



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 12 JUNE 2018

MINUTES

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

Present

The Mayor, Councillor Tony Athanasopoulos
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jamie Hyams
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt
Councillor Nina Taylor

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1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

In the spirit of respect Council acknowledges the people and elders of the Boon Wurrung people of the Kulin Nation past and present who have traditional connections and responsibilities for the land on which Council meets.

2. APOLOGIES

There were no apologies submitted to the meeting.

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

Oath of Office

The Mayor read the Oath of Office.

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Moved: Cr Magee

Seconded: Cr Hyams

That the minutes of the Ordinary Council Meeting held on 22 May 2018 be confirmed.

CARRIED

It is recorded that Cr Delahunty and Cr Silver abstained from voting on this item as they were not present at the 22 May 2018 meeting.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

There were no petitions or joint letters submitted to the meeting.

6. DOCUMENTS FOR SEALING

There were no documents for sealing submitted to the meeting.

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

The Mayor, Cr Athanasopoulos reported on a meeting he attended on 6 June 2018 of the Metropolitan Transport Forum (MTF).

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

8.1.1 ADVISORY COMMITTEES

Moved: Cr Esakoff

Seconded: Cr Magee

It is recorded that Cr Delahunty vacated the Chamber at 7:39pm.

It is recorded that Cr Delahunty entered the Chamber at 7:40pm.

That the minutes of the Arts and Culture Advisory Committee meeting of 21 May 2018 and the Audit Committee meeting of 25 May 2018 be received and noted and that the recommendations of the Committees be adopted.

CARRIED UNANIMOUSLY

8.2 Records of Assembly

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

That the Record of the Assembly minutes as shown below be received and noted.

- a. 17 April 2018
- b. 24 April 2018
- c. 1 May 2018 Pre-meeting
- d. 8 May 2018
- e. 15 May 2018
- f. 22 May 2018 Pre-meeting

CARRIED UNANIMOUSLY

The Mayor advised that at this stage of the meeting, members of the community were invited to participate in the meeting under clause 230(1) Public Participation of the Glen Eira Local Law.

9. PRESENTATION OF OFFICER REPORTS

9.1 SUBMISSIONS ON THE 2018/19 DRAFT BUDGET

It is recorded that Mr W. David Wilde on behalf of Friends of Caulfield Park spoke in support of their submission.

Moved: Cr Delahunty

Seconded: Cr Silver

That the 2018-19 budget public submissions be received and noted.

CARRIED UNANIMOUSLY

9.2 SUBMISSIONS RECEIVED ON THE 2018-2019 DRAFT COUNCIL AND COMMUNITY PLAN AND STRATEGIC RESOURCE PLAN

Moved: Cr Hyams

Seconded: Cr Sztrajt

That Council notes that no submissions were received for the draft Council and Community Plan.

CARRIED UNANIMOUSLY

9.3 INTEGRATED TRANSPORT STRATEGY

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

That Council

1. Adopts the Integrated Transport Strategy 2018-2031, with the following change:
 - Add Key Element 7 to the Section “Places – Child Friendly Neighbourhood” which states: “Reduce speed limits to a maximum of 40km/h within all Child Friendly Neighbourhoods”

Extension of Speaking Time**Moved: Cr Sztrajt****Seconded: Cr Silver**

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

CARRIED UNANIMOUSLY**Extension of Speaking Time****Moved: Cr Sztrajt****Seconded: Cr Delahunty**

That Cr Taylor be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY**Extension of Speaking Time****Moved: Cr Delahunty****Seconded: Cr Esakoff**

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

CARRIED UNANIMOUSLYThe Motion Moved by Cr Davey and Seconded by Cr Magee was **CARRIED**

9.4 167 BAMBRA ROAD, CAULFIELD

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-31698/2018 at 167 Bambra Road, Caulfield in accordance with the following conditions/grounds:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Ground Floor Plan, First Floor Plan) but modified to show:
 - a) A development summary denoting all areas to be used for the home based business, including the pool and associated decking, study, bathroom and plant rooms. The plans must clearly show the dimensions of each area associated with the use.
 - b) The path to the side entrance of the swimming pool be modified to a continuous hard surface, to the satisfaction of the Responsible Authority.
 - c) Visually discreet signage to the satisfaction of the Responsible Authority requesting patrons arriving and leaving to keep noise levels low and respect the amenity of the neighbours.

