



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

10 April 2018

7.30pm

Present

Cr Tony Athanasopoulos (Mayor)
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt
Cr Nina Taylor

Table of Contents

1. Acknowledgement
2. Apologies
3. Oath of Office and Disclosure of Interest
4. Confirmation of the Minutes of the Previous Council Meetings
5. Reception and Reading of Petition and Joint Letters
6. Documents for Sealing
7. Reports by Delegates Appointed by Council to Various Organisations
8. Reports from Committees
 - 8.1 Advisory Committees
 - 8.2 Records of Assembly
9. Presentation of Officers Report
 - 9.1 A New Heritage Policy for Glen Eira
 - 9.2 364 McKinnon Road, Bentleigh East
 - 9.3 7-11 Belsize Avenue, Carnegie
 - 9.4 13-15 Hamilton Street, Bentleigh
 - 9.5 495-501 Glen Huntly Road, Elsternwick
 - 9.6 368B Hawthorn Road, Caulfield South
 - 9.7 VCAT Watch
 - 9.8 Greater Cost Recovery for Town Planning Services
 - 9.9 Feasibility of Additional Tramlines in Glen Eira
 - 9.10 Rear of Unit 2, 52 Murrumbeena Crescent, Murrumbeena
 - 9.11 Financial Management Report for the Period Ending 20 February 2018
10. Urgent Business
11. Ordinary Business
 - 11.1 Requests for reports from Officers
 - 11.2 Right of Reply
 - 11.3 Councillor Questions
 - 11.4 Public Questions to Council
12. Confidential Business
 - 12.1 Aged Care (LGA – Section 89(2)(a) given it relates to personnel matters and (f) legal advice)
 - 12.2 Internal Audit – Community Information and Support Victoria (Glen Eira Branch) (LGA – Section 89(2)(d) given it relates to contractual matters and (h) any other matter which the Council or Special Committee considers would prejudice the Council or any person.
 - 12.3 Kerbside Collection Services Contract – Variation and Extension (LGA – Section 89(2)(d) given it relates to contractual matters)
13. Closure of Meeting



**Minutes of the Ordinary Meeting of Council
held in the Council Chamber, Glen Eira Council Offices,
Corner Hawthorn Road and Glen Eira Road, Caulfield
on Tuesday 10 April 2018 at 7.30pm**

The Mayor advised the gallery that all Council's Ordinary and Special Meetings will now be livestreamed to provide the community with greater access to Council debate and the decision making process.

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 – An apology was received from Cr Davey

Moved: Cr Delahunty

Seconded: Cr Magee

That the apology of Cr Davey be received and noted.

CARRIED UNANIMOUSLY

3. OATH OF OFFICE AND DISCLOSURE OF INTEREST

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 requirements 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 THE MINUTES OF THE PREVIOUS COUNCIL MEETINGS**4.1 Confirmation of the Minutes****Moved: Cr Silver****Seconded: Cr Delahunty**

That the minutes of the Ordinary Meeting held on Tuesday 20 March 2018 be confirmed.

CARRIED UNANIMOUSLY

5. RECEPTION AND READING OF PETITION 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

Cr Athanasopoulos reported on his recent attendance at the Metropolitan Transport Forum and advised of the upcoming meetings.

8. REPORTS FROM COMMITTEES

8.1 Advisory Committees

Moved: Cr Delahunty

Seconded: Cr Sztrajt

That the minutes of the Strategic Transport Advisory Committee meeting of 22 February 2018 and the Community Consultation Advisory Committee meeting of 21 March 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 Esakoff

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

- a. 6 March 2018
- b. 13 March 2018
- c. 20 March 2018
- d. 20 March 2018 (pre-meeting)
- e. 25 March 2018

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.

It is recorded that Cr Nina Taylor entered the Chamber at 7.48pm.

Section 9 Presentation of Officers Reports

9.1 A New Heritage Policy for Glen Eira

Moved: Cr Silver

Seconded: Cr Delahunty

That Council:

1. notes the recommendations of the Panel in relation to Amendment C149;
2. adopts Amendment C149 generally in accordance with the recommendations of the Panel and in accordance with the attached documents with the following amendment:
 - a. the designation of 10 St Georges Road, Elsternwick to remain as Contributory building for the Elsternwick Estate and Environs Historic Area in Clause 22.01.
3. forwards Amendment C149 to the Minister for Planning for approval in accordance with Section 31 of the *Planning and Environment Act 1987*; and
4. notes the further recommendations made by the Panel which relate to the future Major Heritage Review, commencing in 2018.

