



GLEN EIRA CITY COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 24 NOVEMBER 2020
MINUTES

**Meeting was held remotely and streamed live via Council's website
at 7:32pm**

Present

The Mayor, Councillor Margaret Esakoff
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Sam Parasol
Councillor Neil Pilling
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

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The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 24 November 2020 virtual Council Meeting. Cr Esakoff advised of the process that would be followed should Council encounter technical difficulties livestreaming the meeting.

The Mayor then confirmed that the Councillors could be recorded as present by ensuring they met the following three criteria:

- They can hear proceedings;
- They can see other members in attendance and can be seen by other members; and
- They can be heard (to speak).

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 Athanasopoulos

Seconded: Cr Zmood

That the apology from Cr Magee be received and noted.

CARRIED UNANIMOUSLY

It is recorded Cr Magee joined the meeting at 7:59pm during Written Public Question time.

3. **REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA**

Councillors were reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or any item that was considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors were then invited to indicate any such conflict of interest.

- There were no conflicts of interest declared.

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

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting to be reconvened on Wednesday 25 November at 7.30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time the Mayor will resume as Chair after the result of the vote has been declared.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS****Moved: Cr Athanasopoulos****Seconded: Cr Zhang**

That the minutes of the Ordinary Council Meeting held on 13 October 2020 and the Special Council Meeting held on 9 November 2020 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

7.1 Advisory Committees

Nil

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Athanasopoulos****Seconded: Cr Cade**

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

1. 6 October 2020
2. 13 October 2020 Pre-meeting
3. 20 October 2020

CARRIED UNANIMOUSLY

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

That Council changes the order of business to deal with Item 10.5 Written Public Questions to Council at this stage of the meeting.

CARRIED UNANIMOUSLY

10.5 Written public questions to Council**1. Therese Green – Bentleigh**

I would like to bring to Councillors attention that the proposed Carnegie Swim Centre redevelopment has no outdoor water depth between 0m and 0.9m. This is a huge oversight associated with a \$51M redevelopment, Council's most significant capital spend, with the proposed design failing to appropriately accommodate families with young children. While it is proposed that the redevelopment will include an indoor learn to swim pool with a movable floor, access would be restricted based on programs. The use of Carnegie Swim Centre by young children has previously been accommodated by the family pool which is not being replaced. Residents have provided extensive feedback on this issue however there has not been a satisfactory design response - the proposed zero depth space does not effectively service young families. If an adult with young children goes to Carnegie Swim Centre on a hot summer day where will they swim outdoors?

Response:

While there was some community feedback from the most recent consultation requesting inclusion of a toddler pool in the concept design, there was also strong support for the splash pad.

The splash pad will allow children of all abilities to participate, aligning to Council's goal to ensure the centre provides universal access and something which the community has expressed is very important to them. A cleverly designed splashpad can create a similar effect to a pool but in a facility that is accessible more often throughout the day, particularly during low patronage times. However, it important to note that a toddler's pool of any depth would need its own lifeguard to operate and would therefore result in it being closed during quiet times.

Other options for young children to swim at the new centre will be;

- Outdoor 50m pool. The proposed design has a longer shallow area (1.1m), ramp and swim wall which allows for greater accessibility, safety and to provide dedicated shaded areas for aquaplay.
- Indoor Learn-to-Swim pool is designed with a movable floor meaning patrons can access a variety of depths, including 30cm, during the day. Council intends to make this pool available for aquaplay as well as learn-to-swim programs.

The current design provides more opportunities for children of all ages and abilities to swim will be available all year round and the Council will be having a further review of the latest design in the new year, which may consider a small pooling area that drains slowly. Nevertheless, the Council will consider on balance the best approach for the community.

2. Warren Green – Bentleigh

- a) It is generally agreed that the long term implications of COVID will be far reaching with impacts on the economy, social factors and personal health. It is predicted that there will many major changes including more people working from home. Glen Eira residents have already experienced the significant impacts from COVID and there is no doubt that this will continue into the future. While this is the case, most if not all of the current strategic planning documents for Council, including the Council and Community Plan were completed prior to this pandemic and hence understandably these impacts have not been fully accounted for. Given there is no specific mention of the response to COVID in the Council Agenda I ask the following. From a Glen Eira perspective, what are the identified major COVID implications and how will Council be responding to these in current and future planning?
- b) I note the planning application for a seven storey development at 219-229 Balaclava Road, Caulfield North. This application continues the ongoing number of large multi-storey development applications in commercial areas across the municipality. As one example, an eight storey development at 348 Hawthorn Road Caulfield South was granted a permit. Residents have been very badly let down by Council with Glen Eira not having any permanent height controls in commercial areas. By comparison, many other Councils have had height controls in place since the early 2000's. What action is the Glen Eira administration taking to address this substantial policy gap across the whole municipality?

Response:

- a) Responding to the COVID-19 pandemic has been a key priority for Council across 2020 and will continue to drive our planning into the future. The Council Agendas of 7 April, 9 June, 1 September and 13 October all contain reports on Council's response to COVID-19, including support to businesses, ratepayers and community groups.

The *Glen Eira Municipal Public Health and Wellbeing Plan Action Plan 2020–2021* endorsed on 8 September 2020 focusses on Council's response to COVID-19 and ongoing priorities to support community wellbeing including actions to address mental health, community connection and physical activity. You can find a copy of it at the link which will be included in your letter.

In accordance with the *Local Government Act 2020*, we are currently reviewing and updating all of our strategic documents to reflect the current environment. Council will soon commence the development of our *2021–2025 Council Plan*, *2021–22 Budget* and *2021–2031 Strategic Resourcing Plan*. Mitigating the impacts of COVID and supporting community and economic recovery will be a key theme throughout all of these documents. You can expect to see draft formats of our *2021–2025 Council Plan*, *2021–22 Budget* and *2021–2031 Strategic Resourcing Plan* issued for community consultation in early May 2021.

Finally, earlier this year Council established a number of internal and external committees to guide our work and priorities in pandemic response and recovery. This included the Glen Eira Pandemic Committee, which is made up of representatives from a range of community focussed, multi-disciplinary agencies. This committee will continue to inform our planning and response to COVID-19 over the coming months.

- b) Council has a number of strategic planning projects completed, underway or planned. This includes the creation and adoption of Structure Plans for Elsternwick, Bentleigh, Carnegie and East Village. A draft Structure Plan has also been prepared for Glen Huntly; another Major Activity Centre in Glen Eira. Council is progressing the development of a structure plan for the Caulfield Station Precinct, building on the collaboration between Council and the Victorian Planning Authority.

Planning Scheme Amendment C184 has been prepared to provide permanent planning controls in the Glen Eira Planning Scheme for the Bentleigh and Carnegie major activity centres. While the C184 process for permanent controls is underway, the Minister for Planning has approved interim controls that currently apply to the three major activity centres of Bentleigh, Carnegie and Elsternwick. These controls have been beneficial in providing certainty and clarity for our community and stakeholders.

Council is also preparing *Urban Design Frameworks* for three of our neighbourhood activity centres at Caulfield South, Caulfield North and Bentleigh East. For our smaller neighbourhood activity centres, *Urban Design Frameworks* are used instead of structure plans as a simpler method of providing planning guidance. These Frameworks will form the basis of permanent controls in these centres. When complete, Council will apply to the Minister for Planning for interim controls while the application to support permanent controls proceeds through the statutory processes.

It is recorded that Cr Athanasopoulos left the virtual meeting at 7.46pm and re-entered at 7.47pm.

3. Leila Cusack – Caulfield

Given the challenges we have faced this year, we are reminded how important it is to consider public health in our decisions. Glen Eira has the least amount of open space per person of any council area in Melbourne, and has lost a significant percent of tree canopy, both of which limit our ability to negate the effects of public health issues, such as pandemics and climate change.

Can the council confirm that they will commit to making positive changes that consider public health and well-being and make decisions with foresight about the environmental impacts, e.g. creating more open green spaces full of nature, specific and safe cycle paths, outdoor dining, and reject any further high-density residences given that our open/green spaces are so lacking, limiting development that takes away already limited space and trees and adds more cars, addressing the rampant use of single-use items (take-away containers, coffee cups)?

