



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 26 FEBRUARY 2019**

**MINUTES**

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

Present

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

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## 1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

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

## 2. Apologies

### Apologies

**Moved: Cr Magee**

**Seconded: Cr Sztrajt**

That the apologies from Cr Tony Athanasopoulos and Cr Mary Delahunty be received and noted.

**CARRIED UNANIMOUSLY**

## 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 Silver**

**Seconded: Cr Esakoff**

That the minutes of the Ordinary Council Meeting held on 5 February 2019 be confirmed.

**CARRIED UNANIMOUSLY**

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

Nil

**6. DOCUMENTS FOR SEALING**

Nil

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

Nil

**8. REPORTS FROM COMMITTEES**

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**8.1 Advisory Committees**

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**8.1.1 ADVISORY COMMITTEE MINUTES**

**Moved: Cr Davey**

**Seconded: Cr Magee**

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

- a. 6 December 2018 – Strategic Transport Advisory Committee
- b. 31 January 2019 – Community Grants Advisory Committee

**CARRIED UNANIMOUSLY**

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**8.2 Records of Assembly**

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**8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

**Moved: Cr Silver**

**Seconded: Cr Esakoff**

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

- a. 22 January 2019
- b. 29 January 2019

**CARRIED UNANIMOUSLY**

## **Public Participation**

The Mayor advised that at this stage of the meeting 15 minutes is allowed for public participation in accordance with clause 230(1) of the Glen Eira Local Law.

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## 9. PRESENTATION OF OFFICER REPORTS

*It is recorded that Cr Esakoff declared a Direct Conflict of Interest as she has an interest in a property near the application site. Cr Esakoff also declared an Indirect Conflict of Interest by Close Association as she has relatives living near the application site.*

*It is recorded that Cr Esakoff vacated the Chamber at 7:52pm prior to consideration of this matter.*

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### 9.1 47 ALMOND ST CAULFIELD SOUTH

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**Moved: Cr Silver**

**Seconded: Cr Sztrajt**

That Council support the proposal at the Victorian Civil and Administrative Tribunal for Application No. GE/PP-32286/2018 to allow construction a two storey apartment building comprising of five dwellings a fence exceeding 1.5 metres and associated basement car parking at 47 Almond Street, Caulfield South, in accordance with the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application identified as Drawing No's. TP-3.01, TP3.03, TP3.05, TP3.07, TP3.09, TP4.01, TP5.00, TP600 (all dated 10-10-18) (landscape dwg no. L-TP01 prepared by John Patrick) , and prepared by PINK Architecture) but modified to show:
  - (a) Deletion of the proposed second floor comprising apartment six;
  - (b) Any changes required by Melbourne Water at conditions 4-11 of this permit;
  - (c) A plan demonstrating how the first floor windows and balconies achieve compliance with Standard B22 (Overlooking) at Clause 55.04-6 of the Glen Eira Planning Scheme;
  - (d) A swept path analysis that includes the relevant stacker model including their gates demonstrating vehicles parked in the car stacker spaces (in particular the last space at the end of the accessway) can exit in a forward direction. In conducting the analysis, vehicles' wheels must not be turned from a stop position when travelling in a forward direction. The vehicle envelope must have dimensions that match the "relevant longitudinal dimensions" specified in Figure B2 of AS/NZS2890.1:2004. Swept path clearance lines must be kept clear of obstructions higher than 150mm;
  - (e) An annotation that all screening required to prevent overlooking, including screening from fencing is permanently maintained in good order to the satisfaction of the Responsible Authority;

- (f) The crossover to be relocated so that no part of it, including the splay, comes within 3.4m of the street tree (*Melaleuca linariifolia* / Flax Leaf Paperbark). As a result, the sight triangle on the eastern side of the vehicle accessway can be reduced to a minimum of 1m along the property frontage by 1.5m within the site.

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

Development not to be altered

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.*

Landscaping

3. The landscaping as shown the endorsed Landscape Plan must be carried out, completed and maintained, including that any dead, diseased or damaged plants are replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Melbourne Water (conditions 4-11)

4. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
- (a) The basement carpark must incorporate a flood proof apex and associated bunding set no lower than 25.86 metres to AHD.
5. The dwellings must be constructed with finished floor levels set no lower than 26.53 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 26.23m to AHD.
6. The basement must incorporate a flood proof apex set no lower than 25.86m to AHD, which is 300mm above the applicable flood level of 25.56m to AHD at point of development.
7. All doors, windows, vents and openings to the basement car park must be constructed no lower than 25.86m to AHD, which is 300mm above the applicable flood level of 25.56m to AHD at point of development.
8. A minimum three (3) metre setback measured from a combination of the eastern and/or western boundary maintained at natural surface level is required to allow for the passage of overland flows.
9. Any new fencing located within the 3 metre setback must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.

10. All private open space within the property must be set at existing natural surface level so as not to obstruct the passage of overland flows.
11. 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.