CARRIED UNANIMOUSLY

9.2 364 McKinnon Road, Bentleigh East

Moved: Cr Hyams

Seconded: Cr Magee

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31478/2017 at 364 McKinnon Road Bentleigh East for use and development of the land for the purpose of a child care centre in accordance with the following conditions:

1. Before the commencement of the development and use, 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 'Bentleigh East Early Learning Centre', 364 McKinnon Road Bentleigh East Vic 3165, Project No. 20170035, Sheets TP02-TP07, Revision P1, dated various prepared by Baldasso Cortese P/L & Acoustic Fencing plans prepared by Lee Brothers Fencing P/L) but modified to show:

Built Form

- (a) The balcony areas facing Joy Street at first floor setback an overall minimum distance of 3 metres from the western property boundary with this change absorbed within the remainder of the building envelope.
- (b) The balcony area adjacent 8 Joy Street at first floor setback an overall minimum distance of 4 metres from the southern property boundary with this change absorbed within the remainder of the building envelope.
- (c) Where they abut residential properties to the south and east, the balconies must be screened to avoid downwards views to secluded private open space to the satisfaction of the Responsible Authority.
- (d) The overall site coverage reduced to a maximum of 50 per cent and all change absorbed within the remainder of the building envelope.

Transport Planning/Access

- (e) The vehicle access way ramp to the basement to have a minimum trafficable width of 5.5 metres and minimum 300mm kerbs on each side (6.1 metres in total) with this dimensioned on the basement and ground floor plans.
- (f) The vehicle crossover to the access way ramp to the basement dimensioned at 5.5 metre and be aligned with the trafficable section of the access way ramp. The crossover must be designed and shown as splayed crossovers in accordance with Council's standards
- (g) The dimensions of the grades of the access ramp clearly shown and dimensioned on the basement plan, ground floor plan and section diagram and in accordance with Clause 52.06-8 of the Planning Scheme;
- (h) The columns within the basement car park located no less than 250mm and extend no more than 1.25 metres from the car park aisle. The columns must be clearly dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme
- (i) A bollard provided at the rear of the turning bay i.e. 1.5 metres from the rear of the space to discourage motorists from parking in this area;

- (j) 300mm clearances provided between car spaces adjacent to walls, in accordance with Diagram 1 of Clause 52.06. This must be shown & dimensioned on the basement plan.

Landscaping

- (k) A Landscape Plan in accordance with Condition 5
- (l) The delineation of separate Tree Protection Zone (TPZ) & Tree Protection Fencing (TPF) for the following tree/s at the prescribed radial distance from the base of tree trunk to define a tree protection zone (TPZ):
- Tree 1 (neighbouring Pittosporum to South) – 3.5m
 - Tree 2 (neighbouring Bottlebrush to South) – 2.0m
 - Tree 3 (neighbouring Crepe Myrtle to South) – 2.0m
- (m) The delineation of root sensitive footings where any part of the development comes within the following TPZ's:
- Tree 1 (neighbouring Pittosporum to South) – 3.5m
 - Tree 2 (neighbouring Bottlebrush to South) – 2.0m
 - Tree 3 (neighbouring Crepe Myrtle to South) – 2.0m
- (n) The delineation of root sensitive permeable paving where any part comes within comes within the following TPZ's:
- Tree 1 (neighbouring Pittosporum to South) – 3.5m
 - Tree 2 (neighbouring Bottlebrush to South) – 2.0m
 - Tree 3 (neighbouring Crepe Myrtle to South) – 2.0m
- (o) The delineation of separate Tree Protection Zone (TPZ) & Tree Protection Fencing (TPF) for the following street trees at the prescribed radial distance from the base of tree trunk to define a tree protection zone (TPZ):
- Purple-leaved plum on McKinnon Road – 3 metres
 - Ornamental pear on McKinnon Road – 2 metres
 - 2 x Manchurian pears on Joy Street – 2 metres each

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. Note: This does not obviate the need for a permit where one is required.
3. The use allowed under this permit may only operate between 7.00 am and 6.30pm Monday to Friday.
4. Not more than 114 children may be on the premises at any one time. This excludes children not enrolled at the centre.
5. 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) All existing retained vegetation to be identified.

- (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) 4 trees along the McKinnon Rd. frontage to North;
 - (ii) 5 trees along the Joy St. frontage to Westor 9 trees in locations to the satisfaction of the Responsible Authority. Trees are not to be sited over easements.

All species selected must be to the satisfaction of the Responsible Authority.
6. Before the use starts, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. The Car Parking Management 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 parent car spaces during the morning and afternoon peak periods;
 - (b) Which car spaces will be occupied by staff first;
 - (c) Availability of parent parking during the middle of the day;
 - (d) Arrangements for delivery vehicles;
 - (e) Encouraging use of bicycles and shared transport arrangements;
 - (f) Intended education of parents and staff about the Parking Management Plan such as through an orientation session or the like.
7. Prior to the occupation of the approved development, 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 including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.

- Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
8. All security alarms or similar devices installed on the land must be of a silent type and be connected to a registered security service to the satisfaction of the Responsible Authority.
 9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
 10. 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.
 11. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the prior written consent of the Responsible Authority.
 12. 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;
 - (d) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) any requirements outlined within this permit as required by the relevant referral authorities;
 - (g) hours for construction activity in accordance with any other condition of this permit;
 - (h) measures to control noise, dust, water and sediment laden runoff;
 - (i) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (j) any construction lighting to be baffled to minimise intrusion on adjoining lots.
 13. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the following tree/s at the prescribed radial distance from the base of the trunk to define a tree protection zone (TPZ):
 - Tree 1 (neighbouring Pittosporum to South) – 3.5m
 - Tree 2 (neighbouring Bottlebrush to South) – 2.0m
 - Tree 3 (neighbouring Crepe Myrtle to South) – 2.0m

This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

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

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

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

NOTE: where tree protection fencing is impractical formalised ground protection can be installed. Ground protection must comprise strapped timber rumble-boards installed over the previously installed layer of mulch.

14. Any required pruning to retained site tree/s and the overhanging canopy of any neighbouring tree/s is to be done by a qualified Arborist to Australian Standard – *Pruning of Amenity Trees* AS4373 – 2007 Standards Australia.
15. Prior to the commencement of the development, a fee of \$1,127.69 must be paid to the Responsible Authority for the removal and replacement of the existing street tree located at the entrance of the proposed basement. The street tree will be replaced with the species, maturity and location of which will be selected by Council's Parks Services Department.
16. The existing street tree as noted in condition 14 to be removed must be replaced by a tree, the species, maturity and location of which must be to the satisfaction of Council's Parks Services Department. The new tree must be planted and maintained to the satisfaction of Council at no expense to the Council.
17. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street trees around the site to be retained.
18. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street trees at a radius of:
 - Purple-leaved plum on McKinnon Road – 3 metres
 - Ornamental pear on McKinnon Road – 2 metres
 - 2 x Manchurian pears on Joy Street – 2 metres each

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

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

Above ground canopy TPZ (Tree Protection Zone) to be adopted. No works, structures or machinery will come within 1m of the trees crown/canopy as per AS 4870-2009 section 3.3.6.

Tree Protection Zone (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 Tree Protection Zone (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 Tree Protection Zone (TPZ). Strapped rumble boards are to be used within TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.

20. No excavation is to come within:

- Purple-leaved plum on McKinnon Road – 2.1 metres
- Ornamental pear on McKinnon Road – 1.5 metres
- 2 x Manchurian pears on Joy Street – 1.6 metres each

of the existing street tree (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones 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 (Tree Protection Zone). Strapped rumble boards are to be used within the tree protection zone to limit ground compaction as per AS 4870-2009 section 4.5.3.

21. Any pruning of the root system of any retained site tree or neighbouring tree is to be done by hand by a qualified Arborist.

22. Root sensitive footings such as pier and beam or screw pile footings (or similar) are to be used where any part of the development comes within the following TPZ's. If used, the beam should be designed to be positioned above soil grade to minimise soil excavation & root severance:

- Tree 1 (neighbouring Pittosporum to South) – 3.5m
- Tree 2 (neighbouring Bottlebrush to South) – 2.0m
- Tree 3 (neighbouring Crepe Myrtle to South) – 2.0m

23. Root sensitive permeable paving such as 'on-ground' or no-dig' paving (or similar) is to be used where any part of the proposed paving comes within the following TPZ's:

- Tree 1 (neighbouring Pittosporum to South) – 3.5m
- Tree 2 (neighbouring Bottlebrush to South) – 2.0m
- Tree 3 (neighbouring Crepe Myrtle to South) – 2.0m

24. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.

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

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

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all weather sealcoat;
- (d) drained;
- (e) line-marked to indicate each car space and all access lanes;
- (f) clearly marked to show the direction of traffic along the access lanes and driveways;

to the satisfaction of the Responsible Authority.

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

27. 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.
28. The redundant vehicle crossing must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
29. Prior to completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority; verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced); and
30. Prior to the completion of the ramp to the basements, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).

Permit expiry

31. This Permit will expire if:
 - The demolition, development and use 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.