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

2. The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
3. The use must operate only between the hours of:
 - Monday: 12pm – 7pm
 - Tuesday: 7am – 12pm
 - Wednesday: 12pm - 7pm
 - Thursday: 7am – 12pm
 - Friday: CLOSED
 - Saturday: 9am – 3pm
 - Sunday/Public holidays: CLOSED
4. No more than 1 staff member/employee may be present on the site at any one time.
5. No more than 3 patrons may be present on the site at any one time.
6. The use is limited to patrons over the age of 10 years.
7. One car space to be made available within the existing driveway of the site for patrons of the home based business to use.

8. At all times during the operation of the use, there must be present on the premises a person, over the age of eighteen (18) years, who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, to the satisfaction of the Responsible Authority.
9. Doors to the pool area must remain closed whilst there are patrons attending the use.
10. The amenity of the area must not be adversely affected by the use or development as a result of the emission of the noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or in any other way, to the satisfaction of the Responsible Authority.
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose whilst there are patrons attending the use.
12. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality during the hours that the home based business is in operation to the satisfaction of the Responsible Authority.
13. An Acoustic Report prepared by an independent and suitably qualified acoustic engineer must be submitted to the Responsible Authority to its satisfaction within six months of the approved use commencing.

Such a report must detail whether the noise levels associated with the use are in accordance with SEPP N-1 and the EPA Publication 1254 at the nearest habitable room of the adjacent dwelling at 165 Bambra Road and must demonstrate compliance for the day, evening and night periods.

If the noise levels exceed those specified in SEPP N-1 and the EPA Publication 1254, the report must outline measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority.

The use must not continue until such time that the attenuation measures have been implemented. Thereafter, the home based business must at all time accord with the recommendations of the report, to the satisfaction of the Responsible Authority.

14. This Permit will expire if the use is not started within two (2) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

NOTES: *(The following notes are for information only and do not constitute part of this permit or conditions of this permit)*

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described.

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

- E. This planning permit does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.
- F. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

Extension of Speaking Time**Moved: Cr Silver****Seconded: Cr Delahunty**

That Cr Hyams be granted a three minute extension of speaking time.

CARRIED UNANIMOUSLY

Extension of Speaking Time**Moved: Cr Silver****Seconded: Cr Delahunty**

That Cr Magee be granted a one minute extension of speaking time.

CARRIED UNANIMOUSLY

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

Amend condition 5 to read:

‘No more than 2 patrons undertaking swimming or water based tuition may be present on the site at any one time.’

The Amendment was PUT and was **CARRIED**

The Motion as amended was PUT and was **CARRIED UNANIMOUSLY**.

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-31698/2018 at 167 Bambra Road, Caulfield in accordance with the following conditions/grounds:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Ground Floor Plan, First Floor Plan) but modified to show:
 - a) A development summary denoting all areas to be used for the home based business, including the pool and associated decking, study, bathroom and plant rooms. The plans must clearly show the dimensions of each area associated with the use.
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- b) The path to the side entrance of the swimming pool be modified to a continuous hard surface, to the satisfaction of the Responsible Authority.
- c) Visually discreet signage to the satisfaction of the Responsible Authority requesting patrons arriving and leaving to keep noise levels low and respect the amenity of the neighbours.

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

2. The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
 3. The use must operate only between the hours of:
 - Monday: 12pm – 7pm
 - Tuesday: 7am – 12pm
 - Wednesday: 12pm - 7pm
 - Thursday: 7am – 12pm
 - Friday: CLOSED
 - Saturday: 9am – 3pm
 - Sunday/Public holidays: CLOSED
 4. No more than 1 staff member/employee may be present on the site at any one time.
 5. No more than 2 patrons undertaking swimming or water based tuition may be present on the site at any one time.
 6. The use is limited to patrons over the age of 10 years.
 7. One car space to be made available within the existing driveway of the site for patrons of the home based business to use.
 8. At all times during the operation of the use, there must be present on the premises a person, over the age of eighteen (18) years, who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, to the satisfaction of the Responsible Authority.
 9. Doors to the pool area must remain closed whilst there are patrons attending the use.
 10. The amenity of the area must not be adversely affected by the use or development as a result of the emission of the noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or in any other way, to the satisfaction of the Responsible Authority.
 11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose whilst there are patrons attending the use.
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12. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality during the hours that the home based business is in operation to the satisfaction of the Responsible Authority.
13. An Acoustic Report prepared by an independent and suitably qualified acoustic engineer must be submitted to the Responsible Authority to its satisfaction within six months of the approved use commencing. Such a report must detail whether the noise levels associated with the use are in accordance with SEPP N-1 and the EPA Publication 1254 at the nearest habitable room of the adjacent dwelling at 165 Bambra Road and must demonstrate compliance for the day, evening and night periods.