#### Management Plans

12. Waste management and collection must be undertaken in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 25 October 2018 unless otherwise agreed in writing by the Responsible Authority.

#### Construction Management Plan

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

The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

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

#### Car Parking, access and Council assets

14. 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
- (g) Storage areas over bonnets this must not extend more than 900mm into the parking space and must have a minimum height clearance of 1.35m

to the satisfaction of the Responsible Authority.

15. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
16. 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.
17. 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.

#### General requirements

18. Before the dwellings are occupied, the walls on or facing the boundary of a directly adjoining property must be cleaned and finished in a good order 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.
19. Before the development is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.

#### Permit expiry

20. 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.

**Permit 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.
- B. Council’s Parks Services Department is responsible for the removal and replacement of the existing street tree with all costs payable by the permit holder. The street tree will be replaced with the species, maturity and location of which will be selected by Council’s Parks Services Department.
- C. If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the *Planning and Environment Act 1987*. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
- D. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- E. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- F. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- G. 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.

- H. 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.
- I. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

Asset engineering notes:

- J. The existing side entry pit located within the proposed vehicle crossing must be converted to trafficable heavy duty gatic pit. New side entry pit further west shall be constructed in accordance to Council standard at owner's/developer's cost.
- K. The redundant vehicle crossing must be removed & footpath/kerb and channel/nature strip reinstated in matching to abutting conditions.
- L. 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 prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- M. Drainage associated with basement construction must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- N. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff vacated the Chamber prior to item 9.1 and was not present when this item was considered. Cr Esakoff entered the Chamber at 8:04pm.*

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**9.2 20 BENT STREET, BENTLEIGH**

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**Moved: Cr Magee****Seconded: Cr Esakoff**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-32360/2018 to allow construction of a four storey building comprising up to seven dwellings above a basement car park and construction of a fence at, 20 Bent Street, Bentleigh, 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 Job No. 2022, Plans A04-A10, A12, prepared by Erwin Chen and dated October 2018) but modified to show:

General

- (a) The southern wall on boundary to be decreased to an overall height of 3.06m
- (b) A plan demonstrating how upper level habitable room windows, balconies, dipping pools and roof terrace complies 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
- (c) A separate detail to be provided on the plans demonstrating how the interlayer mesh complies with Standard B22 (Overlooking) at Clause 55.04-6 of the Glen Eira Planning Scheme
- (d) The roof section located on the southern side of the building, above the hallway and master bedroom entrance/cupboard area must be lowered as follows:
  - For a length of 11.55m and a maximum width of 1.8m; and
  - To a height of 39.365 to Australian Height Datum
- (e) All ground floor habitable room windows opposite the subject site at 22-26 Bent Street, Bentleigh to be depicted on the ground floor plan as shown by the Site and Feature Survey submitted to Council on 31 January 2019.
- (f) The maximum building height taken from natural ground level to be annotated as 13.21m
- (g) The showers to each of the master bedrooms for apartments 1 to 6 are to be annotated as a hobless shower
- (h) A separate plan demonstrating compliance with Standard B49 (Natural Ventilation) at Clause 57.07-15 of the Glen Eira Planning Scheme
- (i) The secluded private open space area within the front setback for Apartment 1 to be annotated as a grassed area as depicted by the advertised ground floor landscape plan dated 29 November 2018

- (j) The permeability calculation to be updated and annotated correctly on the plans

#### Landscaping

- (k) A landscape plan in accordance with Condition 4
- (l) Increased landscaping to be provided along the pedestrian accessway on the southern boundary
- (m) Trees (including botanical names) on neighbouring properties within 3 metres of the boundary to be annotated on the ground floor plan
- (n) An arboriculture report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must address the viability of the trees on the adjoining property to the south at 14-18 Bent Street. Any measures/recommendations to ensure the viability of these trees must be stated and included on the architectural plans submitted for endorsement.

#### Car Parking

- (o) Pedestrian sight triangles measuring 2 metres along the property frontage by 2.5 metres along the exit lane to be provided on both sides of the accessway. The plans should note that "objects and landscaping in these areas are to be kept below 600mm in height"
- (p) All car stackers to annotate a usable to platform width of 2.6m
- (q) Car stacker pits to be annotated on the southern elevation
- (r) The car stacker make and model to be annotated on the plans with all dimensions annotated on the basement and elevation plans
- (s) The proposed widened crossover to be reduced in size to match the width of the accessway
- (t) A convex mirror to be installed at the bottom of the ramp to ensure adequate sightlines are provided between cars on the ramp and a car in the parking aisle

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. Before the dwellings are occupied, the walls on or facing a boundary of a directly adjoining properties must be cleaned and finished in a good order 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.

Landscaping

4. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will 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 2.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
    - (i) 2 trees within the front setback;
    - (ii) 3 trees within the rear private open spaces;or 5 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.