CARRIED UNANIMOUSLY

9.3 7-11 Belsize Avenue, Carnegie

Moved: Cr Esakoff

Seconded: Cr Hyams

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31395/2017 at 7-11 Belsize Avenue, Carnegie, in accordance with the following 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 TP100 Rev B, TP101-103 Rev A, TP104 Rev B, TP150 Rev B, TP400-402 Rev A, TP450 Rev A dated 15/11/17 and 22/01/2018 and drawn by Ewert Leaf) but modified to show:

General

- (a) A plan demonstrating how the north, east and south balconies at level 3 comply with Standard B22 (Overlooking) at Clause 55.04-6 of the Glen Eira Planning Scheme, and the provision of any screening required to ensure compliance with the standard.
- (b) The front wall of dwelling G.07 to be set back to align with the front wall of the dwelling at 13 Belsize Avenue and all change absorbed within the remainder of the building envelope.
- (c) All side set backs to comply with Standard B17 of Clause 55.04-1 of the Glen Eira Planning Scheme and all change absorbed within the remainder of the building envelope
- (d) An Environmentally Sustainable Design Report outlining how the development complies with Standard B39 and B49 of Clause 55.07 of the Glen Eira Planning Scheme. Any recommendations within this report must be notated on the plans.
- (e) A notation on the plans that the dwellings will not exceed a maximum NatHERS annual cooling load of 21mj/m².
- (f) A schedule of construction materials, external finishes and colours (incorporating paint and render samples).
- (g) Notations stating that all existing crossovers on Belsize Avenue are to be removed and reinstated with footpath / nature strip to Council's satisfaction.
- (h) Location of any substation/services/metres to be clearly shown on the plans and to be an integral part of the development design.
- (i) A Landscape Plan in accordance with Condition 2.

Car Parking

- (j) Car parking to be provided in accordance with Condition 12, including modification to layout of the development, including but not limited to a reduction in dwelling numbers, a reduction in bedroom numbers, or provision of additional car parking spaces within the basement level such as through the provision of a car stacker.

- (k) The access way be redesigned to either include a passing area as per the design requirements set out under Clause 52.06 (i.e. 6.1 metres in width by 7 metres in length) or be designed as a single width access way ramp, measuring 3 metres in width including 300mm kerbs on each side (6.1 metres in total). This should be clearly shown and dimensioned on the plans.
- (l) The proposed crossover must be shown measuring at the same width as the trafficable section of the access way and designed as splayed crossovers in accordance with Council's requirement and standards.
- (m) All car space allocated to residents need to be allocated to each of the dwellings i.e. shown annotated as spaces 1 to 36.

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

2. A detailed Landscape Plan must be submitted to Council, to the satisfaction of the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate the following:

- (a) A survey, including botanical names, of all existing vegetation to be retained.
- (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
- (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- (d) Landscaping and planting within all open space areas of the site.
- (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) 9 trees along the northern boundary;
 - (ii) 7 trees along the southern boundary;
 - (iii) 9 trees along the eastern boundary;
 - (iv) 8 trees along the western boundary; and
 - (v) 1 larger tree species within each of the north-west, north-east and south-east site corners.

Or 36 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 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.
4. Before the development starts, tree protection fencing must be erected around the street trees at the following radial distances:
 - Street Tree 1 (the Brush Box on the nature strip adjacent to No. 5 Belsize Avenue) – 5.4 metres
 - Street Tree 2 (the Brush Box on the nature strip adjacent to No. 7 Belsize Avenue) – 2 metres
 - Street Tree 3 (the Brush Box on the nature strip adjacent to No. 9 Belsize Avenue) – 4.8 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.

5. 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.
6. 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
 - Street Tree 1 (the Brush Box on the nature strip adjacent to No. 5 Belsize Avenue) – 3.8 metres
 - Street Tree 2 (the Brush Box on the nature strip adjacent to No. 7 Belsize Avenue) – 1.5 metres
 - Street Tree 3 (the Brush Box on the nature strip adjacent to No. 9 Belsize Avenue) – 3.3 metres

without the prior consent of 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. Before the dwellings are occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
 11. 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.
 12. The car parking allocation for the approved development must be:
 - One (1) car space be allocated to each of the one/two-bedroom dwellings;
 - Two (2) car spaces be allocated to each of the three-bedroom dwellings; and
 - A minimum of one (1) visitor car space to each five (5) dwellings
 13. 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.
 14. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
 15. 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.
 16. 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.
17. Prior to the occupation of the approved development, 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. 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.

18. If a car stacker is provided in order to comply with condition 12, before the occupation of the approved development, the permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:
- (a) Allocation of car spaces according to vehicle size and type;
 - (b) Ongoing maintenance of the car stacker system;
 - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
 - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

Once approved this document 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.