Response:

Thank you for your question. Council understands the importance of our natural environment and open space to the health and wellbeing of our community, especially in a year like this one. There are a number of projects underway to address some of the issues you have raised.

Council is addressing open space and tree canopy coverage through our Open Space Strategy and Urban Forest Strategy. However, we are unable to refuse planning applications that seek to respond to the housing needs of our growing population solely on the basis of these concerns. A balance needs to be reached between the principle of urban consolidation with the effects of growth and change on Glen Eira's amenity. Urban consolidation should also be viewed from a wider metropolitan perspective. Limiting the outward expansion of Metropolitan Melbourne and directing more growth to established areas helps to preserve Victoria's significant natural environments, ecosystems and farmland.

In December Council will be considering the commencement of a planning scheme amendment which will seek to raise the percentage of the public open space contribution rate, or levy, applied to developments. This increase, along with the vision of the Glen Eira Open Space Strategy, which was refreshed in 2020, will help to better improve and expand our open space network.

Glen Eira is developing a new *Environmental Sustainability Strategy* which has been the subject of recent community consultation. We hope you were aware of this and had the opportunity to participate.

Council also ran the Plastic Free Elsternwick trial for six months to support 18 businesses along Glenhuntly Road to reduce and replace commonly used single-use plastic items with reusable or compostable alternatives. The trial was a great success and the businesses eliminated 25,446 pieces of single-use plastic. Most businesses eliminated at least one type of plastic and four businesses have eliminated single-use plastic packaging entirely. We learnt a lot about the barriers for business in operating more sustainably and we hope to deliver a wider program to more businesses soon. To learn more about this and the ongoing success of our sustainability initiatives, I invite you to read Item 8.8 *Glen Eira Sustainability Report 2019-2020* in tonight's council meeting agenda.

4. Jacinta Smith – Elsternwick

- a) Could Council please indicate the number of Glen Eira visitors, either as single or multiple visits, who have visited the Ripponlea Estate for a recent 12 month period (pre-SARS-CoV-2, as Ripponlea garden was closed to visitors March 22nd to Nov 4th, except for 3 weeks in June) and dependent upon the number of visitors to Ripponlea by Glen Eira residents - would it be a more fiscally prudent approach to reimburse The National Trust by *the quantity* of Glen Eira residents visiting the Ripponlea Gardens, instead of the proposed flat rate payment of \$250,000/year each of the next 3 years?

- b) Recently, Channel 9 news has covered a story about 4 'period' homes in Hampton to be demolished to make way for 36 apartments. Minister Wynne said that it is the council's role to do the work to identify heritage worthy homes.

Our council *has* done 'the work' recently completing a heritage study of homes across Bentleigh, Carnegie and Elsternwick and yet the Department of Environment, Land, Water and Planning (DELWP) has refused a request to grant interim Heritage Overlay protection to the Elsternwick properties identified in council's Glen Eira review of Elsternwick Structure Plan Area (2019) as they are viewed as not, I quote, 'under development pressure'.

Can residents be assured that these heritage contributory properties will be identified and given due consideration in the Elsternwick Structure Plan? What triggers reactivation of the Elsternwick Heritage Overlay request? – and what is the estimated timeframe for the next Elsternwick Structure Plan document?

Response:

- a) In the twelve months to July 2020, visitation data provided by the National Trust shows 6,615 visits by Glen Eira residents to Rippon Lea Estate. This includes a closure period of ten weeks in response to COVID-19 restrictions and is an increase from 6,350 visits during the previous twelve months. The total number of household access passes issued was 4,826. Since access to the Estate resumed on 1 November 2020, there have been 1103 visits by Glen Eira residents.

Whilst the visitation data assists Council to assess the value of the agreement, there are also many additional benefits in relation to sustainability and biodiversity; arts and culture; and health and wellbeing outcomes that are considered in relation to Council's financial contribution.

- b) In accordance with advice provided by the Department of Environment, Land, Water and Planning, properties identified within the Glen Eira Heritage Review of the Elsternwick Structure Plan Area 2019 will be considered as part of the Elsternwick Structure Plan. A report will be prepared relating to the commencement of an amendment for these heritage overlays at the same time as Council considers a report for planning controls for the Elsternwick Structure Plan. Council officers are currently reviewing structure plan documentation and considering the timing of this process. This timeframe will be widely communicated to residents when confirmed.

5. Beverly Dillon – Elsternwick

Council has had two community reference groups established for the East Village development and the Elsternwick South Urban Renewal precinct. With both of these groups, participants remained unknown to the wider community, hence negating the assumed objective of community representation. Will council ensure that in the future the formation of any such group will include: publication of members' names and contact details; the publishing of agendas and minutes?

Response:

Thank you for your question. It is important to note that Community Reference Groups, including those for the East Village Structure Plan and Elsternwick Urban Renewal South project, were not decision making bodies. Their purpose was to complement and enhance the community engagement process for these projects.

They do not perform the same function as a formal Advisory Committee in which member information and meeting minutes can be made public. It would not be appropriate to make public the personal information and contact details of participants in these Community Reference Groups.

Community Reference Groups are formed with a Terms of Reference document which is made public through an EOI process and tailored to each specific project. On some occasions, such as with the Community Reference Group for the Safe Cycling Corridor Pilot project, member names and meeting information was shared publicly. This is possible as members of this Group gave consent for this information to be shared before the group was formed.

The Community Reference Group terms for East Village and the Elsternwick Urban Renewal South project were developed in July 2017 and July 2018 respectively. These terms did not specifically detail the need for making meeting minutes and membership publicly available at the time. However, in 2021, Council will be looking to develop standard guidelines for the development of Terms of Reference for community reference and/or advisory groups. It would be expected that the publishing of agendas and minutes would align with Council's Public Transparency Policy adopted on 11 August 2020.

It is recorded that Cr Magee entered the virtual meeting at 7.59pm.

6. Rosetta Manaszewicz – McKinnon

Council's meeting procedures currently list the public question section towards the end of the meeting. Will council amend this to ensure that public questions are dealt with following confirmation of minutes and advisory committee reports, especially for post COVID?

Response:

The order of business for Council meetings is set out in Council's Governance Rules which were endorsed by Council resolution on 11 August 2020 following a period of public consultation. Conducting a further review of the Governance Rules is not currently a priority in Council's forward work program.

Councillors can, by resolution, amend the order of business during a Council meeting. As you will be aware, the Council has chosen to exercise this discretion to move public question time forward in the Agenda during COVID while public participation time has been suspended. It will be for the Council to determine how they wish to manage the business of their meetings once COVID restrictions ease and public participation time can recommence in a COVID safe way.

7. Mary Neighbour – Caulfield South

The Glen Eira Planning Scheme Review 2016 stated Council's intention to "provide structure plans for activity centres." Since then, Caulfield South residents have been constantly requesting a structure plan with height limits. Sadly, due to the lack of any Council controls, two large sites on Hawthorn Road now have VCAT approval for six- and eight-storey buildings. Residents are devastated by the impact this will have, due to overshadowing, loss of privacy, loss of neighbourhood character and amenity, increased traffic, etc. After multiple questions which have been answered vaguely and evasively, a Planning staffer has finally informed a resident that "there will not be structure plans prepared for neighbourhood activity centres".

Instead, we can expect only an interim Urban Design Framework with discretionary height limits. What is the justification for this approach, and will the new Council set in place a process to develop a structure plan?

Response:

Thank you for your question. Typically, Structure Plans are undertaken only for *Major Activity Centres*, which in Glen Eira has included Bentleigh, Carnegie and Elsternwick. For smaller centres such as our *Neighbourhood Activity Centres*, Urban Design Frameworks provide the same function of planning guidance, but in a simpler, and relatively faster to develop process. Some of our *Neighbourhood Activity Centres* include Caulfield South, Caulfield North (at Caulfield Park), and Bentleigh East.

The end result of both Structure Planning and Urban Design Frameworks is the preparation of a planning scheme amendment to introduce built form controls, including height controls. Whether a Structure Plan or Urban Design Framework, the process that leads to these controls has no bearing on the resulting built form controls. The studies are simply the justification for the implementation of the controls. In effect, the process chosen (Structure Plan or Urban Design Framework) is appropriate to the size, complexity, and State and Local Policy status of a centre, but they both lead to the introduction of built form controls.