5. The landscaping as shown the endorsed Landscape Plan must be carried out, completed and maintained, including that any dead, diseased or damaged plant are replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
6. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.
7. Before the development starts (including demolition), a tree protection fence must be erected around the street tree at a radius of 2m from the base of the trunk to define a tree protection zone (TPZ). 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 TPZ must remain in place until the construction within the TPZ is required. 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.
8. The ground surface of the TPZ must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be maintained in good health during construction.

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.

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.

9. No excavation is to come within 2m 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 TPZ must be hand excavated.

#### Construction Management Plan

10. 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.

### Waste Management Plan

11. The waste management plan to be endorsed and which will then form part of the permit is the waste management plan prepared by Carlos Leigh of Leigh Design for Erwin Chen and dated 1 October 2018.

### Car Parking

12. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all weather sealcoat;
  - (d) drained;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.
13. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
14. 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 to be removed must be replaced with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.

### Bicycle Parking

15. Before the development is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.

### Expiry

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

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

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

Permit notes:

- A. Residents of the apartments allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. 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.

- C. 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.
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- E. 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.
- F. 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.
- G. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.

- H. 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.

Asset Engineering Notes

- I. Side entry pit which exists within the modified vehicle crossing to be converted into a heavy duty gatic junction pit and a new side entry pit further south in accordance with Council's standards is to be constructed at owner's cost
- J. Existing Telstra pit located within the modified crossing may be relocated to the satisfaction of responsible authority; otherwise consent/conditions from Telstra are to be sought.
- K. No net increase in peak stormwater runoff to Council's drainage network is to occur. 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 to any construction works.
- L. All stormwater runoff must be connected to Council drainage network with independent connection for each unit. There is to be no uncontrolled stormwater discharge to adjoining properties and footpaths.
- M. Engineering Services encourage use of rainwater tanks and/or stormwater detention system for storage and reuse for toilet and irrigation purposes.

**CARRIED UNANIMOUSLY**

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**9.3 37 EUMERALLA ROAD CAULFIELD SOUTH VIC 3162**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-32135/2018 allowing construction of two double storey attached dwellings at 37 Eumeralla Road, Caulfield South, in accordance with the following conditions:

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP1.02, TP1.03, TP1.04, TP2.01, CD4.01, TP5.01 and TP5.02 – Revision 1, dated March 2018 and prepared by Daryl Pelchen Architect) but modified to show:
  - (a) Reduction of paved areas within front setback through the deletion of the pedestrian pathways and this area set aside for landscaping
  - (b) The width of driveways to be shown on the plans and not exceeding 3.0m and maintaining a minimum setback of 2.8m from the existing street tree (Lemon Scented Gum – Tree 1 in the Arboricultural Impact Assessment Report, dated 20 September 2018 and prepared by Molly Arboriculture)
  - (c) Sight line or section diagrams demonstrating how the proposed screening measures (as shown on drawing TP5.02) will limit overlooking impacts from the first floor windows in accordance with Standard B22 at Clause 52.04-6 of the Glen Eira Planning Scheme
  - (d) The location of the front fence to be shown on the ground floor plan
  - (e) Advanced canopy trees (minimum 3 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
    - (i) 2x within the front setback (1 per dwelling)
    - (ii) 2x within the rear setback (1 per dwelling)or 4 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.
  - (f) The site coverage reduced to a maximum of 50 per cent.

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

General

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.

Car parking and access

3. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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.
4. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
5. The vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Walls on boundaries

6. Before the dwellings are occupied, the walls on or facing the boundaries of directly adjoining properties must be cleaned and finished in a good 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.

Tree protection

7. Before the development starts (including demolition), a tree protection fence must be erected around the street tree at a radius of 4.8 metres from the base of the trunk to define a tree protection zone (TPZ). Temporary fencing must 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 TPZ is required. 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.
8. No excavation is to come within 2.8m of the existing street tree (measured from the centre of the trunk) without the prior written consent of the Responsible Authority. 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.

Permit expiry

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.

**CARRIED UNANIMOUSLY**

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**9.4 653-655 GLEN HUNTLY ROAD CAULFIELD**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-32057/2018 to allow construction of a five storey building containing a shop/car park at ground level, 15 dwellings above with rooftop terrace and the reduction of the standard car parking requirements at 653-655 Glen Huntly Road Caulfield 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 'Proposed 4-Storey Apartments', Project Location 653-655 Glen Huntly Road, South Caulfield, VIC. 3162, Sheets A103- A113, A200-203, all Revision H, dated 15/11/18 and prepared by Pather Architects) but modified to show:

Built Form/Notes on Plans

- (a) A fixed obscure screen to all rear north facing balconies at levels one and two to a height of 1.7m above floor level.
- (b) Further detail/clarification provided which demonstrates that the Bedroom 2 windows of apartments 1, 5, 7 and 11 will not overlook the balconies associated with apartments 3, 4, 9 and 10.
- (c) A note provided on the plans that specifies the windows associated with the dining areas/kitchens of Apartments 4, 3, 9 and 10 adjacent to the communal hallway are to be highlight windows.
- (d) A table/notes provided with the development plans that outlines the Recommended Acoustic Design Measures as specified in Table 2 of the Executive Summary in the report identified as '653-655 Glen Huntly Road, Caulfield Acoustic Engineering Report', Project Number 18251, dated 13/02/2019 and prepared by Cogent Acoustics are to be adopted in construction.
- (e) The depth of the snorkel windows associated with Bedroom 2 of Apartments 6 and Apartment 12 modified to a maximum length of 1.5 metres with this dimensioned on plan.