CARRIED UNANIMOUSLY

9.4 13-15 Hamilton Street, Bentleigh

Moved: Cr Hyams

Seconded: Cr Esakoff

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31174/2017 at 13-15 Hamilton Street Bentleigh that allows for construction of a four storey building comprising up to 27 dwellings on land affected by the Special Building Overlay and a reduction in the Standard Car Parking requirement in accordance with the following conditions:

1. Before the commencement of the development, 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 Hamilton Street', Project No. 1741, Drawing No. TP-100-104, TP-150, TP.400-402, TP-500 (all Revision B, dated 5.12.2017, '13-15 Hamilton Street Vic, 3204, External Finishes Schedule, Revision A' & 'Proposed Storage Schedule: 13-15 Hamilton Street' but modified to show:

Built Form

- (a) The front wall of dwelling G.01 associated with Bedroom 1 and the Living Room to be set back a further 1 metre and all change absorbed within the remainder of the building envelope.
- (b) All side set backs to comply with Standard B17 of Clause 55.04-1 of the Glen Eira Planning Scheme and all change absorbed within the remainder of the building envelope
- (c) The second level setback from the streetscape an overall minimum distance of 9 metres from the front (southern) property boundary with this change absorbed within the remainder of the building envelope. Balconies may encroach no more than 2.5 metres into this setback.
- (d) The third level setback from the streetscape an overall minimum distance of 11 metres from the front (southern) property boundary with this change absorbed within the remainder of the building envelope. Balconies may encroach no more than 2.5 metres into this setback.
- (e) Reduction in the overall site coverage to a maximum of 60 per cent.
- (f) Provision of an acoustic fence along the eastern boundary where it is adjacent to the vehicle access ramp. The acoustic fence must be designed to limit vehicle noise to the adjacent property at 17 Hamilton Street. The fence must not be higher than 1.5m within 3 metres of the street frontage.
- (g) A note provided on the plans that written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
- (h) An updated ESD report reflective of the plan changes required under condition 1 to demonstrate compliance with the ESD requirements of Clause 58 of the Glen Eira Planning Scheme.

Transport Planning

- (i) The basement car park and vehicular access to be dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme or otherwise to the satisfaction of the Responsible Authority.
- (j) A note regarding the above all bonnet storage cages in basement that they are to extend no more than 900mm into the parking space and must have a minimum height clearance of 1.35m.
- (k) 2 bicycle rails (to provide for 4 spaces) provided in an appropriate location in the front setback or common area for visitors.
- (l) The inclusion of a security gate to the basement ramp in an appropriate location to the satisfaction of the Responsible Authority.
- (m) Car parking to be provided in accordance with Condition 31, including modification to layout of the development, including but not limited to a reduction in dwelling numbers, a reduction in bedroom numbers, or provision of additional car parking spaces within the basement level such as through the provision of a car stacker.

Landscaping

- (n) Retention/transplantation of the on-site Tree 8 (Canary Island Palm) in an appropriate location of the development or an otherwise appropriate mature canopy tree to be incorporated into the development to the satisfaction of the Responsible Authority.
- (o) The submission of a Tree Management/Landscape Management Plan prepared by a suitably qualified Arborist to outline how Tree 8 (Canary Island Palm) or an otherwise appropriate mature canopy tree is to be successfully managed/transplanted within the development.
- (p) A Landscape Plan in accordance with Condition 2

Melbourne Water

- (q) Plans amended/noted to comply with Conditions 6, 7, 8, 9 and 10 of this permit to satisfy Melbourne Water's requirements.

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) All existing retained vegetation to be identified.
 - (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) 8 trees along the rear North boundary;
 - (ii) 5 trees along the front South boundary;

- (iii) 6 trees along the side West boundary;
- (iv) 2 trees within the rear North-west site corner;
- (v) 1 tree within the rear North-east site corner;

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.

Melbourne Water Conditions

3. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions relating to setbacks and fencing. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
4. The dwellings must be constructed with finished floor levels set no lower than 23.62 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 23.32m to AHD.
5. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
6. The setback of 2 metres from the western property boundary must be set at the existing natural surface level with no obstructions (i.e. no garages, sheds or watertanks/hot water services) for the passage of overland flows with the exception of open style fencing.
7. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the building and driveway ramps.
8. All decking within the 2 metre western setback must be constructed with unenclosed foundations, steps with open risers to allow for the passage of overland flows.
9. Any new fence or gate within the 2 metre western setback must be of an open style of construction (minimum 50%) to allow for the passage of floodwaters/overland flows.
10. The front boundary fence within the 2 metre western setback, must be of an open style of construction (minimum 50%) to allow for the passage of floodwaters/overland flows.