Following the completion and adoption of the three Urban Design Frameworks for Caulfield South, Caulfield North and Bentleigh East, an application will be made by Council to the Minister for Planning to apply interim built form controls to protect these centres whilst a planning scheme amendment is being pursued to introduce the permanent controls.

The Urban Design Frameworks will provide direction as to the most appropriate form of height and siting controls, be they mandatory or discretionary. No final decision has been made at this point. It must be noted that Ministerial Directions and Planning Practice Note parameters must be adhered to if contemplating mandatory controls.

8. Bernadette Pierce – Caulfield South

Council is proposing to renew its contract for access to the Rippon Lea estate for the next 3 years at the current cost of \$250,000 per annum. Port Phillip in 2019 was able to negotiate a maximum cost for access of \$50,000 per annum. Could council please explain why Port Phillip appears to be far more successful in its negotiations and how Glen Eira's may be improved?

Response:

The agreement between the National Trust and Port Phillip City Council is a trial agreement providing Port Phillip residents with free access to the Rippon Lea Estate gardens only. Due to COVID-19 restrictions a new trial agreement has recently been implemented and concludes in June 2021.

Whilst the agreement between the National Trust and Glen Eira City Council has also provided Glen Eira residents with the same free garden access, over the course of the initial agreement residents were also offered discounted access to other programs and initiatives held at the Estate. Under the proposed new agreement, officers have negotiated a range of additional benefits including access to ticketed events at a discounted rate, access to participate in a range of programs and events and opportunities for Council and other local community organisations to host community events at the Estate. The programs and events focus on outcomes relating to sustainability and biodiversity; arts and culture; and health and wellbeing and align with Council priorities. These programs and events are detailed in the attachment to agenda item 8.9.

In addition to providing residents with access to much needed open space, the additional programs and events add significant value to the agreement as well as increasing the delivery and reporting obligations of the National Trust.

9. David Margetts – Caulfield South

Could Council categorically confirm or deny that none of our current neighbourhood centres will have structure plans? Could council also clarify whether the East Bentleigh, Caulfield South and Caulfield North proposed Urban Design Frameworks will also have Design and Development Overlays applied to them? If there are to be DDO's, then will these contain discretionary or mandatory height limits?

Response:

Thank you for your question. Typically, Structure Plans are undertaken only for *Major Activity Centres*, which in Glen Eira has included Bentleigh, Carnegie and Elsternwick. For smaller centres such as our *Neighbourhood Activity Centres*, Urban Design Frameworks provide the same function of planning guidance, but in a simpler, and relatively faster to develop process. Council is currently developing Urban Design Frameworks: Caulfield South, Caulfield North (at Caulfield Park), and Bentleigh East.

A Design and Development Overlay (DDO) would be the most appropriate tool to guide building heights in these centres, given their size, complexity, and status under State and Local Policy. The Urban Design Frameworks will provide direction as to the most appropriate form of height and siting controls, be they mandatory or discretionary. No final decision has been made at this point. Consultation on the draft controls is scheduled for 2021.

10. Markus Oswald – Carnegie

In regards to Neerim Road, Murrumbeena streetscape upgrade being deferred, as noted on page 305 of the meeting's agenda, when has the works been deferred to? Did the LXRP renege on a written agreement, contract or commitment?

Response:

Thank you for your question. As noted, the works have been deferred to limit the impacts of construction on the local businesses that are recovering from the impacts of Covid-19 lockdowns and restrictions, especially as this centre was also impacted during the level crossing removals a few years prior. As restrictions ease, Council will reassess these impacts to determine the appropriate time to proceed.

Funding for the streetscape renewal project was transferred to Council from the LXRA by agreement as it made sense for Council to be able to plan and stage the works as part of broader streetscape improvements rather than disrupt the traders on multiple occasions for numerous, discrete works packages.

8. OFFICER REPORTS (AS LISTED)

8.1 219-229 BALACLAVA ROAD, CAULFIELD NORTH

Moved: Cr Zmood**Seconded: Cr Zyngier**

That Council issues a Notice of Decision to Grant a Planning Permit for Application GE/DP-33514/2020 at 219-229 Balaclava Road, Caulfield North for construction of a five storey mixed use building containing retail, office and dwellings, use of the land as dwellings, alteration of access to road in a Road Zone Category 1, in accordance with the following conditions:

Amended Plans

1. Before the development starts, amended plans and documents 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 be generally in accordance with the application plans identified as TP1.01-3.02, revision B, dated 21 May 2020 and prepared by CHT Architects, but further modified to show:
 - (a) The building reduced in height to five storeys through the deletion of levels five and six.
 - (b) The balconies of dwellings 104, 105, 106, 204, 205 and 206 setback 1m from the eastern title boundary and the eastern edges of the balconies screened by either:
 - i. Having permanently fixed screens to at least 1.7m above floor level and be no more than 25 per cent transparent, or
 - ii. With a screening device (ie. planter box or other alternative screening device) that limits overlooking from the balconies to the ground level of the adjoining land, to the satisfaction of the Responsible Authority.
 - (c) A permanently fixed privacy screen to at least 1.7 metres above floor level and no more than 25 per cent transparent to prevent overlooking between adjoining balconies associated with dwellings 104, 105 and 106; 204, 205 and 206; 301 and 302; 303 and 304 (either side of the light well); and 402 and 403; or otherwise to the satisfaction of the Responsible Authority.
 - (d) Additional material variation on the south and west facing walls of the development (adjacent to 67 Hawthorn Road) to reduce the extent of the sheer concrete walls. The additional material variation for these walls could include a patterned concrete finish or other textural material to the satisfaction of the Responsible Authority.
 - (e) Annotation on the plans for the provision of signage in the basement warning of the low height clearance for parking spaces below the substation.
 - (f) Annotation on the plans for the provision of flashing warning lights at the entrance of the car lift as recommended in the Traffic Report prepared by Ratio and dated 21 April 2020.
 - (g) Details of the make of car stacker and car lift and any requirements of the Car Stacker and Lift System Management Plan required by Condition 11.

- (h) Annotation on the plans of the recommendations contained within sections 4.1, 4.2 and 4.3 of the Acoustic Report prepared by Octave Acoustics and dated 15 April 2020.
- (i) The Waste Management Plan prepared by SALT amended to include the following:
 - i. The provision of a food organic recycling service.
 - ii. Consideration of additional space requirements for a future fourth glass recycling stream
 - iii. Details of the location of where the appropriately drained bin wash down area would be located within the bin room, as referenced within the Waste Management Plan.
- (j) Changes required by Department of Transport in accordance with Conditions 20 to 23.
- (k) The car parking allocation modified in accordance with Condition 14.

Development and use 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 is not required) except with the prior written consent of the Responsible Authority.
- 3. As part of the ongoing consultant team, CHT Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised to the satisfaction of the Responsible Authority.

Landscaping requirements

- 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 approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
 - (a) Details of the planter box construction.
 - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; and quantities of each plant.
 - (c) A detailed maintenance schedule for all vegetation within the planter boxes and any other vegetation that forms part of the Landscape Plan.
- 5. 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 Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
- 6. The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.

Management plans

7. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:
 - (a) Delivery and unloading points and expected frequency.
 - (b) Truck haulage routes, circulation spaces and queuing lanes.
 - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner.
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced.
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities.
 - (g) Construction activity must only occur between the hours of 7.00am and 6.00pm, Monday to Friday, 7.00am to 1.00pm on Saturday and no construction on Sunday and Public Holidays.
 - (h) Measures to control noise, dust, water and sediment laden runoff.
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP.
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
8. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
10. The provisions, recommendations and requirements of the endorsed Sustainable 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.
11. Before the building is occupied, a Car Stacker and Lift System Management Plan (CSLSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CSLSMP must show:
 - (a) Allocation of car spaces according to vehicle size and type.
 - (b) Ongoing maintenance of the car stacker and lift system.
 - (c) Platform width of each space.