Landscape Plan

- (f) A Landscape Plan in accordance with Condition 2.

Car Parking/Traffic on Plans

- (g) The crossover/driveway shifted 1.2m to the east with a pedestrian refuge provided between the existing crossover at 649 Glen Huntly Road and the proposed crossover. The 2m x 2.5m sight triangle on the eastern side of the vehicle accessway must be maintained, with a sight triangle also provided on the western side of the accessway.
- (h) The at-grade car parking space parallel to the western wall deleted and the provision of a bollard to provide protection to the bicycle parking area.
- (i) The make and model of the car stacker noted on the plans.
- (j) A swept analysis that includes the relevant stacker model including their gates demonstrating vehicles parked in the car stacker spaces (in particular the last space at the end of the accessway) can exit in a forward direction. In conducting the analysis, vehicles' wheels must not be turned from a stop position when travelling in a forward direction. The vehicle envelope must have dimensions that match the "relevant longitudinal dimensions" specified in Figure B2 of AS/NZS2890.1:2004. Swept path clearance lines must be kept clear of obstructions higher than 150mm.

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

Landscaping

2. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - (a) The details of the planting (including species and size at planting) of the plants within the planter boxes associated with the balconies where shown;
  - (b) The details of the planting (including species and size at planting) of the plants within the planter boxes and common garden area on the rooftop terrace.
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 on 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.

Reports and Management Plans

5. Before the development starts, an updated Environmental Sustainable Design Report (generally in accordance with that submitted with the application identified as 'Sustainability Management Plan 653-655 Glen Huntly Road, Caulfield', prepared by Sustainable Development Consultants, pages 1-23, dated November 2018) must be submitted and approved by the Responsible Authority to reflect any changes as part of Condition 1 of the permit.
6. Before the development starts, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site 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 on site. 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.

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

The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- (a) Delivery and unloading points and expected frequency;
- (b) Truck haulage routes, circulation spaces and queuing lanes;
- (c) Details of how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Melbourne Montessori School. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;

- (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (f) Any requirements outlined within this permit as required by the relevant referral authorities;
- (g) Hours for construction activity in accordance with any other condition of this permit;
- (h) Measures to control noise, dust, water and sediment laden runoff;
- (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

#### Car parking, access and Council assets

8. The car parking allocation for the approved development must be:
- Not less than one (1) car space per one or two bedroom dwelling;
  - Not less than two (2) car spaces per three (3) or more bedroom dwelling;
  - Not less than one (1) shop space marked accordingly.
9. 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.

10. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
11. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.

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. 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.

#### General requirements

14. 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.
15. Before the building is occupied, the walls on or facing the boundary of a directly adjoining property must be cleaned and finished in a good state to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
16. 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
17. 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.

#### Permit expiry

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

The Responsible Authority may extend the 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.

#### **Permit notes:**

- A. Residents of the apartments allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

- B. 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.

- C. 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.
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- E. 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.
- F. 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.
- G. 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.

#### Asset engineering notes

- H. If the existing vehicle crossing has to be reconstructed due to any damage during the construction work, it has to be reconstructed as splayed crossing to Council standards.
- I. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purposes and/or stormwater detention systems.

- J. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
  - I. trench grate (150mm minimum internal width) located within the property and/or;
  - II. Shaping the driveway so that water is collected in a grated pit on the property.
  
- K. No net increase in peak stormwater runoff in Council drainage network is permissible. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval prior to any construction works. When approved, these plans will be endorsed and form part of plans submitted with town planning permit application.
  
- L. Asset Protection Permit must be obtained from Council's Engineering Services Department prior commencement of any building works.
  
- M. Any firefighting equipment for the building must be accommodated within title boundary. Submitted plans do not show the location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
  
- N. All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and/or stormwater connection to the Council drainage network.