If the noise levels exceed those specified in SEPP N-1 and the EPA Publication 1254, the report must outline measures to ameliorate or attenuate noise to ensure that the levels are met, to the satisfaction of the Responsible Authority.

The use must not continue until such time that the attenuation measures have been implemented. Thereafter, the home based business must at all time accord with the recommendations of the report, to the satisfaction of the Responsible Authority.

14. This Permit will expire if the use is not started within two (2) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date.

NOTES: *(The following notes are for information only and do not constitute part of this permit or conditions of this permit)*

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

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

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

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

- D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- E. This planning permit does not represent approval for residential siting. Residential siting would be assessed by the Building Surveyor under relevant Building Regulations when considering an application for a building permit.
- F. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

The Motion Moved by Cr Silver and Seconded by Cr Hyams was
CARRIED UNANIMOUSLY

9.5 23, 25 & 27 PRINCE EDWARD AVENUE, MCKINNON

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

It is recorded that Cr Magee vacated the Chamber at 9:43pm.

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31479/2017 at 23, 25 and 27 Prince Edward Avenue, McKinnon in accordance with the following conditions/grounds:

Modified conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Project No.TA1747, Drawing No. TP101-104 Rev A, TP105, TP201-203, TP204 Rev A, TP301-302 Rev A, TP303, TP304 Rev A, TP401-404 Rev A, TP405, TP501 Rev A dated 8 December 2017 and 25 January 2018 and prepared by T.A Square) but modified to show:

General

- a) A Landscape Plan in accordance with Condition 2.
- b) The proposal modified to fully comply with Standard B17 (Side and rear setbacks) of the Glen Eira Planning Scheme along the northern boundary (rear) of the second floor;
- c) The front set back to be increased to a minimum of 7.4m to comply with Standard B6 (Street Setback) of the Glen Eira Planning Scheme.
- d) The proposal modified to fully comply with Standard B20 (North facing windows) at Clause 55.04-4 of the Glen Eira Planning Scheme, with any consequential changes absorbed within the remaining building envelope to the satisfaction of the Responsible Authority. A diagram/cross-section plan must be provided to demonstrate how the building setbacks achieve compliance with Standard B20.
- e) A notation on the plans that all upper floor habitable room windows and balconies on the northern, western, southern, internal eastern and internal western elevations to have fixed screening or fixed obscure glazing to a height of 1.7m above finished floor level, or otherwise to the satisfaction of the Responsible Authority.
- f) A schedule of construction materials, external finishes and colours (incorporating paint and render samples).

Car Parking

- g) The grades along the accessway ramp be clearly shown on the ground and basement floor plan, in accordance with Clause 52.06 and AS2890.1.
- h) The '10.5x3.5 MIN' notation provided within the tandem garages be amended to read the amended lengths i.e. 10.9 metres.
- i) The four (4) required resident bicycle spaces be provided within a lockable compound i.e. within the basement car park in accordance with Clause 52.34.

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

- 2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - a) A survey, including botanical names, of all existing vegetation to be retained.
 - b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
 - c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - d) Landscaping and planting within all open space areas of the site.
 - e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - i. 6 trees within the front setback (one for each dwelling);
 - ii. 8 trees within the northern boundary; and
 - iii. 8 trees within the western boundary.

Or 22 trees as above in locations to the satisfaction of the Responsible Authority.
Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.
- 3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
- 4. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

5. Before the development starts, tree protection fencing must be erected around the street trees at the following radial distances:
- Street Tree (Prickly-leaved Paperbark on the nature strip adjacent to No. 25 Prince Edward Avenue) – 5 metres
 - Street Tree (White Cedar on the nature strip adjacent to No. 27 Prince Edward Avenue) – 5.4 metres

Temporary fencing is to be used as per AS 4870-2009 section 4.3 to form a tree protection zone (TPZ). These fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fences must remain in place until the construction within the TPZ is completed. The TPZ for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the TPZ. No storage or dumping of tools, equipment or waste is to occur within the TPZ.