- (d) Instructions to owners and occupiers about the operation of the car stacker and lift system.
 - (e) Communicating to prospective residents about the availability of car stacker spaces and sizes.
12. The provisions, recommendations and requirements of the endorsed Car Stacker and Lift System Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Section 173 Agreement

13. Before the development starts, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
- (a) The owner will construct the side laneway along the western side of the development in accordance with plans and specifications to the satisfaction of Glen Eira City Council and complete the works before the occupation of the building.
 - (b) The owner will maintain the side laneway for not less than one year after the date of its completion to the satisfaction of Glen Eira City Council.
 - (c) The owner will set aside the land identified as 'proposed laneway residential car park entrance' with a minimum height clearance of 4.0m as a carriageway easement in favour of the Glen Eira City Council.

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

Parking and access arrangements

14. No fewer than one car parking space for each one or two bedroom dwelling; two car parking spaces for each dwelling with three or more bedrooms; thirteen spaces for the retail uses; and two spaces for the office use must be provided on the land to the satisfaction of the Responsible Authority.
15. Before the building is occupied, 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.

16. All future purchasers and tenants of the dwellings must be notified of the low height clearance of the parking spaces below the substation.

17. No fewer than 11 bicycle parking spaces must be provided on the land to the satisfaction of the Responsible Authority.
18. Before the building is occupied, the permit holder must construct at no cost to Council the existing laneway along the western boundary of the site. The works to the laneway must be constructed and drained to the satisfaction of the Responsible Authority.
19. Before the building is occupied, the permit holder must construct at no cost to Council, drainage works between the development and the Council nominated point of discharge, to the satisfaction of the Responsible Authority.

Department of Transport requirements (Conditions 20 to 23)

20. Prior to the commencement of works amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions must be provided. The plans must be generally in accordance with the plans date stamped 06/04/2020 and annotated TP1.03 Revision A but modified to show:
 - (a) An accessway crossover that is 6.4m wide (including the existing the laneway) with the eastern edge angled at 60 degrees to the edge of Balaclava Road at least for the first 3.0m with 3.0m radial turnout.
 - (b) The ingress and egress to be left-in / left-out only, supported by traffic island and signage.
 - (c) Relocated position of an existing parking / No Stopping sign.
 - (d) Relocated position of the tram signal as approved by Yarra Trams.
21. Prior to the commencement of use the crossover and driveway and associated works are to be constructed to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Head, Transport for Victoria.
22. The permit holder must avoid disruption to tram operation along Balaclava Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.
23. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Permit expiry

24. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within five 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*.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- 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. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.

Asset Engineering notes

- No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval before any works start.
- All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the proposed driveway/laneway onto the existing laneway. Such a system may include either:
 - A trench grate (150mm minimum internal width) located within the proposed laneway/driveway and/or;
 - Shaping the laneway/driveway so that water is collected in a grated pit on the property and connect to internal drainage system.
- Any firefighting equipment for the building must be accommodated within title boundary. Council will not allow private fire equipment in the Road Reserve.
- The existing footpath levels must not be altered or modified to accommodate any DDA compliance.
- An Asset Protection Permit must be obtained from Council Engineering Services Department before the development starts.
- All relevant Engineering Permits must be obtained before any development starts within the Road Reserve and or stormwater connection to Council drainage network.

Department of Transport notes

- With respect to the accessway and crossover, the consent of both Council (in its capacity as a road authority) and the Head, Transport for Victoria is required under the *Road Management Act 2004* and the *Road Safety (Traffic Management) Regulations 2019*.

- With respect to the relocation of the tram signal the Yarra Tram contacts are:
 - Sean Kelloway, Advisor Traffic Engineering,
Email: Sean.Kelloway@yarratrams.com.au
 - Massoud Majidi, Manager Agency Business Unit.

For: Crs Parasol, Esakoff, Zmood, Cade, Pilling, Athanasopoulos and Zyngier (7)

Against: Crs Zhang and Magee (2)

CARRIED

8.2 255-257 TUCKER ROAD, ORMOND

Moved: Cr Athanasopoulos**Seconded: Cr Zyngier**

That Council issues a Notice of Decision to Grant a Planning Permit for Application GE/CP-33677/2020 at 255-257 Tucker Road, Ormond for use and development of the land as a child care centre and a reduction in the number of car parking spaces in accordance with the following conditions:

Amended plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and documents will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans identified as TP00, TP01, TP02, TP03, TP04 and TP05 prepared by Insite Architects, but further modified to show:
 - (a) A Landscape Plan in accordance with condition 3.
 - (b) An updated Waste Management Plan in accordance with condition 6.
 - (c) Provision of a minimum of two bicycle parking spaces external to the building and for one of the spaces to support an e-bicycle in accordance with the requirements of AS 2890.1.
 - (d) Details of the acoustic fence along the western boundary annotated on the plans in accordance with the recommendations of the Acoustic Report prepared by Renzo Tonin and Associates and dated 7 October 2019.
 - (e) A Parking Management Plan in accordance with condition 18.

Development 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 is not required) except with the prior written consent of the Responsible Authority.

Landscaping requirements

3. 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 approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority and no trees are to be located within an easement. The landscape plan must show:
 - (a) The location of all landscaping works to be provided on the land.
 - (b) The locations of any trees to be retained or removed from the land (including details of species and size).
 - (c) The location of any trees on neighbouring land within three metres of

- the development (including details of species and size).
- (d) 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.
 - (e) Enhanced planting within the landscaped areas including:
 - i. The provision of dense shrub planting within the landscape strips adjacent to either side of the car park entrance to provide a softer interface and visual buffer to the street. The landscaping should taper down to the sight triangle areas.
 - ii. The provision of landscaping within the corner splay on the eastern side of the driveway which is to be maintained to a height not greater than 0.9m.
 - (f) Details of the irrigation system to be used on land following completion of the landscaping works.
 - (g) The provision of advanced canopy trees (minimum 2m tall when planted except with the prior written consent of the Responsible Authority) in the following areas:
 - Five trees within the Logan Avenue setback; and
 - Four trees along the western boundary of the land; or
 - Nine trees in locations to the satisfaction of the Responsible Authority.
 - (h) Trees are not to be sited over easements.
4. 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 Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority including by replacing any dead, diseased, dying or damaged plants.

Management plan requirements

6. Before the development starts, an updated Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the WMP will be endorsed and will then form part of the permit. The WMP must be generally in accordance with the WMP prepared by SALT and dated 9 July 2020, including the following:
- (a) The provision of two, 240 litre bins
7. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
8. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The CMP must show:

- (a) Delivery and unloading points and expected frequency.
 - (b) Truck haulage routes, circulation spaces and queuing lanes.
 - (c) Details how traffic and safe pedestrian access will be managed, including during the drop off and pick up times of the McKinnon 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) Construction activity must only occur between the hours of 7.00 am and 6.00 pm, Monday to Friday, 7.00 am to 1.00 pm on Saturday and no construction on Sunday and Public Holidays.
 - (h) Measures to control noise, dust, water and sediment laden runoff.
 - (i) Measures to ensure that subcontractors or tradespersons operating on the site are aware of the requirements of the CMP.
 - (j) Any construction lighting designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land.
9. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.

Restriction on the use of the land

10. The use must only operate between the hours of 6.30am to 6.30pm, Monday to Friday, except with the prior written consent of the Responsible Authority.
11. Notwithstanding condition 10, the use may operate between 6.00am and 3.00pm on Saturdays at a frequency of not more than six times in a calendar year.
12. No more than 84 children may be present on the land at any one time, except with the prior written consent of the Responsible Authority.

General requirements

13. External lighting must be designed, baffled and located to prevent any adverse effect from light spill to the amenity of abutting and adjoining land to the satisfaction of the Responsible Authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building, except with the prior written consent of the Responsible Authority.
15. Before the use starts, the acoustic fence as shown on the endorsed plans must be installed and then permanently maintained to the satisfaction of the Responsible Authority.

Car and bicycle parking requirements

16. Before the use starts, 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.

17. Before the use starts, the vehicular crossing must be constructed to a commercial type crossing with splays to Council standards and to the satisfaction of the Responsible Authority. Any existing vehicle crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
18. Before the use starts, a Car Parking Management Plan (CPMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CPMP will be endorsed and will then form part of the permit. The CPMP must be drawn to scale and dimensioned. The plan must include:
- (a) How the allocation of car spaces will be managed, including the provision of staff parking during the operating hours and the provision of 13 visitor spaces during the morning and afternoon peak periods.
 - (b) Which car spaces will be occupied by staff.
 - (c) Availability of pickup parking during the middle of the day.
 - (d) Arrangements for delivery vehicles.
 - (e) Methods to encourage use of bicycles and shared transport arrangements.
 - (f) Intended education of visitors and staff about the Car Parking Management Plan, such as through an orientation session or the like.
19. The provisions, recommendations and requirements of the endorsed Car Parking 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.

Permit expiry

20. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.
 - (c) The use is not started within four years of the date of this permit.
 - (d) The use is discontinued for a period of two years.

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*.

Permit notes:

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- 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. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.

Asset Engineering requirements

- You require consent to Erect a Building or Structure Over Easement as part of the Building permit process for the proposed parking spaces located over the easement that runs along the southern boundary.
- Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval before any works start.
- Engineering Services encourage using rainwater tanks for storage and reuse for toilet and irrigation purpose and for stormwater detention.
- All onsite stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The onsite drainage system must prevent discharge from driveway onto the footpath. Such a system may include either:
 - Trench grate (150mm minimum internal width) located within the property and/or
 - Shaping the driveway so that water is collected in a grated pit on the property.
- Any firefighting equipment for the building must be within title boundary.
- An Asset Protection Permit must be obtained from Council's Engineering Services Department before the development starts.
- All relevant Engineering Permits must be obtained before any works start within the Road Reserve or drainage is connected to the legal point of discharge.

For: Crs Zhang, Cade, Pilling, Athanasopoulos, Zyngier and Magee (6)

Against: Crs, Parasol, Esakoff and Zmood (3)

CARRIED

8.3 909 NEPEAN HIGHWAY, BENTLEIGH

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

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-33684/2020 for the use of the land for a bottle shop to sell liquor at 909 Nepean Highway, Bentleigh, in accordance with the following conditions:

Endorsed plans

1. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.

Layout not to be altered

2. The layout and description of the use as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.
3. The sale of packaged liquor from the premises must only occur within the area shown on the endorsed plan and must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Restrictions on the use

4. The use including for the sale of packaged liquor must only operate between the hours of 9.00am and 9.00pm on Monday to Saturday, 10.00am and 9.00pm on Sunday, 12.00pm and 9.00pm on Anzac Day and no sales on Good Friday and Christmas Day except with the prior written consent of the Responsible Authority.
5. The use 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.
6. Noise levels generated from the use 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 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.

7. All security alarms or similar devices installed on the land must be of a silent type.
8. No external sound amplification equipment or loudspeakers are to be used for announcements, broadcasts, playing of music or a similar purpose.
9. Before the use starts, a Patron and Amenity Management Plan (PAMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the PAMP will be endorsed and will then form part of the permit. The PAMP must include following:
 - (a) Hours of operation.
 - (b) Staffing arrangements including numbers and working hours.
 - (c) Staff training in the 'Responsible Serving of Alcohol'.
 - (d) Mandatory signage and evidence of age documentation.
 - (e) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - (f) Details of any measures to work with neighbours and other residents in the nearby area to address complaints and general operational issues.
 - (g) Any other measures to be undertaken to mitigate against amenity impacts from the licensed premises.
 - (h) Provision of CCTV within the car parking area.

Deliveries and waste management

10. The provisions, recommendations and requirements of the endorsed Patron and Amenity Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
11. The loading and unloading of goods from vehicles must only be carried out on the land or common property and must not disrupt the circulation and parking of vehicles on the land and must only be undertaken between the hours of 8.00am and 6.00pm on Monday to Sunday, except with the prior written consent of the Responsible Authority.
12. Waste and recyclables must only be collected between the hours of 8.00am and 6.00pm on Monday to Sunday, except with the prior written consent of the Responsible Authority.
13. Provision must be made on the land or the common property for the storage of waste and recyclables. This area must be screened from public view and be maintained in a clean condition and without offensive odour to the satisfaction of the Responsible Authority.

Car parking

14. No fewer than 13 car parking spaces must be provided on the land or the common property to the satisfaction of the Responsible Authority.

Permit expiry

15. This permit will expire if one of the following circumstances applies:

- (a) The use is not started within two years of the date of this permit.
- (b) The use is discontinued for a period of two years.

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*.

Permit notes

- This planning permit represents the planning approval for the use of the land. This planning permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.
- The sale of liquor on the premises for consumption off the premises will require approval from the Victorian Commission for Gambling and Liquor Regulation.

For: Crs Parasol, Esakoff, Zmood, Zhang, Cade, Pilling, Athanasopoulos and Magee (8)

Against: Cr Zyngier (1)

CARRIED

8.4 75A AND 75B KOORNANG ROAD, CARNEGIE

Moved: Cr Pilling**Seconded: Cr Athanasopoulos**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-33639/2020 for the construction of a covered seating area to the rear of the existing building, use of part of the land for the sale and consumption of liquor and a reduction in the number of car parking spaces associated with a hotel use at 75A-75B Koornang Road, Carnegie, in accordance with the following conditions:

Amended plans

1. Before the development or the use of the land for the sale and consumption of liquor 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 be generally in accordance with the application plans identified as Drawings 1-3 and prepared by Ratio (dated 1 August 2020), but further modified to show:
 - (a) The acoustically treated walls extending along the north, south and west sides of the Atrium covered seating area shown on the floor plans and elevations.
 - (b) Elevation of the bin store structure.

Layout not to be altered

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) except with the prior written consent of the Responsible Authority.
3. The sale and consumption of liquor from the premises must only occur within the area shown on the endorsed plan and must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) except with the prior written consent of the Responsible Authority.

Restrictions on the use

4. The sale and consumption of liquor must only occur between the hours of 11.00am and 10.00pm on Monday, 11.00am and 12.00am (the following day) on Tuesday to Thursday, 11.00am and 1.00am (the following day) on Friday and Saturday and 11.00am to 11.00pm Sunday, except with the prior written consent of the Responsible Authority.
5. Notwithstanding condition 4, the sale and consumption of liquor in the outdoor areas at the rear of the land (identified as Beer Garden, Atrium and Courtyard) must only occur between the hours of 11.00am and 9.00pm on Sunday to Thursday and 11.00am and 10.00pm on Friday and Saturday. The outdoor areas at the rear must not be occupied by patrons after these times, except with the prior written consent of the Responsible Authority.
6. No more than 230 patrons may be present on the land at any one time, including no more than 60 patrons within the Atrium and 40 patrons within the Beer Garden/Courtyard at any one time, except with the prior written consent of the Responsible Authority.

7. No live music is permitted within the outdoor areas at the rear of the land and any amplified music must cease by 10.00pm.
8. Noise levels generated from the use 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 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.
9. Before the use of the land for the sale and consumption of liquor starts, all acoustic attenuation measures and noise control strategies recommended in the Acoustic Report prepared by Watson Moss Growcott Acoustics and dated 1 July 2020, must be implemented and thereafter permanently maintained to the satisfaction of the Responsible Authority.
10. Within two months of the use starting, an updated acoustic report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 8 and that the required level of noise attenuation has been achieved in accordance with the endorsed Acoustic Report prepared by Watson Moss Growcott Acoustics and dated 1 July 2020, or if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).
11. Provision must be made on the land for the storage of waste and recyclables. This area must be screened from public view and be maintained in a clean condition and without offensive odour to the satisfaction of the Responsible Authority.
12. Before the use of the land for the sale and consumption of liquor starts, the disused/redundant vehicle crossing must be removed and the area reinstated with footpath and kerb and channel to the satisfaction of the Responsible Authority.
13. Before the use starts, a Green Travel Plan (GTP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the GTP will be endorsed and will then form part of the permit. The amended GTP must show specific mechanisms to encourage the use of sustainable transport options including, but not limited to:
 - (a) Tram, train and bus timetables be installed in prominent locations.
 - (b) Bicycle parking areas to be installed in well secured and prominent locations.
 - (c) Signs displayed in prominent locations advising of the location of existing and proposed share car schemes, bicycle parking facilities, tram stops, taxi ranks, railway stations, bus stops and bicycle paths.
 - (d) Mechanisms to influence employee travel behaviour to and from work (ie. using alternative transport options such as public transport, walking or cycling).
 - (e) Specific targets to guide the plans ongoing implementation.
 - (f) Identification of a persons responsible for the implementation of actions;
 - (g) Estimate timescales and costs for each action.

- (h) A plan for monitoring and review of the Green Travel Plan on an annual basis for at least three years.
14. Before the use starts, a Patron and Amenity Management Plan (PAMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the PAMP will be endorsed and will then form part of the permit. The PAMP must include following:
- (a) Hours of operation.
 - (b) Staffing arrangements including numbers and working hours.
 - (c) Staff training in the 'Responsible Serving of Alcohol'.
 - (d) Mandatory signage and evidence of age documentation.
 - (e) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - (f) Details of any measures to work with neighbours and other residents in the nearby area to address complaints and general operational issues.
 - (g) Any other measures to be undertaken to mitigate against amenity impacts from the licensed premises.

Permit expiry

15. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two years of the date of this permit.
 - (b) The development is not completed within four years of the date of this permit.
 - (c) The use of the land for the sale and consumption of liquor is not started within four years of the date of this permit.
 - (d) The use of the land for the sale and consumption of liquor is discontinued for a period of two years.

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*.

Permit notes

- Condition 1 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the *Planning and Environment Act 1987*.
- 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. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.

- The sale of liquor on the premises for consumption off the premises will require approval from the Victorian Commission for Gambling and Liquor Regulation.
- The use of the land may require approval and/or registration by Council's Public Health Department.

CARRIED UNANIMOUSLY

8.5 15-23 MAYFIELD STREET, ST KILDA EAST

Moved: Cr Athanasopoulos**Seconded: Cr Pilling**

That Council resolves to issue a Notice of Decision to Grant an Amended Planning Permit for GE/PP-20646/2008/B to allow minibus pickup and drop off to occur from Rockbrook Road in association with the school and alterations to the fence at 15-23 Mayfield Street, St Kilda East, in accordance with the following amendments to the permit:

1. Addition of a new condition 12(a) to read as follows:

Before any minibuses are permitted to access and egress the land from Rockbrook Road as allowed under amended permit GE/PP-20646/2008/B, a supplementary Traffic Management Plan for the Rockbrook Road minibus access, prepared by a suitably qualified traffic engineer, must be submitted to the satisfaction of the Responsible Authority for approval, with the following information to be included:

- (a) Details in relation to the bus drop off / pick up area, including:
 - Nominated person/employee who will oversee the drop off/pick up area.
 - Information showing all the buses will be able to safely turnaround within the site.
 - Specification of the number of staff proposed to oversee the drop off/pick zone.
 - Proposed instructions to parents/guardians for the use of the drop off/pick up area in Mayfield Street during drop off and instructions that access to the site is not available at any time from Rockbrook Road.
- (b) Details of the movements, including:
 - A limit on 12 vehicle movements a day, except with the prior written consent of the Responsible Authority.
 - Buses are limited in size to a standard minibus with no more than 24 seats, except with the prior written consent of the Responsible Authority.
 - How the vehicular access to the school will be managed in Rockbrook Road to prevent pedestrian access to the site from Rockbrook Road.
 - Operational procedure of the sliding gate.
 - Overall traffic impact to the surrounding road networks.

When approved, the supplementary Traffic Management Plan shall be endorsed and form part of this permit. The traffic management measures detailed in the supplementary Traffic Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The supplementary Traffic Management Plan may be varied from time to time, including it being consolidated within the Traffic Management Plan endorsed under Condition 12, with the prior written consent of the Responsible Authority.

2. Existing Condition 17 which reads “*There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance only*” to be amended to allow for bus access. The wording of the condition would read:

There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance or bus access only.

The full set of conditions would then read as follows:

1. Within three months of the date of this amended permit, amended plans prepared 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 accurately depict:
 - (a) the built form conditions of the land, including the location of permanent and temporary car parking areas and access as at 26 April 2018 which is generally in accordance with the most recently endorsed plan for the whole of the site; and
 - (b) details of landscaping of the land, including:
 - i. the botanic names of plants;
 - ii. landscape strip adjacent to the southern boundary, and
 - iii. metre wide landscape strip along the northern (rear) boundary).

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

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. All existing vegetation shown on the endorsed plan(s) must be suitably marked and must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
4. The site shall be landscaped and thereafter maintained as shown on the endorsed plans to the satisfaction of the Responsible Authority.

Primary School and Early Learning Centre

5. The number of students to be accommodated on the land shall not exceed 475 pupils at any one time.

Operating hours

6. The Education Centre and Early Learning Centre must only operate between the following hours, except with the prior written consent of the responsible authority:
 - Monday - Friday: 7.30am - 6.30pm
 - Saturday and Sunday: Closed

Additional activities and uses (which are not ancillary to the Education Centre and Early Learning Centre) described in the endorsed Prescribed Activities Management Plan (Prescribed Activities) may operate outside of those hours. However, these Prescribed Activities must only operate within the relevant hours of operation nominated in the Prescribed Activities Management Plan or otherwise with the written consent of the responsible authority.

Prescribed Activities Management Plan

7.
 - (a) The Hall and Multi-purpose room and Synagogue must only be used by students attending the Primary School and Early Learning Centre on the land in accordance with the endorsed Prescribed Activities Management Plan or otherwise as approved in writing by the Responsible Authority;
 - (b) The Hall and Multi-purpose room and Synagogue must only be used by any other persons on the land in accordance with the endorsed Prescribed Activities Management Plan or otherwise as approved in writing by the Responsible Authority;
8. A Prescribed Activities Management Plan must be submitted to the Responsible Authority for approval which is generally in accordance with [Attachment B of the Tribunal's orders dated 26 April 2018] and include the following information:
 - (a) a site plan which identifies the hall, synagogue and multi-purpose room constructed on the site, which form part of the Gandel Besen House Campus;
 - (b) timings and locations for various Prescribed Activities; and
 - (c) the College's record keeping and reporting obligations in respect of the Prescribed Activities;
9. Activities and uses described in the Prescribed Activities Management Plan may only occur or operate on the land in accordance with the restrictions and conditions described in the endorsed Prescribed Activities Management Plan or otherwise as approved in writing by the Responsible Authority.
10. When approved, the Prescribed Activities Management Plan shall be endorsed to form part of this permit. The conditions in the Prescribed Activities Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The Prescribed Activities Management Plan may be varied with the written consent of the Responsible Authority.

Site Amenity Management Plan

11. Within six (6) months of the date of this amended permit, a Site Amenity Management Plan must be prepared and submitted to the satisfaction of the Responsible Authority. The Site Amenity Management Plan must include:
 - (a) Details of the measures which will be implemented to minimise any off-site amenity impacts, including:
 - i. Coordination of larger events involving more than 100 attendees at any one time ("Larger Events"), including Prescribed Activities

- occurring on the site, to minimise the total number of visitors to the site (particularly for events which are likely to attract more vehicular movements);
- ii. Plan the annual calendar of events to try and allow for one or two nights per week where there are very limited Prescribed Activities or extra-curricular events (if possible); and
 - iii. Processes by which Council will be notified at the start of each calendar year of Larger Events which are planned to occur.
- (b) A protocol for collection of waste from the school.
 - (c) A process for notifying local residents of Larger Events, including 24 hour notification via email to those who have provided details and live locally.
 - (d) A protocol for the operating of the guardhouse in order to minimise noise levels for local residents.
 - (e) Details of noise mitigation measures which will be implemented, including:
 - i. A noise assessment prepared by a suitably qualified acoustic engineer which addresses the following:
 - (1) upgrade of the boundary fence between the subject site and 25 Mayfield Street to a 2.1 metre acoustically rated fence;
 - (2) noise mitigation measures which will reduce the noise emanating from the guard house and security gates at the front of the subject site (provided that such measures do not breach the College's security protocols); and
 - (3) noise mitigation measures to reduce noise emanating from waste collection and delivery services occurring at the rear of site, in proximity to 25 Mayfield Street
 - (f) A programme for the implementation of the acoustic measures as recommended by the acoustic engineer (eg within 3 months of receiving the recommendations) as well as:
 - i. a reporting mechanism to confirm that acoustic measures have been implemented; and
 - ii. a process for ongoing monitoring and review to ensure that noise levels are not unreasonable having regard to EPA's guidance.
 - (g) A complaints handling process, including:
 - i. The assignation of responsibility to one employee for responding to complaints;
 - ii. A mechanism for receiving complains, such as a complaints hotline;
 - iii. A process for review of the Site Amenity Management Plan in response to complaints received as part of a continued improvement approach.
 - (h) Details of the site maintenance programme and protocol for maintenance workers, which includes:
 - i. Hours of maintenance;
 - ii. How the maintenance programme has been planned to minimise residential amenity impacts (eg having regard to coordinating with other Prescribed Activities); and
 - iii. A protocol for maintenance workers, including preferred car parking location, directing heavy vehicles and equipment from parking in front of the kindergarten (within the subject site) to the extent practicable, and consideration of noise levels on Sundays.

When approved, the Site Amenity Management Plan shall be endorsed to form part of this permit.

The conditions in the Site Amenity Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The Site Amenity Management Plan may be varied with the prior written consent of the Responsible Authority.

Traffic Management Plan

12. Within six (6) months of the date of this amended permit, a Traffic Management Plan prepared by a suitably qualified traffic engineer, must be submitted to the satisfaction of the Responsible Authority for approval, with the following information to be included:
- (a) Details in relation to the drop off / pick up area, including:
 - nominated person/employee who will oversee the drop off/pick up area;
 - specification of the number of staff proposed to oversee the drop off/pick zone;
 - confirmation of a left turn only traffic restriction from the drop off/pick up zone;
 - proposed instructions to parents/guardians for the use of the drop off/pick up area during drop off and pick up and use of this area for carparking outside of these times (including for after school and holiday programs);
 - (b) Details in relation to the use of all on-site carparking, including:
 - hierarchy of use of the carparks which will be dependent on event size;
 - details of on-site car parking to be provided during School Council Committee Meetings;
 - circumstances of when the hardcourt area will be made available (eg for certain events and Prescribed Activities);
 - traffic management arrangements which will be put in place to manage the temporary car parking arrangement.
 - (c) Details of measures which will be put in place to:
 - i. discourage maintenance workers from parking in front of the kindergarten (within the subject site) to the extent practicable;
 - ii. ensure loading and unloading of vehicles and delivery of goods occurs on site; and
 - iii. direct staff to park on the site in the first instance and direct overflow staff parking not to occur on Mayfield Street.
 - (d) Details of the communication arrangements relating to traffic management, including:
 - nominating the stakeholder for communication, including parents / guardian, teachers, students, visitors and nearby residents;
 - publishing a copy of the Traffic Management Plan on the College's website;
 - measures which will be implemented to encourage staff, parents, guardians and visitors to the site to comply with the requirements of the Traffic Management Plan;
 - measures which will be implemented to discourage parents / guardians from leaving cars idling in the street during pick up and

- drop off times; measures which will be implemented to maximise the use of car parking on site (including the hardcourt area) for larger events, including Prescribed Activities which are expected to attract more than 100 attendees;
- encouraging all parents to utilise the Kiss & Drop Zone for pick-ups and drop-offs (including for after school and holiday programs); and
 - placing prominent signs at the reception area and a notice on the College's website to the effect that parking in residential streets is regulated by Glen Eira City Council and is subject to enforcement.
- (e) Details of a complaints management system for traffic and car parking matters, including:
- assigning responsibility to one employee for responding to complaints;
 - a mechanism for receiving complaints, such as a complaints hotline;
 - a process for review of the Traffic Management Plan in response to complaints received as part of a continued improvement approach.
- (f) Details of any contingency traffic management arrangements which can be used if a larger event is held on the site (ie events that may be permitted via secondary consent which are in excess of those uses allowed under the permit and the Prescribed Activities Management Plan);
- (g) Maintenance of a complaints register of all car parking complaints received from local residents and providing a copy of this register to the Responsible Authority as part of the annual reporting arrangements specified in the Site Amenity Management Plan.

When approved, the Traffic Management Plan shall be endorsed and form part of this permit. The traffic management measures detailed in the Traffic Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The Traffic Management Plan may be varied from time to time with the prior written consent of the Responsible Authority.

- 12(a) Before any minibuses are permitted to access and egress the land from Rockbrook Road as allowed under amended permit GE/PP-20646/2008/B, a supplementary Traffic Management Plan for the Rockbrook Road minibus access, prepared by a suitably qualified traffic engineer, must be submitted to the satisfaction of the Responsible Authority for approval, with the following information to be included:

- (a) Details in relation to the bus drop off / pick up area, including:
- Nominated person/employee who will oversee the drop off/pick up area.
 - Information showing all the buses will be able to safely turnaround within the site.
 - Specification of the number of staff proposed to oversee the drop off/pick zone.
 - Proposed instructions to parents/guardians for the use of the drop off/pick up area in Mayfield Street during drop off and instructions that access to the site is not available at any time from Rockbrook Road.

- (b) Details of the movements, including:
- A limit on 12 vehicle movements a day, except with the prior written consent of the Responsible Authority.
 - Buses are limited in size to a standard minibus with no more than 24 seats, except with the prior written consent of the Responsible Authority.
 - How the vehicular access to the school will be managed in Rockbrook Road to prevent pedestrian access to the site from Rockbrook Road.
 - Operational procedure of the sliding gate.
 - Overall traffic impact to the surrounding road networks.

When approved, the supplementary Traffic Management Plan shall be endorsed and form part of this permit. The traffic management measures detailed in the supplementary Traffic Management Plan must be implemented and adhered to at all times to the satisfaction of the Responsible Authority. The supplementary Traffic Management Plan may be varied from time to time, including it being consolidated within the Traffic Management Plan endorsed under Condition 12, with the prior written consent of the Responsible Authority.

Melbourne Water Conditions

13. At least 21 days prior to commencement of works, a site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water. (Condition required by Melbourne Water)
14. Any extended floor level must be no lower than the existing floor level. (Condition required by Melbourne Water)
15. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses. (Condition required by Melbourne Water)

Other Conditions

16. 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;

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.

17. There shall be no pedestrian access onto the site from Rockbrook Road. Vehicle access is permitted for emergency or maintenance or bus access only.

Permit expiry

18. This permit will expire if the use is discontinued for a period of two years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

For: Crs Zmood, Esakoff, Zhang, Cade, Pilling, Athanasopoulos, Magee and Parasol (8)

Against: Cr Zyngier (1)

CARRIED

Procedural Motion

Moved: Cr Athanasopoulos

Seconded: Cr Magee

That the meeting be extended to conclude at 11pm.

For: Crs Zmood, Esakoff, Zhang, Cade, Pilling, Athanasopoulos, Magee and Zyngier (8)

Abstain: Cr Parasol (1)

CARRIED

8.6 VCAT WATCH

Moved: Cr Cade**Seconded: Cr Zmood**

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

CARRIED UNANIMOUSLY

8.7 PLANNING SCHEME AMENDMENT C197 - HERITAGE CONTROLS FOR FIELD STREET BENTLEIGH

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

That Council:

1. notes the officer report regarding Amendment C197 including the Panel Report and officer recommendations;
2. adopts Amendment C197 to the Glen Eira Planning Scheme in accordance with Section 29 (1) of the *Planning and Environment Act 1987* with the changes set out in this report;
3. submits the adopted Amendment C197 to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*;
4. submits the information prescribed under Section 31 of the *Planning and Environment Act 1987* with the adopted amendment;
5. delegates the Manager City Futures the authority to finalise Amendment C197 in accordance with Council's resolution, and make any administrative changes required to correct errors, grammatical changes and maps changes; and
6. advises all submitters to the Amendment of Council's determination in relation to Amendment C197.

CARRIED UNANIMOUSLY

8.8 GLEN EIRA SUSTAINABILITY REPORT 2019-20

Moved: Cr Athanasopoulos**Seconded: Cr Pilling**

That Council notes the *Glen Eira Sustainability Report 2019-20*.

It is recorded that Cr Cade left the virtual meeting at 10.04pm and re-entered at 10.07pm.

It is recorded that Cr Magee left the virtual meeting at 10.06pm.

CARRIED UNANIMOUSLY

It is recorded that Cr Magee entered the virtual meeting at 10.09pm.

8.9 RIPPON LEA ESTATE ACCESS AGREEMENT

Moved: Cr Athanasopoulos**Seconded: Cr Cade**

That Council:

1. authorise officers to enter into a further three-year agreement with the National Trust of Australia (Victoria)(NTAV); and
2. endorses the payment of \$250,000 per annum to the National Trust of Australia (Victoria)(NTAV) for the next three budget cycles.