**CARRIED UNANIMOUSLY**

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**9.5 79-87 HAWTHORN ROAD, CAULFIELD NORTH**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-32371/2018 for the construction of a 7 storey mixed use building, use of the land for Accommodation (up to 33 apartments) and reduction of the car parking requirement for a Food and Drink Premises at 79-87 Hawthorn Road, Caulfield North in accordance with the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing No's. BS04J, BS03B, BS02J, BS01J, GR00J, LV01K, LV02K, LV03J, LV04K, LV05J, LV06K, LV08G, ELEV.G (west), ELEV.G (east), ELEV.G (north) ELEV.G (south), SECT.J (east-west), SECT.B (north-south) and SECT.A (ramp sections), prepared by NRA Collaborative Pty Ltd and dated 4 December 2018 but modified to show:
  - (a) A landscape plan in accordance with Condition 3.
  - (b) The floor level of the food and drink premises lowered by not less than 250mm.
  - (c) The western edge of the verandah to be located not more than 750mm from the face of the kerb and the whole verandah to be lowered so that its underside is not more than 3.5m above the footpath level.
  - (d) Notes to demonstrate the achievement of the required cooling load as prescribed in Standard D6 of Apartment Developments (Clause 58.03-1 of the Glen Eira Planning Scheme).
  - (e) Notes to demonstrate rainwater collection for non-drinking purposes and the provision of a stormwater management system as prescribed in Standard D13 of Apartment Developments (Clause 58.03-8 of the Glen Eira Planning Scheme).
  - (f) Detailed notes and information describing accessibility features to demonstrate compliance with Standard D17 of Apartment Developments (Clause 58.05-1 of the Glen Eira Planning Scheme).
  - (g) Notes stating that heating and cooling units will not be located on balconies unless the balcony size accords with Standard D19 of Apartment Developments (Clause 58.05-3 of the Glen Eira Planning Scheme).
  - (h) Detailed notes and information showing the location and dimensions of storage spaces to demonstrate compliance with Standard D20 of Apartment Developments (Clause 58.05-4 of the Glen Eira Planning Scheme).

- (i) The ground floor setback at the rear of the building (excluding the lightwell and stairs) increased so that it will allow for 2 way traffic flows in the laneway with an effective total width of at least 5.5m (having regard to the trafficable width of the laneway) and a height clearance of at least 4.0m and the addition of a note to state that this setback area can be used for passing by all laneway traffic (including pedestrians, bicycles, vehicles).
- (j) The location of the basement car park columns and the dimensions of all car spaces to be in accordance with the applicable Design Standards of Clause 52.06 of the Glen Eira Planning Scheme.
- (k) Updated electronic vehicle swept path assessments for the rear of the building and the basement car parks having regard to the changes required in Conditions 1(h) and 1(i) above, respectively.
- (l) The headroom clearance at the bottom of the main ramp to be shown in accordance with Figure 5.3 of Australian Standard AS2890.1.
- (m) Ramp lengths, grades and levels to be shown on the section drawings.
- (n) The deletion of the wheel-stops for all of the perimeter car spaces.
- (o) The location of entry doors for the Food and Drink Premises.
- (p) A detailed schedule of materials, finishes and colours for all external surfaces which is also to be appropriately cross-referenced on the elevation drawings.
- (q) The location of street trees and street furniture at the front of the site.
- (r) The address of the site on the plans to be changed to 79-89 Hawthorn Road.

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

#### Layout not to be altered

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.

#### Landscaping

3. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (c) Landscaping and planting in the basement patio, on balconies and in other areas as shown on the development plans.

4. The landscaping as shown the endorsed Landscape Plan must be carried out, completed and maintained, including that any dead, diseased or damaged plants be replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

#### Tree Protection

5. Before the development starts (including demolition), a tree protection fence must be erected around the street trees at a radius of 2m from the base of the trunk to define a tree protection zone (TPZ). 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 TPZ must remain in place until the construction within the TPZ is required. 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 maintained in good health during construction.

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 trees 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.

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 2m of the existing street trees (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the TPZ must be hand excavated.

#### Management Plans

8. Before the development starts, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site 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 on site. This method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- (d) Details for best practice waste management once operating.

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

9. Before the development starts, including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) Delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details of how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the St Aloysius Primary School. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
  - (g) Hours for construction activity in accordance with any other condition of this permit;
  - (h) Measures to control noise, dust, water and sediment laden runoff;
  - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and
  - (k) The provision of suitable materials and/or other measures to screen the rear of the building to minimise interaction between workers and staff and students of St Aloysius Primary School.

Car Parking

10. The car parking allocation for the approved development must be:
  - Not less than one (1) car space for each one or two bedroom apartment;
  - Not less than two (2) car spaces for each three or more bedroom apartment;
  - Not less than six (6) car space for the food and drink premises; and
  - Not less than twenty-two (22) car spaces for the office, all marked accordingly.
11. 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.

General

12. Before the building is occupied, the walls on or facing the boundary of a directly adjoining property must be cleaned and finished in a good state to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
13. Before the building is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.
14. During the construction of the building allowed by this permit, the laneway adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment and the like, so as to maintain free vehicular passage to abutting benefiting properties at all times, unless otherwise allowed with the written consent of the Responsible Authority.

Permit expiry

15. 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.