End Melbourne Water Conditions

11. 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.
12. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

13. 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.
14. Prior to the commencement of the development, a schedule of construction materials, external finishes and colours (incorporating paint samples) must be submitted to, and approved by, the Responsible Authority. When approved, the schedule will be endorsed and will form part of the permit.
15. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
16. 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.
17. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
18. Prior to the occupation of the approved development, 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. 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.

19. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. 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. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority
 21. 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.
 22. 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.
 23. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
 24. 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.
 25. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.
 26. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree in front of 15 Hamilton Street at a radius of 2 metres from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced

until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

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

Above ground canopy TPZ (Tree Protection Zone) to be adopted. No works, structures or machinery will come within 1m of the trees crown/canopy as per AS 4870-2009 section 3.3.6.

Tree Protection Zone (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 Tree Protection Zone (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 Tree Protection Zone (TPZ). Strapped rumble boards are to be used within TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.

28. No excavation is to come within 1.5m of the existing street tree (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones 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 (Tree Protection Zone). Strapped rumble boards are to be used within the tree protection zone to limit ground compaction as per AS 4870-2009 section 4.5.3.

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

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all weather sealcoat;
- (d) drained;
- (e) line-marked to indicate each car space and all access lanes;
- (f) clearly marked to show the direction of traffic along the access lanes and driveways;

to the satisfaction of the Responsible Authority.

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

30. 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.
31. Not less than one (1) car space per one or two bedroom apartment;
- Not less than two (2) car spaces per three (3) or more bedroom apartment;
 - A minimum of one (1) visitor car space to each five (5) dwellings

32. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
33. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
34. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed generally in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
35. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed generally in accordance with the endorsed plans.
36. If a car stacker is provided in order to comply with condition 31, before the occupation of the approved development, the permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:
 - (a) Allocation of car spaces according to vehicle size and type;
 - (b) Ongoing maintenance of the car stacker system;
 - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
 - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

Once approved this document 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.

Procedural Motion

Moved: Cr Hyams Seconded: Cr Delahunty

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

CARRIED UNANIMOUSLY

The Motion Moved by Cr Hyams and Seconded by Cr Esakoff was Put and
CARRIED UNANIMOUSLY

9.5 495-501 Glen Huntly Road, Elsternwick

Moved: Cr Silver

Seconded: Cr Delahunty

That Council issues a Notice of Decision to Grant an Amended Planning Permit for Application No. GE/PP-27086/2014A at 495-501 Glen Huntly Road Elsternwick in accordance with the following conditions:

Amended Permit Preamble:

Construction of a seven (7) storey building containing up to 18 dwellings, two shops, the reduction of a car parking requirement, waiver of the loading bay requirement in accordance with the endorsed plans.

Conditions, as amended: Deletion of Condition 1(e), (g), (k), (l) and (p) (shown in bold)

1. Before the commencement of the development, 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 be generally in accordance with the plans submitted with the application (identified as TP1.01-TP1.10, 2.01-2.04 and 3.01-3.02 dated 4/10/2014 prepared by Rothe Lowman Architects) but modified to show:
 - (a) ...~~deleted~~...
 - (b) ...~~deleted~~...
 - (c) ...~~deleted~~...
 - (d) A minimum of 2 shop parking spaces provided at ground level.
 - ~~(e) Bollards shown adjacent to car space 11 (at both basement levels) and the pedestrian entry to the lift core relocated so as to allow movements in the basement levels for an 85th percentile vehicle to car space 9.~~
 - (f) ...~~deleted~~...
 - ~~(g) The specification and dimensions of each car lift.~~
 - (h) The columns within the car parks no less than 250mm and extending no more than 1.0m from the car park aisle and dimensioned accordingly.
 - (i) Dimensions of all car spaces.
 - (j) Car spaces adjacent to walls or storages area provided with 300mm clearance or alternatively widened to 2.9m.
 - ~~(k) Car spaces 1-6 within Basement 01 provided with above bonnet storage cages measuring a maximum of 900mm out into the car space and 1.5m above ground.~~
 - ~~(l) Storage cages adjacent to car space 8 (at ground floor) and car space 6 (at basement 1) (not being over bonnet storage cages) replaced with over bonnet storage cages or be provided with not less than 1m clearance to opening~~
 - (m) A minimum height clearance of 2.25m provided within the basement car parks.
 - (n) ...~~deleted~~...