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

Above ground canopy TPZ to be adopted including that no works, structures or machinery will come within 1m of the trees crown/canopy as per AS 4870-2009 section 3.3.6.

TPZ fencing must be adopted to protect the street tree's trunk. Set at edge of TPZ on all sides (Finishing at paved surfaces). Temporary fencing to be used as per AS 4870-2009 section 4.3.

Hand excavate any area within 1.5m of the TPZ. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

Ground protection is to be used if temporary access for machinery is required within the TPZ. Strapped rumble boards are to be used within TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.

7. No excavation is to come within:
- 3.4 metres of the street tree (Prickly-leaved Paperbark on the nature strip adjacent to No. 25 Prince Edward Avenue)
 - 3.7 metres of the street tree (White Cedar on the nature strip adjacent to No. 27 Prince Edward Avenue)

Unless otherwise agreed in writing by the Responsible Authority. Any excavation within 1.5m of the TPZ must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

Ground protection is to be used if temporary access for machinery is required within the TPZ. Strapped rumble boards are to be used within the TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.

8. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
9. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

10. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
11. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
12. All walls on or facing a boundary must be cleaned and finished to the satisfaction of the Responsible Authority.
13. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
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 or on balconies without the prior written consent of the Responsible Authority.
15. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
16. The location of any substation/services/metres to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority. Any on-site substation must not be located in the front setbacks and must not reduce any open space for each apartment.

17. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:

- a) constructed;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced with an all weather sealcoat;
- d) drained;

to the satisfaction of the Responsible Authority.

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

18. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

19. Before the development starts, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

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

20. Before the building is occupied, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - b) Designation of methods of collection to be undertaken by private services unless otherwise agreed in writing by the responsible authority. The private collection must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - d) Details for best practice waste management once operating.

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

Melbourne Water Conditions (conditions numbered 21 to 25)

21. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must include ground and floor levels to Australian Height Datum (AHD), hydraulic calculations and amended as follows:
- a) The finished ground floor levels of the development must be set no lower than 29.25 metres to AHD, which is 300mm above the applicable flood level of 28.95 metres to AHD.
 - b) A minimum 40% of the site area must be shown at the current natural ground level.
 - c) The entry / exit driveway of the basement carpark must incorporate a flood proof apex set no lower than 29.25 metres to AHD which is 300mm above the applicable flood level of 28.95 metres to AHD.
22. The ground floor of the development must be constructed with finished floor levels set no lower than 29.25 metres to Australian Height Datum, which is 600mm above the applicable flood level of 28.95 metres to Australian Height Datum.

23. The entry / exit driveway of the basement carpark must be constructed with a flood proof apex set no lower than 29.25 metres to AHD which is 300mm above the applicable flood level of 28.95 metres to AHD.
24. A minimum of 40 % of the site area must be maintained at the existing natural ground level for flood storage and kept free of all solid obstruction.
25. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements

Conditions End

NOTES:

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- E. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service.

Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.

- F. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- G. The proposal includes the removal and replacement of the existing street tree. Please Contact Councils Parks Services Department on 9524 3333 to arrange the removal and replacement. All costs will be at the expense of the permit holder.

Council's Asset Management Department Advise:

- H. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works.
- I. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- J. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- K. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- L. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- M. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- N. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

Melbourne Water advice

- O. The 100-year ARI flood level for the property is 28.95m AHD. The property is located in a pondage area.

CARRIED UNANIMOUSLY

Meeting Extension**Moved: Cr Silver****Seconded: Cr Hyams**

That the meeting be extended to conclude at 11pm.

CARRIED UNANIMOUSLY

9.6 VCAT WATCH

Moved: Cr Silver**Seconded: Cr Delahunty***It is recorded that Cr Magee entered the Chamber at 9:47pm.*

That Council notes:

1. The applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.
2. The recent decisions of VCAT, including the commentary provided in relation to matters of notable interest.

CARRIED UNANIMOUSLY

**9.7 FOUNDATION FOR YOUTH EXCELLENCE APPLICATIONS COUNCIL
RECOMMENDATIONS QUARTER 2, 2018**

Moved: Cr Esakoff**Seconded: Cr Silver**

That Council approves the Foundation for Youth Excellence grants as outlined in this report.

CARRIED UNANIMOUSLY

9.8 CONNECTING WITH YOUNG PEOPLE STRATEGY 2018-2021

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

That Council endorses the *Connecting with Young People Strategy 2018-2021*.

It is recorded that Cr Silver vacated the Chamber at 9:59pm.

It is recorded that Cr Esakoff vacated the Chamber at 10:00pm.

It is recorded that Cr Silver entered the Chamber at 10:00pm.

It is recorded that Cr Esakoff entered the Chamber at 10:02pm.

CARRIED UNANIMOUSLY

9.9 COMMUNITY SAFETY PLAN

Moved: Cr Sztrajt**Seconded: Cr Esakoff**

That Council endorses the *Glen Eira Community Safety Plan 2018-2022*, the *Glen Eira Community Safety Action Plan July 2018 - June 2020* and the *Glen Eira Community Safety Snapshot 2018*.

CARRIED UNANIMOUSLY

9.10 COUNCIL PROCUREMENT POLICY - ANNUAL REVIEW

Moved: Cr Esakoff**Seconded: Cr Silver***It is recorded that Cr Sztrajt vacated the Chamber at 10:09pm.*

That Council review and approve the updated Procurement Policy shown in Attachment 1.

CARRIED UNANIMOUSLY

9.11 BIODIVERSITY IN GLEN EIRA

Moved: Cr Taylor**Seconded: Cr Davey**

That Council:

1. notes the community feedback; and
2. adopts the Biodiversity Implementation Plan with the following changes:
 - Attachment 1 to the report - Item 7.6 Boyd Park Sanctuary Murrumbena GECC Actions / Opportunities
 - If they re-emerge implement protective measures including weed removal and signage to deter people and dogs from the site.
 - Investigate options to protect orchids from snails that will not adversely affect native fauna, dogs or people.

It is recorded that Cr Sztrajt entered the Chamber at 10:14pm.

CARRIED UNANIMOUSLY

9.12 ADMINISTRATIVE UPDATE TO DELEGATIONS UNDER THE PLANNING AND ENVIRONMENT ACT 1987

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

That Council, in exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and section 188 of the *Planning and Environment Act 1987*, resolve that:

1. there be delegated to specific Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (refer Attachment 1);
2. the existing Instrument of Delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in paragraph (1) coming into effect;
3. the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies that Council may from time to time adopt;
4. the Instrument of Delegation be sealed; and
5. the Instrument of Delegation:
 - a) comes into force immediately when the seal of Council is affixed to it; and
 - b) remains in force until Council determines to vary or revoke it.

CARRIED UNANIMOUSLY

9.13 SALE OF PROPERTIES TO RECOVER UNPAID RATES - 6 PROPERTIES

Moved: Cr Silver**Seconded: Cr Esakoff**

That Council notes, as a last resort, officers are to commence the process of selling the properties detailed in the confidential attachments provided to Councillors, to recover all outstanding rates and charges. This action is taken pursuant to the powers granted to Council under Section 181 of the *Local Government Act 1989*. The objective is to recover the monies owed.

CARRIED

9.14 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 30 APRIL 2018

Moved: Cr Hyams**Seconded: Cr Esakoff**

That Council notes the Financial Management Report for the period ending 30 April 2018.

CARRIED UNANIMOUSLY

9.15 APPOINTMENT OF SIGNATORIES FOR 2017-18 FINANCIAL REPORT

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

That Council appoints the Mayor and Deputy Mayor to sign the 2017-18 Financial Statements and Performance Statement.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS**Moved: Cr Athanasopoulos****Seconded: Cr Hyams**

That Council considers acknowledging Glen Eira residents receiving Queen's Birthday Honours as an item of urgent business.

CARRIED UNANIMOUSLY

Moved: Cr Athanasopoulos**Seconded: Cr Hyams**

That Council congratulates the residents of Glen Eira who have been recognised in this year's Queen's Birthday Honours list. These awards recognise the contributions these worthy Australians have made to our community.

CARRIED UNANIMOUSLY

11. ORDINARY BUSINESS**11.1 Requests for reports from Officers - NIL****11.2 Right of reply - NIL****11.3 Councillor questions - NIL****11.4 Public questions to Council NIL****12. CONSIDERATION OF IN CAMERA ITEMS**

There were no confidential items submitted to the meeting.

13. CLOSURE OF MEETING

The meeting closed at 10.46pm.

Confirmed this 3 day of July 2018

Chairperson.....