**Permit notes:**

- A. Residents of the apartments allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. 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.

- C. 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.
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- E. 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.
- F. 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.

- G. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- H. 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.

#### Asset Engineering notes

- I. 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 prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior any construction works.
- J. All stormwater runoff must be connected to Council drainage network with independent connection for each unit. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- K. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.

**CARRIED**

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**9.6 33-35 NICHOLSON STREET, BENTLEIGH**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-31993/2018 to allow construction of a four storey building with one basement level of carparking containing 22 dwellings at 33-35 Nicholson Street, Bentleigh in accordance with the following conditions/grounds:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans referenced TP0.02, TP1.00 – TP1.05, TP2.00-TP2.01, TP3.00 – TP3.01 and prepared by CHT Architects (dated 24/10/2018); and, Landscape Plan drawn by ZLA Ziebell Landscape Architecture (Rev B), but further modified to show:
  - (a) Provision of 20% permeability throughout the entire site in accordance with Standard B9 (Permeability) at Clause 55.03-4 of the Glen Eira Planning Scheme.
  - (b) The fence height at along the norther boundary at ground level increase to a height of 1.8m, except within 3m of the street frontage which should taper to a height of 1.2m
  - (c) Treatment notation of windows / balcony screening on the northern, south; and, western elevations (first and second stories only) consistent with site plans and demonstrating full compliance with Standard B22 (Overlooking) at Clause 55.04-6 of the Glen Eira Planning Scheme.
  - (d) Provision of vegetated planters or green facades along the northern, south; and western elevations in accordance with Standard B38 (Deep Soil Areas and Canopy Trees) at Clause 55.07-4 of the Glen Eira Planning Scheme.
  - (e) Increased setbacks along the southern (side) boundary as follows:
    - i. Second floor increased to a minimum of 6 metres
    - ii. Third floor increased to a minimum of 6 metres
  - (f) Increased setbacks along the western (rear) boundary as follows:
    - i. Setback at ground and first floor increased to a minimum of 5m;
  - (g) Details of cycle railing specifications for the bicycle parking.
  - (h) Provision of warning signs for vehicles existing the development to indicate pedestrian movements on footpath.
  - (i) Location of site services and the electrical substation and for these elements to be of a design that is integrated with the overall development with a reduction in size of the electrical substation to that which is necessary to service the development.

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

Development not to be altered

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.*

Integrated Water and Stormwater Management Plan

3. Before development starts, an Integrated Water and Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions, and the plan must include:
  - (a) The type of water sensitive urban design stormwater treatment measures to be used.
  - (b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - (c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.
  - (d) A report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

Landscaping

4. The landscaping as shown on the endorsed plans must be carried out, completed and maintained, including that any dead, diseased or damaged plant are replaced in accordance with the plan to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Waste management and collection must be undertaken in accordance with the Waste Management Plan prepared by Leigh Design and dated 15 June 2018 unless otherwise agreed in writing by the Responsible Authority.

Construction Management Plan

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

The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- (a) Delivery and unloading points and expected frequency;
- (b) Truck haulage routes, circulation spaces and queuing lanes;
- (c) Details 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.

#### Car Parking

7. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans 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;
  - (g) Not include any storage areas over bonnets that extend more than 900mm into the parking space or have a clearance height of less than 1.35m.

to the satisfaction of the Responsible Authority.

#### General requirements

8. Before the dwellings are occupied, the walls on or facing a boundary of a directly adjoining properties must be cleaned and finished in a good order 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.
9. Before the development is occupied, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority.

Permit expiry

10. 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.

**Permit 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.
- B. 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*.
- C. 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.
- D. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- E. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

- F. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- G. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- H. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

Asset engineering notes

- I. The existing side entry pit located within the proposed vehicle crossing must be converted to trafficable heavy duty gatic pit. New side entry pit further west shall be constructed in accordance to Council standard at owner's/developer's cost.
- J. The redundant vehicle crossing must be removed & footpath/kerb and channel/nature strip reinstated in matching to abutting conditions.
- K. 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 prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- L. Drainage associated with basement construction must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- M. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

**CARRIED UNANIMOUSLY**

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**9.7 PLANNING SCHEME AMENDMENT C182GLEN  
ABC TV STUDIOS, 8 GORDON STREET, ELSTERNWICK**

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

*It is recorded that Cr Esakoff vacated the Chamber at 8:42pm and re-entered at 8.45pm.*

That Council:

1. considers the submissions received;
2. notes the Summary of Submissions Received and Officer Comments/Recommendations document; and
3. refers submissions to an Independent Panel in accordance with Section 23 of the *Planning and Environment Act 1987*.

**CARRIED UNANIMOUSLY**

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**9.8 SHELFORD GIRLS' GRAMMAR SCHOOL  
COMBINED PLANNING SCHEME AMENDMENT AND PLANNING PERMIT  
APPLICATION**

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

That Council:

1. Notes its consideration of the seven submissions received to Planning Scheme Amendment C181glen in accordance with Section 22 of the Planning and Environment Act 1987; and
2. Refers the submissions to Planning Scheme Amendment C181glen to an Independent Panel in accordance with Section 23 of the Planning and Environment Act 1987.

**CARRIED UNANIMOUSLY**

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**9.9 VCAT WATCH**

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**Moved: Cr Esakoff****Seconded: Cr Magee**

*It is recorded that Cr Silver vacated the Chamber at 9:01pm.*

That Council notes the recent decisions and applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.

*It is recorded that Cr Silver entered the Chamber at 9:03pm.*

**CARRIED UNANIMOUSLY**

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**9.10 SOCIAL AND AFFORDABLE HOUSING STRATEGY DISCUSSION PAPER**

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

That Council endorses the release of the Social and Affordable Strategy Discussion Paper for the purpose of community engagement commencing Monday 4 March 2019.

**Procedural Motion****Moved: Cr Silver****Seconded: Cr Davey**

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

**CARRIED UNANIMOUSLY**

**CARRIED UNANIMOUSLY**

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**9.11 REHABILITATION SERVICES**

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

That this item be deferred to the 19 March 2019 Ordinary Meeting of Council.

**CARRIED UNANIMOUSLY**

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**9.12 ACCESSIBILITY OF CENTRE ROAD BENTLEIGH**

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

1. That Council notes the Accessibility Report for Centre Road Bentleigh.
2. That Officers complete the following actions to commence the implementation of the short term actions within this report.
  - i. Institute closer monitoring and assess demand for Disability Permit Parking spaces,
  - ii. Work with traders to implement clearer and consistent building numbering in the precinct,
  - iii. Draw closer links between the Disability Reference Committee, Traders and Council Officers to improve understanding of access issues,
  - iv. Implement training for Traders and Council Officers to improve responses to disability access and understanding of the needs of people with disabilities in public spaces, and
  - v. Ensure plans for new spaces and buildings consider access issues early
  - vi. Remove motorcycle parking on key footpaths.
  - vii. Install Tactile Ground Indicators (TGIs) on the southern footpath of the new rail bridge at Burgess Street.
3. That Officers, as appropriate, incorporate medium to longer term actions into capital works programs and structure planning, and advocacy work. For example: Incorporate way finding when implementing the Bentleigh structure plan with considerations of lighting, TGI's and smooth pedestrian connections, incorporate opportunities for increasing disability parking when implementing Council's Parking Policy, and replace non-compliant seating as part of street furniture renewal.
4. That accessibility assessments are conducted at two other major shopping precincts in Glen Eira; Carnegie and Elsternwick in 2019 and recommendations incorporated into future plans for development of these areas.
5. That Officers investigate that traders are compliant with the Footpath Trading Policy.

**CARRIED UNANIMOUSLY**

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**9.13 COMMUNITY DEVELOPMENT AND CARE POLICY REVIEW**

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

That Council approves the amended Community Development and Care policies attached to the report.

**CARRIED UNANIMOUSLY**

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**9.14 NEIGHBOURHOOD CHARACTER OVERLAY**

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**Moved: Cr Esakoff****Seconded: Cr Davey**

That Council notes this report on the Neighbourhood Character Overlay.

**CARRIED UNANIMOUSLY**

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**9.15 MEMORIAL STRUCTURE FOR HOLOCAUST SURVIVORS ADVISORY COMMITTEE REVIEW/UPDATE**

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

That Council:

1. disbands the current Memorial Structure for Holocaust Survivors (MSHS) Project Advisory Committee.
2. authorises officers to establish a new Elsternwick Cultural Precinct (ECP) Advisory Committee consisting of Councillors Silver, Sztrajt, Magee and Delahunty and community representatives in line with the attached Terms of Reference.
3.
  - a. Supports the recruitment of current members of the Memorial Structure for Holocaust Survivors Project Advisory Committee to form a working group focusing on the Memorial Structure for Holocaust Survivors continuing the work of the previous committee.
  - b. Supports the recruitment of current community members of the Memorial Structure for Holocaust Survivors Project Advisory Committee as well as other key stakeholders to participate in the wider Elsternwick Cultural Precinct Advisory Committee focusing on the wider precinct.
4. approves the draft Terms of Reference.

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

That the meeting be extended to finish at 11pm.

**CARRIED UNANIMOUSLY**

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**9.16 INSTRUMENTS FOR APPOINTMENT AND AUTHORISATION**

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

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) and section 232 of the *Local Government Act 1989* (Vic) resolves that:

1. the staff members referred to in the attached Instruments be appointed and authorised as set out in the Instruments;
2. any existing Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* to the staff members referred to in the attached Instruments be revoked effective immediately upon the Instruments referred to in the paragraph numbered 1 above coming into effect; and
3. the Instruments be signed and sealed.

**CARRIED UNANIMOUSLY**

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**9.17 QUARTERLY SERVICE PERFORMANCE REPORT DECEMBER 2018**

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

That Council notes the attached Quarterly Service Performance Report for the quarter ended December 2018.

**CARRIED UNANIMOUSLY**

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**9.18 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 31 JANUARY 2019**

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**Moved: Cr Davey****Seconded: Cr Silver**

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

**CARRIED UNANIMOUSLY**

**10. URGENT BUSINESS - NIL****11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****11.1.1 Sustainability Education in Schools****Moved: Cr Davey****Seconded: Cr Sztrajt**

That a report be prepared outlining what other Councils offer to support sustainability education in schools compared to our program.

**CARRIED UNANIMOUSLY**

**11.2 Right of reply - Nil****11.3 Councillor questions - Nil****11.4 Public questions to Council**

Questions were received from Ms Carolyn Eccleston for this Council meeting. Ms Eccleston was not present in the Chamber at this stage of the meeting and in accordance with the Local Law her questions were not read at the meeting. A letter will be sent to Ms Eccleston including the questions and their responses.

**1. Nicholas Nethercote – Caulfield South**

The vast majority of the buildings in the Caulfield South neighbourhood centre are 1 and 2 storeys. There are only a handful of buildings that are 4 or 5 storeys, and none taller than that. There is an Application for a Planning Permit currently being advertised for 371-377 Hawthorn Rd. It includes a 3000 square metre supermarket on the ground floor, 99 apartments on 9 floors above that, and 3 levels of underground parking.

Does council think a development of this height, density, mass, and scale is appropriate for the Caulfield South neighbourhood centre?

**Response:**

The height, density, mass and scale of a proposal are important factors in the assessment of any planning permit application. An assessment must have regard to the strategic direction of the area, the purpose of the planning controls and have regard to the existing neighbourhood character.

In relation to the proposal at 371-377 Hawthorn Road and 3 Olive Street, Council has not yet formed any position on the proposal as it is currently seeking the views of the community, statutory authorities and other departments in Council to help inform its position.

Nevertheless, when it is time to make a decision, the application will be thoroughly assessed against the relevant provisions of the Glen Eira Planning Scheme and will have particular regard to the scale of the Caulfield South Neighbourhood Centre.

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## **2. Nicholas Nethercote – Caulfield South**

Glen Eira has building height limits in commercial zones of the urban villages of Bentleigh, Carnegie, and Elsternwick. But there are no height limits for commercial zones of neighbourhood centres such as Caulfield South. As a result, the following scenario has occurred repeatedly. 1. A developer proposes a large building that would exceed Bentleigh's height limits in a neighbourhood centre. 2. Council rejects the planning application. 3. The developer appeals to VCAT. 3. VCAT overturns the rejection due to the lack of specific height limits or similar policy in the neighbourhood centre. This scenario is a possibility for the application at 371-377 Hawthorn Rd. Neighbouring councils have more comprehensive height limits and do not experience this scenario.

When will council clear introduce height limits to areas that lack them, in order to regain control of its planning, and provide clarity and certainty to residents and developers?

### **Response**

Unfortunately a large number of Councils have had the experience of VCAT overturning their planning decisions despite local planning policy. This is not unique to Glen Eira and was an advocacy priority for all Councils in the Inner South Metropolitan Region in the lead up to the last State Government election.

Council's *2018 Planning Scheme Review Work Plan* outlines the strategic planning program that Council has committed to undertaking.

The vast work program includes full implementation of structure plans for Bentleigh, Carnegie, Elsternwick and East Village, along with the implementation of the Quality Design Guidelines. These strategic planning documents will help manage height limits throughout the municipality.

Council will progressively undertake strategic planning work in our neighbourhood centres, such as South Caulfield, as resources allow. Given the scale of the work program currently underway, Council has committed to undertaking one or two Urban Design Frameworks for neighbourhood centres from July 2021.

To view the full commitments within the *2018 Planning Scheme Review Work Plan*, please visit the 'Glen Eira Planning Scheme Review' page on Council's website.

**12. CONSIDERATION OF IN CAMERA ITEMS****Moved: Cr Silver****Seconded: Cr Sztrajt**

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

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

- 12.1 Tender 2019.26 Provision of Pavement Marking Services  
*Local Government Act 1989 - Section 89(2) (d)*

**CARRIED UNANIMOUSLY**

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**12.1 TENDER 2019.26 PROVISION OF PAVEMENT MARKING SERVICES**

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**Moved: Cr Silver**

**Seconded: Cr Magee**

That Council:

1. appoints Roadsigns (Aust) Pty Ltd, A.C.N 006 719 197 as the contractor under contract number 2014.045 in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contract on Council's behalf; and
4. incorporates this resolution in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

**13. CLOSURE OF MEETING**

The meeting closed at 10.04pm.

Confirmed this 19 day of March 2019

**Chairperson.....**