (former), 15 Rockbrook Road, St Kilda East;
2. seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C207glen to include the subject property within the Schedule to the Heritage Overlay;
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.

It is recorded that Cr Silver vacated the Chamber at 9:20pm and re-entered at 9:23pm.

CARRIED

8.5 CARNEGIE SWIM CENTRE REDEVELOPMENT OPTIONS - COMMUNITY CONSULTATION OUTCOMES

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

That Council notes the feedback received from the community consultation.

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

That Council extends the meeting to finish at 11pm.

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

That Council grants Cr Athanasopoulos a one minute extension of speaking time.

CARRIED UNANIMOUSLY

Part A of the Motion, Moved by Cr Hyams and Seconded by Cr Silver was

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

That Council:

2. endorses Option B to redevelop Carnegie Swim Centre with indoor and outdoor pools and an outdoor diving pool; and
3. authorises officers to proceed with concept design.

Part B of the Motion, Moved by Cr Hyams and Seconded by Cr Silver was

CARRIED

8.6 ENERGY PROCUREMENT FOR COUNCIL BUILDINGS

Moved: Cr Sztrajt**Seconded: Cr Davey**

That Council:

1. endorses to enter into a tender process that will be conducted by Procurement Australia for an interim contract with a successful tenderer for 170 small market energy sites from 1 July 2020 to 30 June 2022; and
2. authorises the CEO to execute the contract on Council's behalf.

CARRIED UNANIMOUSLY

8.7 SALE OF DISCONTINUED ROAD - ABUTTING 448 HAWTHORN ROAD CAULFIELD SOUTH

Moved: Cr Silver**Seconded: Cr Delahunty***It is recorded that Cr Sztrajt vacated the Chamber at 10:21pm.*

That Council, directs that:

1. The statutory procedures be commenced pursuant to section 189 of the *Local Government Act 1989* ("the Act") to sell the Council land from the former road adjoining the rear of 448 Hawthorn Road, Caulfield South, shown as Lot 5 on Title Plan TP15411, attached, in Attachment 1; and
2. As part of the statutory procedures, place a public notice of the proposed sale in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader newspapers and on Council's website and for the notice to state that Council proposes to sell the land to the adjoining property owner at 448 Hawthorn Road, Caulfield South by private treaty in accordance with *Council's Roads and Reserves Discontinuance and Sale Policy 2015* and
3. Following completion of the public notification process:
 - a. in the event that no submissions are received, a further report will be provided to Council to determine whether or not to sell the land; or
 - b. in the event that submissions are received, Council considers the submissions at a future Council meeting, including hearing any submitters who request to be heard as part of their submission and then determine whether or not to sell the land.

CARRIED UNANIMOUSLY

8.8 CLOSED CIRCUIT TELEVISION (CCTV) POLICY

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

That Council:

1. rescinds the current CCTV policy in Attachment 1;
2. adopts the updated CCTV policy in Attachment 2; and
3. authorises officers to publish the updated CCTV policy on Council's website.

CARRIED UNANIMOUSLY

8.9 ACCESSIBILITY OF CARNEGIE AND ELSTERNWICK

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

1. That Council notes the Accessibility Reports for Koornang Road Carnegie and Glen Huntly Road Elsternwick.
2. That Officers complete the following actions to commence the implementation of the short-term actions within this report.
 - a) Institute occupancy monitoring of Disability Permit Parking spaces to better understand availability levels and assess ongoing demand for Disability Parking Permits.
 - b) Work with traders to implement clear and consistent building numbering in the precinct.
 - c) Implement training for Traders and Council Officers to improve responses to disability access and understanding of the needs of people with disabilities in public spaces.
 - d) Install and renew regulatory signage and line marking at all Disability Discrimination Act (DDA) parking spaces as required.
3. That Officers review Tactile Ground Surface Indicators in the Elsternwick and Carnegie shopping strips and install and repair as required.
4. That Officers, as appropriate, incorporate medium to longer term actions into capital works programs, structure planning and advocacy work. For example, incorporate wayfinding when implementing the Carnegie and Elsternwick Structure Plan. Considerations would include lighting, smooth pedestrian connections, incorporating opportunities for increased disability parking when implementing Council's Parking Policy and replace non-compliant seating as part of street furniture renewal.

It is recorded that Cr Sztrajt entered the Chamber at 10:27pm.

CARRIED UNANIMOUSLY

**8.10 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING
31 JANUARY 2020**

Moved: Cr Hyams**Seconded: Cr Magee**

That Council notes the Financial Management Report for the period ending 31 January 2020.

It is recorded that Cr Athanasopoulos vacated the Chamber at 10:32pm and re-entered at 10.34pm.

CARRIED UNANIMOUSLY

8.11 QUARTERLY SERVICE PERFORMANCE REPORT

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

That Council notes the quarterly Service Performance Report for the period ending December 2019.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS**9.1 OMBUDSMAN INVESTIGATION INTO COUNCILS' USE OF THIRD PARTY CONTRACTORS TO CONDUCT PARKING INFRINGEMENT INTERNAL REVIEWS****Moved: Cr Hyams****Seconded: Cr Silver**

That Council considers the matter of the proposed Refund Scheme as outlined in the Ombudsman investigation into Councils' use of third party contractors to conduct parking infringement internal reviews as an item of urgent business.