CARRIED UNANIMOUSLY

8.10 COMMUNITY SPORTS INFRASTRUCTURE LOAN SCHEME APPLICATION

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

That Council resolves to approve the lodgement of an application for a loan of \$10 million under the *2020 Community Sports Infrastructure Loans Scheme* for partial funding of the Carnegie Swim Centre upgrade, and if successful, will refer the associated funding for consideration as part of the 2021-22 Budget deliberations.

CARRIED UNANIMOUSLY

8.11 CREATION OF EASEMENT - MARLBOROUGH RESERVE

Moved: Cr Cade**Seconded: Cr Pilling**

That Council directs that:

1. the statutory procedures be commenced pursuant to section 189 of the *Local Government Act 1989* ("the Act") to create an easement in favour of United Energy over Marlborough Reserve, more particularly described as part of certificate of title volume 7891 folio 036, shown on the attached plans, in Attachment 1 and 2; and
2. as part of the statutory procedures, place a public notice of the proposed creation of easement in the Age newspaper and on Council's website; 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 create the easement; 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 create the easement.

It is recorded that Cr Zyngier vacated the virtual meeting at 10:16pm.

CARRIED UNANIMOUSLY

8.12 FINANCIAL MANAGEMENT REPORT (SEPTEMBER 2020)

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

That Council notes the Financial Management Report for the period ending 30 September 2020.

It is recorded that Cr Zyngier entered the virtual meeting at 10:18pm.

CARRIED UNANIMOUSLY

8.13 QUARTERLY SERVICE PERFORMANCE REPORT

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

That Council notes the Quarterly Service Performance Report for the period ending September 2020.

CARRIED UNANIMOUSLY

8.14 DELEGATIONS

Moved: Cr Athanasopoulos**Seconded: Cr Cade**

1. That Council resolves as follows:
 - (a) in accordance with section 11(1) of the *Local Government Act 2020* (Vic), the amendments to the Instrument of Delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report are approved and adopted;
 - (b) the amendments to the Instrument of Delegation to members of Council staff under the *Planning and Environment Act 1987* (Vic) (**planning delegations**) in Attachment 2 to the report are approved and adopted;
 - (c) relevant Council staff be delegated the powers, duties and functions described in the CEO delegations and planning delegations (as amended), and such powers, duties and functions are exercised subject to any conditions and limitations specified in these instruments (as amended);
 - (d) the CEO delegations and planning delegations (as amended) come into effect immediately after the passing of this Council resolution;
 - (e) clean versions of the instruments described in part 1(d) are published on Council's website; and
 - (f) on the coming into force of the instruments as described in part 1(d), the Instrument of Delegation to the Chief Executive Officer approved and adopted on 1 September 2020, and the Instrument of Delegation to member of Council staff under the *Planning and Environment Act 1987* (Vic) approved and adopted on 1 September 2020 are revoked.

CARRIED UNANIMOUSLY

8.15 COUNCIL MEETING CYCLE 2021

Moved: Cr Magee**Seconded: Cr Pilling**

That Council:

1. adopts the 2021 Ordinary Council Meeting dates for Glen Eira City Council as shown below:
 - Tuesday 2 February 2021
 - Tuesday 23 February 2021
 - Tuesday 16 March 2021
 - Tuesday 6 April 2021
 - Tuesday 27 April 2021
 - Wednesday 19 May 2021
 - Tuesday 8 June 2021
 - Tuesday 29 June 2021
 - Tuesday 20 July 2021
 - Tuesday 10 August 2021
 - Tuesday 31 August 2021
 - Thursday 23 September 2021
 - Tuesday 12 October 2021
 - Wednesday 3 November 2021
 - Tuesday 23 November 2021
 - Tuesday 14 December 2021; and
2. notes that the above listed meetings are to be held at 7.30pm in the Council Chambers, Corner Hawthorn & Glen Eira Roads, Caulfield unless it is required under Rule 62 of the Glen Eira City Council Governance Rules and any relevant laws, regulations or instructions from relevant authorities that it is necessary to hold meetings by electronic means of communication.

CARRIED UNANIMOUSLY

8.16 APPOINTMENT OF COUNCILLORS TO COMMITTEES AND REVIEW OF THE ADVISORY COMMITTEES TERMS OF REFERENCE

Moved: Cr Zmood**Seconded: Cr Magee**

That Council appoints Councillors as shown in Attachment 1 to this report, as per the following Committees listed below:

1. appoints 1 representative Councillor and 1 substitute Councillor to each of the following External Committees:
 - a) Metropolitan Local Government Waste Forum
 - b) Metropolitan Transport Forum (MTF)
 - c) Municipal Association of Victoria (MAV)
2. appoints 1 representative Councillor to the following External Committee:
 - (a) Eastern Alliance for Greenhouse Action (EAGA)
3. appoints a minimum of 3 Councillors to Council's Advisory Committees:
 - a) Arts & Culture Advisory Committee
 - b) CEO Employment Matters Advisory Committee
 - c) Citizen of the Year Advisory Committee
 - d) Community Engagement Advisory Committee
 - e) Community Grants Advisory Committee
 - f) Elsternwick Cultural Precinct Advisory Committee
 - g) Local Laws Advisory Committee
 - h) Strategic Transport Advisory Committee
 - i) Sustainability Advisory Committee
4. endorses the reviewed Terms of Reference for Council's Advisory Committees (attached to the report) with the following changes:
 - a) changes the name of the Recreation & Leisure Advisory Committee to the Open Space, Sport & Recreation Advisory Committee and appoints a minimum of 3 Councillors;
 - b) increases the community members of the Sustainability Advisory Committee from 3 to 4;
5. appoints 2 Councillors and 2 substitutes (the Mayor as 1 substitute) to the Audit and Risk Committee;
6. appoints a maximum of 3 Councillors to the Glen Eira Community Safety Committee.

CARRIED UNANIMOUSLY

9. URGENT BUSINESS - NIL

10. ORDINARY BUSINESS

10.1 Requests for reports from a member of Council staff - Nil

10.2 Right of reply - Nil

10.3 Notice of Motion - Nil

10.4 Councillor questions - Nil

10.5 Written public questions to Council

This item was dealt with at an earlier stage of the meeting.

11. CONFIDENTIAL ITEMS**Moved: Cr Athanasopoulos****Seconded: Cr Parasol**

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

11.1 Tender 2020.217 Provision of Offsite Record Storage and Imaging Services

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Contractual - this ground applies because the agenda item concerns contractual negotiations that would, if released, prejudice the negotiating position of service providers with Council

11.2 Contract 2018.052 - Tender Recommendation for the Provision of Telecommunication Services - Contract Variation

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that -
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)); and
- Contractual - this ground applies because the agenda item concerns contractual negotiations that would, if released, prejudice the negotiating position of service providers with Council

CARRIED UNANIMOUSLY

The Mayor announced that after the consideration of the confidential items, the meeting will be closed.

11.1 TENDER 2020.217 PROVISION OF OFFSITE RECORD STORAGE AND IMAGING SERVICES

Moved: Cr Magee**Seconded: Cr Pilling**

That Council:

1. appoints Advance Record Management Pty Ltd ACN 060 092 944 as the contractor under Tender number 2020.217 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.
4. incorporates this resolution in the public minutes of this Meeting.

CARRIED UNANIMOUSLY

11.2 CONTRACT 2018.052 - TENDER RECOMMENDATION FOR THE PROVISION OF TELECOMMUNICATION SERVICES - CONTRACT VARIATION

Moved: Cr Magee

Seconded: Cr Athanasopoulos

That Council:

1. appoints Optus Network Pty Ltd, ACN 008 570 330 to provide fibre and internet services as an extension to our current contract 2018.052 *Provision of Telecommunication Services*, at an additional approximate cost of \$351,097 (including GST) per annum, for the initial period ending 2023, unless extended by the State Government.
2. authorise the CEO to execute contracts on Council's behalf.
3. incorporates this resolution in the public minutes of this meeting.

CARRIED UNANIMOUSLY

12. CLOSURE OF MEETING

The meeting closed at 10:40pm.

Confirmed this 15 day of December 2020.

Chairperson.....