- (o) The pedestrian sight triangle on the southern side of the proposed crossover measuring 2.5m (along the driveway) and 2.0m (along the footpath) with no vegetation or structures greater than 600mm in height with dimensions shown.
- (p) ~~The bicycle parking spaces shown to be located on the nature strip of Yorston Court deleted.~~
- (q) An alternative bicycle parking arrangement for 4 visitor bicycle parks on site. The design and layout of the bicycle parking spaces must accord with AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and be clearly articulated on the plans.
- (r) *...deleted...*
- (s) Notations to state that the existing crossovers are to be removed and reinstated with kerb and nature strip /footpath.
- (t) The proposed canopy on Glen Huntly Road setback a minimum of 750mm from the face of kerb to minimise damage from larger vehicles.

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. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme.

Note: This does not obviate the need for a permit where one is required.

3. The existing wall footing along the east boundary must be retained and protected during construction until excavation for the basement east boundary piling commences, to ensure the impact on the health or structure of the neighbouring trees are protected as long as possible. Any damage caused by the existing structures must be reinstated to the satisfaction of the Responsible Authority. Any excavation for piling along the eastern boundary near the adjacent cypress trees is only to be undertaken under the supervision of a qualified Arborist, to the satisfaction of the Responsible Authority.
4. Prior to the commencement of the development, a fee of \$778 must be paid to the Responsible Authority for the removal and replacement of the existing Purple Leaf Cherry Plum street tree. Removal of the street tree may only be undertaken by the Responsible Authority.
5. Any pruning that is required to be done to the canopy of any trees retained on-site or where the canopy of neighbouring property tree/s overhang the site, is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.
6. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.
7. The proposed works must not cause any damage to the existing street trees to be retained. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
8. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the Hills Weeping Fig street tree at a radius of 2.0m from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required.

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

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

Above ground canopy TPZ (Tree Protection Zone) to be adopted. No works, structures or machinery will come within 1m of the trees crown/canopy as per AS 4870-2009 section 3.3.6.

Tree Protection Zone (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 excavates any area within 1.5m of the Tree Protection Zone (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 Tree Protection Zone (TPZ). Strapped rumble boards are to be used within TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.

10. No excavation is to come within 2.0m of the existing Hills Weeping Fig street tree without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones 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 (Tree Protection Zone). Strapped rumble boards are to be used within the tree protection zone to limit ground compaction as per AS 4870-2009 section 4.5.3.
11. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - (a) An allocation of not less than one (1) car space for each 1 or 2 bedroom dwelling, 2 car spaces for each three bedroom dwelling and not less than 2 spaces for shop use.
 - (b) The number and location of car parking spaces allocated to each dwelling and shop.
12. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
13. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained;

- (e) line-marked to indicate each car space and all access lanes;
- (f) clearly marked to show the direction of traffic along the access lanes and Driveways

to the satisfaction of the Responsible Authority.

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

14. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. 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) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (d) any requirements outlined within this permit as required by the relevant referral authorities;
 - (e) hours for construction activity in accordance with any other condition of this permit;
 - (f) measures to control noise, dust, water and sediment laden runoff;
 - (g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (h) any construction lighting to be baffled to minimise intrusion on adjoining lots.
 - (i) details of proposed tree protection measures to be implemented during construction in respect of the row of cypress trees at 509 Glenhuntly Road.

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

15. 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.
16. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
17. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

18. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
19. Air conditioning units located on balconies must be screened from view and not visible from the street or adjoining properties.
20. 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.
21. ...deleted...
22. ...deleted...
23. ...deleted...
24. ...deleted...
25. Before the commencement of the use/development and any associated buildings and works (other than works for investigation/remediation of the site) hereby approved, an Environmental Site Assessment Report must be submitted to the Responsible Authority containing the following information, as appropriate:

Establish a chronological history of the land uses on the site and identify any uses that may have resulted in contamination of the site. This may include an analysis of historical information including the following:

- How long the land use or activity took place on the subject site and where the site is contaminated.
- A description of the contamination on, under or from the subject site and its extent.
- How any contamination is being managed or may be managed to prevent any detrimental effect on the use and development of the subject site or adjoining land or on buildings and works.

The report is to advise, having regard to the proposed use and/or development permitted under this permit, whether:

- an Environmental Audit is required, or
- Based on a land use history of the site, the proposed development and sensitive land use is considered acceptable and no management plan is required.
- Based on a land use history of the site, the proposed development and land use is considered acceptable provided that the conditions in the attached Environmental Management Plan are undertaken.

This report is to be prepared by either a suitably qualified environmental professional (who must be a member of the Australian Contaminated Land Consultants Association) or an environmental auditor approved by the EPA, in accordance with the National Environmental Protection Measure (assessment of site contamination) 1999, as amended. This report is open to peer review at a cost to the permit holder/owner of the land at any time.

If an Environmental Management Plan is required, all conditions in the Environmental Management Plan must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority.