CARRIED UNANIMOUSLY

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

That Council:

1. notes the report; and
2. approves the proposed Refund Scheme as outlined in the report, as Council's response to the Ombudsman's Recommendation 1.

CARRIED UNANIMOUSLY

10. ORDINARY BUSINESS**10.1 Requests for reports from a member of Council staff****10.1 ANALYSIS OF VCAT DECISIONS****Moved: Cr Magee****Seconded: Cr Delahunty**

That officers prepare a report comparing the number of dwellings approved by VCAT as a result of an overturned Council decision over the last five years. The report should also include analysis of the number of VCAT appeals against Council's decisions over this period; a comparison with similar Council's; and analysis on whether Council's structure planning has impacted the number of VCAT appeals. This report is to be included on the Ordinary Agenda for [7 April 2020](#).

CARRIED UNANIMOUSLY**10.2 Right of reply****NIL****10.3 Councillor questions**

Question from Cr Athanasopoulos to Ms Krull - Director Environment and Infrastructure

Cr Athanasopoulos - Is there going to be a report coming to council addressing the need and impacts of declaring a climate emergency? When will that be? Would it also guide council on whether the declaration will help council achieve our 2030 and 2050 emission goals? Also will it address the impacts on the organisation and the community?

Ms Krull - Yes, a report is planned to be presented at the 28 April 2020 Ordinary Council Meeting for Council consideration on the options and implications for our community and Council of declaring a climate emergency. Councils that declare a climate emergency must commit to strong and fast climate action and reduce their carbon emissions as fast as possible.

Climate change is a key focus for Glen Eira and we know there is significant community interest.

Our Environmental Sustainability Strategy endorsed by Council in 2016, sets a target of zero net emissions from Council operations by 2030 and zero net emissions from the community by 2050. We are committed to reducing our carbon emissions and have achieved our interim reduction targets one year early.

Not many Councils set a community emissions target – which Glen Eira has done. It is worth noting that 99% of Glen Eira's carbon emissions come from the community and our sustainability focus over the next years will be on how we can support our community to reduce their emissions.

We are also researching with other councils who have declared a climate emergency to understand the impact and ensure we are positioned for success should council declare. This will be discussed in the 28 April report.

10.4 Written public questions to Council

1. David Morton – Caulfield South

- a) As planning has waived through the application for the development at Godfrey's on Hawthorn Road, has Council considered the health impact of the pollution and safety implications on the children at Caulfield Primary school caused by the over development in Caulfield South, which will result in at least a 174% increase in cars? Does the Council accept liability of these potential health and safety problems?
- b) Please detail any relationships/conflicts of interest with the developer and/or investors for the proposed Godfrey's development.

The Mayor advised that the third question submitted by Mr Morton will be taken on notice.

Response:

- a) The Urban Planning Department has undertaken a comprehensive assessment of the proposed development at 380 Hawthorn Road, Caulfield South (**Godfrey's site**) and has taken into consideration all matters that it is required to, based on the planning framework. The assessment has considered, amongst other things, the impact on the amenity of the area, principles of urban consolidation, pedestrian safety and sustainable design.

At the highest policy level, Council is required to implement the directions of the State Government's *Plan Melbourne: 2017-2050* (**Plan Melbourne**). This is a long term plan to ensure that Melbourne grows more sustainable, productive and liveable. It recognises that Melbourne's population is projected to grow from 4.5 million to almost 8 million by 2051 and sets a guiding principle of 20-minute neighbourhoods. It identifies that "many of Melbourne's established suburbs already have the ingredients for a 20-minute neighbourhood.

Plan Melbourne aims to make the 20-minute neighbourhood a reality for every suburb and every Melburnian". To achieve this it will require increased mixed-use and residential developments in established suburbs, particularly around areas that have good access to public transport. This form of development supports safe communities and healthy lifestyles by connecting people to the services they need and helps to reduce reliance on private car use.

Council recognises the need to sustainably support increased residential densities throughout its municipality, including in Caulfield South and that increased densities can be incorporated into our existing areas without significant health or safety impacts on school children or the population in general.

- b) The Council Report for 380 Hawthorn Road, Caulfield South identifies that no officers involved in the preparation of the report have any direct or indirect interest in the matter. The Minutes of this evening's meeting will show that Cr Esakoff excluded herself from decision making on this matter on the basis of a potential community perception of an indirect conflict, rather than on the basis of any direct or indirect conflict as defined under the Local Government Act.

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

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

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

- 11.1 Contract variations for processing of recyclables 2019.02 and 2019.166
Local Government Act 1989 - Section 89(2) (d)

CARRIED UNANIMOUSLY

The Mayor advised that at the end of the confidential business the meeting will be closed.

12. CLOSURE OF MEETING

The meeting closed at 10.55pm.

Confirmed this 17 Day of March 2020

Chairperson.....