Where there are conditions in an Environmental Management Plan that require, but not limited to:

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment;
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated.

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

If the Site Assessment Report concludes that an Environmental Audit is required for the proposed use, the permit holder/owner must submit to the Responsible Authority either:

- A certificate of environmental audit is issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the use.

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

Where there are conditions on a Statement of Environmental Audit that require, but not limited to:

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment;
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated.

The permit holder/owner must enter into a Section 173 Agreement under the Planning and Environment Act 1987 (unless deemed unnecessary by the Responsible Authority) to give effect to the ongoing maintenance and/or monitoring conditions contained in the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The permit holder/owner must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

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

26. 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.

CARRIED UNANIMOUSLY

9.6 368B Hawthorn Road, Caulfield South

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

That Council issues a Notice of Refusal for Planning Permit Application No. GE/PP-1837/1976/A (CAUL1837/A) at 368 Hawthorn Road, Caulfield South on the grounds that the impact of additional car parking on the local street network would be detrimental to the amenity of the area contrary to Clauses 18.02 (movement networks), 21.12 (Transport) and the decision guidelines at Clause 65 of the Glen Eira Planning Scheme.

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

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

CARRIED UNANIMOUSLY

The Motion Moved by Cr Delahunty and Seconded by Cr Magee was Put and
CARRIED UNANIMOUSLY

9.7 VCAT Watch

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

It is recorded that Cr Esakoff vacated the Chamber at 9.37pm and re-entered at 9.40pm.

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

9.8 Greater Cost Recovery for Town Planning Services

Moved: Cr Esakoff

Seconded: Cr Sztrajt

That Council:

1. notes the report; and
2. considers proposed planning fees as part of the 2018/2019 budget setting process.

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Hyams Seconded: Cr Silver

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY

9.9 Feasibility of Additional Tramlines in Glen Eira

Moved: Cr Magee

Seconded: Cr Athanasopoulos

That Council:

1. notes the report; and
2. continues to advocate to the State Government to improve public transport outcomes the City of Glen Eira, as per Council's Advocacy Strategy 2018-2020.

CARRIED UNANIMOUSLY

9.10 Rear of Unit 2, 52 Murrumbeena Crescent, Murrumbeena

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

That Council issues a Planning Permit to remove the reserve status affecting part of the land and to vest the land in Council ownership for Application No. GE/PP-31515/2018 at the rear of Unit 2 52 Murrumbeena Crescent, Murrumbeena in accordance with the following conditions:

1. The size, layout and location of the lot 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.
2. This Permit will expire if:
 - Two (2) years after the date of this Permit if the plan of subdivision is not certified within that time; or
 - Five (5) years after the date of certification of the plan of subdivision.

The Responsible Authority may extend the times for expiry of this Permit referred to above if a request is made in writing by the owner or occupier of the subject land before this Permit expires or within six (6) months afterwards.

Note:

- A. This Planning Permit represents the Planning approval for the subdivision 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

It is recorded that Cr Magee vacated the Chamber at 10.12pm.

CARRIED UNANIMOUSLY

9.11 February 2018 Financial Management Report

Moved: Cr Delahunty

Seconded: Cr Hyams

That Council notes the Financial Management Report for the period ending 28 February 2018.

It is recorded that Cr Magee entered the Chamber at 10.14pm.

CARRIED UNANIMOUSLY

10. URGENT BUSINESS

There were no items of urgent business submitted to the meeting.

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**

Mr Jordan Kagan Gescheit was not present in the Chamber and therefore his questions were not read at the meeting. A letter will be sent to Mr Kagan Gescheit with the questions and the responses in accordance with the Local Law.

12. CONFIDENTIAL BUSINESS

Moved: Cr Silver

Seconded: Cr Hyams

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

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

- 12.1 Aged Care (*Local Government Act 1989* – Section 89(2)(a) given it relates to personnel matters and (f) legal advice)
- 12.2 Internal Audit – Community Information and Support Victoria (Glen Eira Branch) (*Local Government Act 1989* – Section 89(2)(d) given it relates to contractual matters and (h) any other matter which the Council or Special Committee considers would prejudice the Council or any person.
- 12.3 Kerbside Collection Services Contract – Variation and Extension (*Local Government Act 1989* – Section 89(2)(d) given it relates to contractual matters)

CARRIED UNANIMOUSLY

Procedural Motion

Moved: Cr Silver

Seconded: Cr Hyams

That the meeting be resumed in open Council.

CARRIED UNANIMOUSLY

13 CLOSURE OF MEETING

The Mayor closed the meeting at 10.29pm.

Confirmed this 1 Day of May 2018

Chairperson: