



# **GLEN EIRA CITY COUNCIL**

## **ORDINARY COUNCIL MEETING**

### **MINUTES**

**25 July 2017**

**7.30pm**

Present

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

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**Minutes of the Ordinary Meeting of Council  
held in the Council Chamber, Glen Eira Council Offices,  
Corner Hawthorn Road and Glen Eira Road, Caulfield  
on Tuesday 25 July at 7.30pm**

**1. ACKNOWLEDGEMENT**

The Mayor read the acknowledgement

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

**2. APOLOGIES –** There were no apologies submitted to the meeting.

**3. OATH OF OFFICE AND DISCLOSURE OF INTEREST**

Oath of Office

The Mayor read the Oath of Office.

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

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

**4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETINGS**

**4.1 Confirmation of the Minutes**

**Moved: Cr Silver**

**Seconded: Cr Magee**

That the minutes of the Ordinary Meeting of Glen Eira City Council held on Tuesday 4 July 2017 be confirmed.

**CARRIED UNANIMOUSLY**

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

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

**6. DOCUMENTS FOR SEALING**

There were no documents for sealing submitted to the meeting.

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

There were no reports by delegates submitted to the meeting.

## 8. REPORTS FROM COMMITTEES

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### 8.1 Advisory Committees

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**Moved: Cr Davey**

**Seconded: Cr Taylor**

That the minutes of the Sustainability Advisory Committee held 22 June 2017 be received and noted and that the recommendations of the Committee be adopted.

**Moved: Cr Delahunty**

**Seconded Cr Silver**

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

**CARRIED UNANIMOUSLY**

The motion Moved by Cr Davey and Seconded by Cr Taylor was Put and  
**CARRIED UNANIMOUSLY**

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### 8.2 *Records of Assembly*

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**Moved: Cr Esakoff**

**Seconded: Cr Hyams**

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

- 6 June 2017
- 20 June 2017
- 27 June 2017
- 28 June 2017
- 4 July 2017

**CARRIED UNANIMOUSLY**

The Mayor advised that at this stage of the meeting, Council will suspend standing orders to allow a 15 minute period for questions and responses by Councillors or officers. These items will not be included in the Council minutes. At the conclusion of this time a motion will be moved to resume standing orders.

**Moved: Cr Delahunty**

**Seconded: Cr Silver**

That Council suspends standing orders at 7.40pm for a period of 15 minutes.

**CARRIED UNANIMOUSLY**

**Moved: Cr Delahunty**

**Seconded: Cr Magee**

That Council resumes standing orders at 7.47pm.

**CARRIED UNANIMOUSLY**

## **Section 9      Presentation of Officers Reports**

**Moved: Cr Delahunty**

**Seconded: Cr Athanasopoulos**

That Council changes the order of business to consider Item 9.2 Activity Centre, Housing and Local Economy Strategy at this stage of the meeting.

**CARRIED UNANIMOUSLY**

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### **9.2      Activity Centre, Housing and Local Economy Strategy**

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**Moved: Cr Athanasopoulos**

**Seconded: Cr Taylor**

That Council:

1.    adopts the Activity Centre, Housing and Local Economy Strategy.
2.    receives an updated Strategy for consideration in early 2018, to take into account:
  - a.    the 2016 stage two census data regarding employment,
  - b.    an independent review and
  - c.    further feedback on structure plans and design guidelines.

**CARRIED UNANIMOUSLY**

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### **9.1      *Planning Scheme Amendment C143: 88-100 McKinnon Road, McKinnon***

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**Moved: Cr Hyams**

**Seconded: Cr Magee**

That Council:

1.    notes the recommendations of the Panel;
2.    adopts Amendment C143 as amended by Council on 21 February 2017 to a General Residential Zone (Schedule 2) and Environmental Audit Overlay;
3.    forwards Amendment C143 to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.

**CARRIED UNANIMOUSLY**



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**9.3 Quality Design Principles and Draft Concept Plans for Bentleigh, Carnegie and Elsternwick**

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

That Council endorses the Quality Design Principles and the Bentleigh, Carnegie and Elsternwick Draft Concept Plans for the commencement of two rounds of community engagement.

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

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

**CARRIED UNANIMOUSLY**

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

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

**CARRIED UNANIMOUSLY**

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

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

**CARRIED UNANIMOUSLY**

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

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

**CARRIED UNANIMOUSLY**

The motion Moved by Cr Davey and Seconded by Cr Silver was Put and  
**CARRIED UNANIMOUSLY**

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## 9.4 31 Nepean Highway Elsternwick

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**Moved: Cr Silver**

**Seconded: Cr Hyams**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-29827/2016 at 31 Nepean Highway, Elsternwick for partial demolition, alterations and additions and use of land for the purpose of a Child Care Centre and the reduction of the carparking requirement in accordance with the following conditions:

1. Before the commencement of the demolition, development and use of the land, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Project 16.040, Sheets TP03d, TP05d-TP09d, prepared by LRW Design and dated Mar 2017) but modified to show:
  - (a) The first floor setback a minimum of 5 metres from the south-eastern boundary with this change absorbed within the remainder of the building envelope. Any consequential changes must be to the satisfaction of the Responsible Authority.
  - (b) A detailed schedule of materials, finishes and colours (including paint samples) for all external surfaces
  - (c) An acoustic fence must be erected along the north-western and south-eastern boundaries of the site to a minimum height of 2.3 metres above natural ground level. The design of the fences must be prepared in consultation with a suitably qualified acoustic engineer. Details of the design and acoustic qualities of the fence must be submitted to, and approved by, the Responsible Authority.
  - (d) The pedestrian path adjacent to the car spaces must measure a minimum width of 1.5m.
  - (e) All accessways, ramp grades, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
  - (f) Provision of pedestrian sight triangles measuring 2.5 metres along the accessway and 2.0 metres along the property frontage on both sides of the south-eastern vehicle accessway. No objects greater than 600 millimetres in height can be located in these areas.
  - (g) Allocation of Car spaces 1-7 for staff parking and clearly marked.
  - (h) The edge of the north-western crossover to be setback 3.5m from the street tree with a minimum width of 3m.
  - (i) Both crossovers must be constructed as a splayed crossover to the satisfaction of the Responsible Authority.
  - (j) A Landscape Plan and a Tree Management Plan in accordance with Conditions 14 and 15.
  - (k) Retention of Tree 7 (Canary Island Palm) and relocated to the front yard as a pair with Tree 6 (Canary Island Palm) to the satisfaction of the Responsible Authority.

- (l) The electricity pole located adjacent to the south-eastern crossover be relocated a minimum of 2 metres away from the crossover with the approval of the relevant authority.

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

2. The use allowed under this permit must operate within the following times:
  - Monday to Friday 7:00am to 6:30pm.
3. Not more than 109 children may be on the premises at any one time. This excludes children not enrolled at the centre.
4. Not more than 22 staff members / employees may be present on the site at any one time.
5. All access must be from the street frontage along Nepean Highway. Pedestrian or vehicular access associated with the use access via the laneway is not permitted at any time.
6. The rooftop playground must not be used between the hours of 4:00pm to 8:00am.
7. Prior to the commencement of the use, a Parking Management Plan must be submitted to and approved by the Responsible Authority. The Parking Management Plan must include:
  - (a) How the allocation of car spaces will be managed, including the provision of staff parking during the operating hours and the provision of parent car spaces during the morning and afternoon peak periods;
  - (b) Which car spaces will be occupied by staff first;
  - (c) Availability of parent parking during the middle of the day;
  - (d) Arrangements for delivery vehicles;
  - (e) Encouraging use of bicycles and shared transport arrangements;
  - (f) Intended education of parents and staff about the Parking Management Plan such as through an orientation session or the like.
8. Disabled persons' access to the building must be provided in accordance with the relevant Australian Standard/s to satisfy the provisions of the Disability Discrimination Act.
9. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
10. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
11. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
12. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.

13. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (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.
14. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- (a) All existing retained vegetation to be identified.
  - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (d) Landscaping and planting within all open space areas of the site.
  - (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
    - (i) 2 larger trees within the front setback
    - (ii) 4 standard canopy trees within the front setbackor 6 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.

15. A Tree Management Plan prepared by a suitably qualified professional detailing the transplantation process, interim storage, re-planting and on-going remedial tree health requirements for the trees to be retained and all tree protection measures required during demolition and construction to ensure the healthy retention of the trees located along the north-western boundary at 33 Nepean Highway .
16. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
17. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
18. Any pruning that is required to be done to the canopy or root system of any trees retained on-site or where the canopy of neighbouring property tree/s overhang the site, is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 – 2007, Standards Australia.
19. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.
20. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.
21. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 4.9 metres from the base of the trunk to define a ‘tree protection zone’. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is completed. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
22. The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

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

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

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

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

23. No excavation is to come within 3.4 metres of the existing street tree (measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

24. The location of the sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan 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.
25. The sign(s) must not contain any flashing, intermittent or changing colour light.
26. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
27. The sign(s) must be located wholly within the boundary of the land.
28. 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.

29. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
30. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

31. 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.
32. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
  - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
  - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
  - (d) Details for best practice waste management once operating.

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

33. 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.
34. This Permit will expire if:
- The demolition, development and use does not start within two (2) years from the date of this Permit; or
  - The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced. If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

#### Notes

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition.

Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- D. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- E. The use of the land may require approval and/or registration under the Children’s Services Regulations 1998.
- F. 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.
- 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. Any firefighting equipment for the building must be wholly contained within the subject site.

**CARRIED UNANIMOUSLY**



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**9.5 240-250 McKinnon Road, McKinnon**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30387/2017 for a six four storey building comprising six shops and ~~thirty three~~ twenty six dwellings above basement car park and a reduction in car parking requirements (for shops) and waiver of the loading bay requirement, in accordance with the following conditions:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP03-TP19, Amendment B dated 2/5/17 and drawn by Perkins Architects) but modified to show:

**Building Envelope/Design**

- (a) Deletion of the top two storeys.
- (b) Dwellings 101, 105, 106, 110, 201, 205, 206, and 207 to have living areas of a minimum of 3.3m in width (not including the kitchen bench) and bedrooms to have minimum widths of 3m and minimum depths of 3.4m.
- (c) Individual storage areas to be at least six cubic metres in volume and screened so that their contents are not visible from outside the storage area.
- (d) The verandah over the footpath on McKinnon Road to extend to 750mm from the face of the kerb and continuous across the frontage having a height to its underside of at least three metres (to match the verandahs of shops on adjoining sites).
- (e) Balcony/terrace screening facing McKinnon Road to be semi-transparent/opaque to the satisfaction of the Responsible Authority.
- (f) Exterior rendered and painted surfaces that would be accessible to the general public be coated with a nano-protective-type product or a similar (to enable removal of graffiti).

**Car parking and Traffic**

- (g) Car parking to be provided at the rates as required by condition 30.
- (h) Notations requiring the removal of existing crossovers onto McKinnon Road and the nature strip/kerbs/footpath be reinstated to Council's satisfaction.
- (i) The ground floor to be set back from the rear property boundary to allow for an overall combined trafficable width of 5.5 metres between the building and the southern boundary of the ROW.
- (j) A height clearance of 4 metres at the rear to be provided between the ground floor and the upper floor (with no support columns in this area).
- (k) Sliding parking units at ground floor to have a minimum usable platform width of 2.6 metres. The sliding parking units must be clearly dimensioned on the plans, and show the space width, length and clear platform width.

- (l) The two tandem spaces (north of the sliding parking units) to each have a minimum of 4.9m in length with a 500mm clearance between the spaces.
- (m) The aisle width adjacent to the undercroft spaces to be clearly outlined on the plan with these spaces setback at least 3.4 metres from the ROW to allow for an overall aisle width of 6.4 metres in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
- (n) The 1:8 sections at the bottom of the ramps to be increased to a minimum of 2.5 metres.
- (o) The solid walls along the ramps adjacent to the three car spaces to be cutback or the walls be no greater than 900mm in height for the first 2.5 metres from the basement floors (including the wall of the residential lobby area on the basement level).
- (p) The stairwell on both basement levels should be shifted further in to provide minimum 6.4 metre aisles on both basement levels and the spaces opposite need to be widened accordingly (with aisle width within in this area clearly marked).
- (q) Pedestrian access within the basement car parks and to the shops to be at least 1 metre wide with the dimensions of the pedestrian paths annotated on the plans.

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

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

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

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

5. 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.
6. Disabled access to the building must be provided to the satisfaction of the Responsible Authority.

All work carried out to provide disabled access must be constructed in accordance with in AS 1428.1 to the satisfaction of the Responsible Authority

7. The amenity of the area must not be adversely affected by the use or development as a result of the:
  - (a) transport of materials, goods or commodities to or from the land; and/or
  - (b) appearance of any building, works, stored goods or materials; and/or
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.
8. Noise levels from the commercial tenancies must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
9. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
10. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
12. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
13. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
14. Collection of waste must not cause any disturbance to nearby residential properties and must only occur between the following hours:

Monday to Saturday (inclusive):	6:30am – 8:00pm
Sundays and Public Holidays:	9:00am – 8:00pm
15. The Permit holder must ensure that all dwellings within the development are protected from noise associated with any on-site mechanical plant equipment, consistent with the requirements of the State Environment Protection Policy N-1.

16. The permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings comply with AS/NZS 2107:2000.
17. The permit holder must ensure that dividing walls and floors between dwellings are constructed to limit noise transmission to 45 STC (Sound Transmission Class) in accordance with Part F(5) of the Building Code of Australia.
18. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority an updated 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, to occur within the basement, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority.
  - (b) Designation of methods of collection including the need to provide for private services (this 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 (within the basement) and areas of waste bin storage on collection days.
  - (d) Details for best practice waste management once operating.

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

19. Construction or carrying out of buildings and works associated with the development (excluding remediation works for the purpose of the environmental audit) hereby approved must not occur until, to the satisfaction of the Responsible Authority:
  - A certificate of environmental audit is issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
  - An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the sensitive use.

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

Where there are conditions on a Statement of Environmental Audit that require ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987 (unless deemed unnecessary by the Responsible Authority) to give effect to the ongoing maintenance and/or monitoring conditions contained in the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987.

The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority. A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

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

20. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
  - (a) Delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (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.
21. 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
22. 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.
23. 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.

- 24. The surface of the car park area must be treated to the satisfaction of the Responsible Authority to prevent dust causing a loss of amenity to the neighbourhood.
- 25. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access to an adjoining road other than by vehicle crossing.
- 26. A sign, to the satisfaction of the Responsible Authority, must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of the sign must not exceed 0.3 square metres.
- 27. Protective kerbs (minimum 150mm in height) or the like must be installed to the satisfaction of the Responsible Authority to prevent vehicle damage to the landscaped areas on the subject land and to the fences of adjoining properties.
- 28. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- 29. A minimum of one (1) car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to the front entrance of the building and must be clearly marked with a sign to indicate that it must only be utilised by disabled persons. The minimum dimensions of the car space must be 2.4 metres wide with a 2.4m shared space at the side and rear.
- 30. 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
  - A minimum of 6 5 visitor spaces (1 to every 5 dwelling) and marked accordingly
  - A minimum of two (2) car spaces to be provided for each commercial tenancy.
- 31. The areas set aside for car parking, shown on the endorsed plans, must be made available for use free of charge to employees and visitors at all times when the use is in operation and must not be used for any other purpose.

32. External lighting of the areas set aside for car parking, access lanes and driveways must be designed baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
33. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
34. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
35. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
36. Prior to the commencement of the development, a fee of \$2,354.00 must be paid to the Responsible Authority for the removal and replacement of the existing street trees. The street trees will be replaced with the species, maturity and location of which will be selected by Council's Parks Services Department.
37. The existing street trees to be removed must be replaced by a tree, the species, maturity and location of which must be to the satisfaction of Council's Parks Services Department. The new tree must be planted and maintained to the satisfaction of Council at no expense to the Council.
38. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
39. 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. This includes the provision of showers and change rooms when required by Clause 52.34.
40. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed generally in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
41. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed generally in accordance with the endorsed plans.
42. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note E.

43. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
44. Written confirmation from a suitably qualified Traffic Engineer demonstrating that the basement layout and vehicle access complies with Clause 52.06 of the Glen Eira Planning Scheme.

<b>NOTES</b>
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- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.  
  
If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. The exact design detail of the fences on the northern, southern and eastern boundaries of the site and the division of costs is to be determined with the adjoining owners in accordance with the provisions of the Fences Act 1968.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- 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. The sale of liquor on the premises for consumption on or off the premises will require permission from the Victorian Commission for Gambling and Liquor Regulation and may require further planning permission from Council.



- H The use of the land may require approval by, and/or registration with, Council's Environmental Health Department under the provisions of the Food Act 1984, Health Act 1958 and/or Tobacco Act 1996 (as amended).
- I Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- J The existing Telstra pit/s at the frontage of the site are to be relocated and/or modified to the satisfaction of the relevant Authority. Please call Telstra on ph: 1800 810 443. The written permission from the relevant Authority regarding the relocation and/or modification of the Telstra pit/s must be provided to Council.
- K 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.

Council's Assets Engineering Department advises;

- Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- The proposed pedestrian access must be DDA compliance. The existing footpath levels must not be altered or changed.
- Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit

**CARRIED UNANIMOUSLY**

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**9.6 777 Glen Huntly Road, Caulfield**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-30247/2016 at 777 Glen Huntly Road, Caulfield in accordance with the following conditions/grounds:

1. Before the commencement of the development and use, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP03, TP06, TP08-TP13, prepared by Megowan Architectural, dated 23/02/2017) but modified to show:
  - (a) A notation on the plans that all upper floor habitable room windows and balconies on the northern, eastern, and western eastern elevations to have fixed screening or fixed obscure glazing to a height of 1.7m above finished floor level, or otherwise to the satisfaction of the Responsible Authority.
  - (b) Car spaces allocated on the plans as follows:
    - 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;
    - A minimum of two (2) car spaces allocated to the shop.
  - (c) The exact model of car stacker to be delineated on the plans. In accordance with Clause 52.06 of the Planning Scheme, car stackers are to be provided with a minimum usable platform width of 2.6m, with this clearly indicated on the plans.
  - (d) Dimensions of car stackers and car stacker spaces clearly indicated on the car park layout plans, showing space width and lengths, clear platform widths and lengths, space heights, pit depths, and height clearances, to the satisfaction of the Responsible Authority.
  - (e) A separation wall provided between the car stackers and the pedestrian path to the lobby. Pedestrian access between the car park and the pedestrian walkway is to be provided directly within the building, to the satisfaction of the Responsible Authority.
  - (f) Pedestrian access within the building to measure a minimum of 1m in width, with this clearly dimensioned on the plans.
  - (g) The verandah on the Glen Huntly Road frontage set back 750mm from the face of the kerb, with this clearly dimensioned on the plans.
  - (h) The provision of one bicycle space for visitors in the form of a bicycle hoop located within an easily accessible area within the building, and not within a private storage area, to the satisfaction of the Responsible Authority.
  - (i) All plans designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
  - (j) A schedule of construction materials, external finishes and colours (incorporating paint samples).
  - (k) Provision of car parking in accordance with Clause 52.06-5 (Car Parking) of the Glen Eira Planning Scheme by deleting one two bedroom dwelling.

- (l) Retention of the existing parapet on the front façade above the existing verandah.

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. 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

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

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

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

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

- (a) delivery and unloading points and expected frequency;
  - (b) Truck haulage routes, circulation spaces and queuing lanes;
  - (c) Details how traffic and safe pedestrian access will be managed. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (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
6. 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

7. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority
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;
  - A minimum of two (2) car spaces allocated to the 93m<sup>2</sup> shop.

9. Before occupation of the development, 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.
10. 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
11. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note A.
12. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority
13. Prior to the completion of the car stacker pit, written confirmation by a Licensed Land Surveyor is to be provided to the Responsible Authority verifying that the car stacker pits have been constructed in accordance with the endorsed plans.

Notes:

- A. Residents of the dwellings 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
- I. Any public/private lighting in the laneway is to be provided by, and maintained by the developer.
- J. Engineering Services encourage the use of rainwater tanks for storage and reuse for toilet and irrigation purposes and/or stormwater detention systems.
- K. Drainage associated with construction (seepage and agricultural waters must be filtered to rainwater clarity) are to be discharged to the nearest Council Drain/Pit and must not be discharged to the kerb and channel.
- L. All stormwater runoff must be connected to the Council underground drainage network. No uncontrolled discharge is to occur to adjoining properties and footpaths.
- M. Any firefighting equipment for the building is to be accommodated within the Title Boundary. Council will not allow private fire equipment in the Road Reserve.
- N. Prior to the commencement of any works within the Road Reserve and/or stormwater connection to the Council Drainage Network all relevant Engineering Permits must be obtained from Council Engineering Services.

*It is recorded that Cr Silver abstained from voting on this item.*

**CARRIED**

**Procedural Motion**

**Moved: Cr Silver**

**Seconded: Cr Esakoff**

That the meeting be extended to conclude at 11pm.

**CARRIED UNANIMOUSLY**

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**9.7 329 Jasper Road, Ormond**

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**Moved: Cr Athanasopoulos****Seconded: Cr Esakoff**

That Council issues a Notice of Refusal to Grant a Planning Permit for Application No. GE/PP-30294/2017 at 329 Jasper Road Ormond in accordance with the following grounds:

1. The development is inconsistent with the State Planning Policies for Housing and the Local Planning Policy for Housing and Residential Development as stated in Clause 16 and Clause 21 of the Glen Eira Planning Scheme as it would not adequately respond to its context in terms of urban design and architecture.
2. The proposal does not satisfy the intent and objectives of the Housing Diversity Area Policy (Clause 22.07 of the Glen Eira Planning Scheme) as the development fails to provide an appropriate transition to the neighbouring residential areas to the west.
3. The proposed development fails to ensure a suitable amount of dwelling diversity and results in a poor internal amenity outcome by virtue of enclosed balconies, south facing windows and bedrooms facing Jasper Road.
4. The car park access and layout fails to ensure vehicles can safely manoeuvre within the site and egress from the site in accordance with the design standards of Clause 52.06 (Car Parking) of the Glen Eira Planning Scheme.
5. The provision of on-site visitor parking is inadequate and does not comply with Clause 52.06.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff vacated the Chamber at 9.48pm.*

**9.8 VCAT Watch**

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

That Council notes:

1. the reported planning decisions of the Victorian Civil and Administrative Tribunal (VCAT); and
2. VCAT and officer comments.

*It is recorded that Cr Esakoff entered the Chamber at 9.51pm.*

**CARRIED UNANIMOUSLY**

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**9.9 Caulfield Racecourse Wedge – Crown Allotment 2031**

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**Moved: Cr Silver****Seconded: Cr Magee**

That Council:

1. accepts the State Government Department of Environment, Land, Water and Planning's offer to appoint Glen Eira City Council as Committee of Management for Crown Allotment 2031;
2. accepts the State Government Department of Environment, Land, Water and Planning offer of \$350,000 and annual rental for maintenance;
3. authorises the Chief Executive Officer or delegate to execute the Agreement with the State Government Department of Environment, Land, Water and Planning; and
4. authorises officers to engage a landscape architect to develop recommendations and concept ideas for the site for public consultation.

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

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

**CARRIED UNANIMOUSLY**

The motion Moved by Cr Silver and Seconded by Cr Magee was Put and  
**CARRIED UNANIMOUSLY**



*It is recorded Cr Esakoff declared an indirect conflict of interest by close association and vacated the Chamber at 10.08pm prior to discussion on this matter.*

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## **9.10 Support for Elsternwick Traders during Coles Redevelopment**

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**Moved: Cr Silver**

**Seconded: Cr Athanasopoulos**

That Council:

1. notes that both the Construction Management Plan and Car Parking Management Plan have now been lodged and will be reviewed by Officers;
2. writes to the Elsternwick Traders Association to outline a plan that addresses the loss of the supermarket, for inclusion in the agreement to manage the Elsternwick Special Rate; and
3. communicates regularly with the Elsternwick Traders Association during the construction to advise of any major disruptions.

**CARRIED UNANIMOUSLY**

*It is recorded that Cr Esakoff was not present in the Chamber when this item was discussed and the vote taken.*

*It is further recorded that Cr Esakoff entered the Chamber at 10.14pm.*

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**9.11 Pavilion Redevelopment Strategy Consultation**

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

That Council:

- a) adopts the Pavilion Redevelopment Strategy;
- b) notes the consultation process and feedback received.

**CARRIED UNANIMOUSLY**

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**9.12 Intersection of Glen Eira and Kooyong Roads, Caulfield North – Traffic Conditions**

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

That Council notes this report.

**CARRIED UNANIMOUSLY**

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**9.13 Investment Policy**

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

That Council:

1. notes this report; and
2. notes that officers will review the current investment policy for Council consideration and that this review includes emerging practices in an Environmental, Social and Governance responsible investment.

**CARRIED UNANIMOUSLY**

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**9.14 Conduct Reference Group**

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**Moved: Cr Silver****Seconded: Cr Athanasopoulos**

That Council:

1. appoints Cr Magee, Cr Silver and Cr Esakoff to the Conduct Reference Group; and
2. endorses the reviewed Terms of Reference and Operating Guidelines of the Conduct Reference Group.

**CARRIED UNANIMOUSLY**

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**9.15 Public Participation Guidelines at Council Meetings**

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

That Council adopts the Public Participation Guidelines at Council Meetings, shown as Attachment 1 to this report.

**CARRIED UNANIMOUSLY**

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**9.16 Appointment of Acting Chief Executive Officer**

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**Moved: Cr Silver****Seconded: Cr Magee**That Council appoints Ms Samantha Krull, Director Infrastructure, Environments and Leisure to the role of Acting Chief Executive Officer for the period 5pm Friday 18 August to Friday 25 August 2017 inclusive, in accordance with section 94(4A) of the *Local Government Act 1989*.**CARRIED UNANIMOUSLY**

## 10. URGENT BUSINESS

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

## 11. ORDINARY BUSINESS

11.1 Requests for reports from Officers - NIL

11.2 Right of Reply – NIL

11.3 Councillor questions - NIL

11.4 Public Questions to Council

There were 4 questions received for the 4 July 2017 Council Meeting.

Ms Amanda Lee's question was not read at the meeting as she was not present in the Chamber. A letter will be sent to Ms Lee including her question and the response in accordance with the Local Law.

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### 1. James Walker- Caulfield North

With the excision of 1800 square metres from public open space for the "urban forest" at Booran Road Reservoir Reserve and reduction of considerable open space by the LXRA along the Frankston line, has the Open Space levy introduced years ago, created an increase of open space in Glen Eira?

**Response:**

*Yes - since adoption by Council in April 2014, implementation of actions from the Open Space Strategy has resulted in the creation of additional open space in the City, such as at Riddell Park, Eskdale Park, Gardenvale Park and Booran Reserve. In addition there has been significant improvement to a number of open spaces to increase the usable space and functionality, most notably Elsternwick Plaza, Memorial Park, Thomas Street Reserve, Carnegie Library forecourt and Marara Road Reserve.*

*A range of other opportunities is being considered across the municipality. Council recently purchased a property in Aileen Avenue, Caulfield South using the open space development levy. Council is also actively engaged in discussions with the Level Crossing Removal Authority on opportunities for open space along the Caulfield to Dandenong grade separation project.*

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## 2. Markus Oswald - Carnegie

With the proposed extension of the Carnegie activity centre westwards in the draft concept plans, has or does the council intent to conduct a traffic study prior to seeking Ministerial approval?

**Response:**

*Dealing with transport and parking issues is a high priority.*

*Following this round of consultation on the Building transition plans, a detailed 'Transport, Parking and Movement Plan' will be developed and presented for consultation in September 2017.*

*The Final Structure Plan is expected to be presented to Council in December 2017. Once adopted, any further work required to inform a planning amendment will be undertaken and a formal amendment process will commence.*

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## 3. Markus Oswald - Carnegie

With regards to the draft Concept Plans and Quality Design Principles, please define "community benefit"

**Response:**

*Taller buildings are in precincts identified as strategic sites or urban renewal sites within the Structure Plans.*

*The Quality Design Principles, outline that taller buildings are to provide a demonstrable community benefit, including (but not limited to):*

- *greater employment (office or health)*
- *diverse housing (affordable, aged care, student, short-stay accommodation)*
- *additional public parking*
- *new street connections*
- *community uses*

*These taller buildings still need to meet existing requirements, including:*

- *open space requirements (preferred on-site)*
  - *car parking*
  - *canopy tree planting*
-

## 12. CONFIDENTIAL BUSINESS

**Moved: Cr Hyams**

**Seconded: Cr Magee**

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 2018.002 Crosbie Road Reconstruction

- Local Government Act 1989 - Section 89(2)(d)

Number of tenders received	4
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$1,000,000.00

### 12.2 Tender 2017.049 Provision of Cleaning Services, GESAC

- Local Government Act 1989 - Section 89(2)(d)

Number of tenders received	Six (6)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$2,284,000

### 12.3 Contract 2017.247 Provision of Parks and Playground Equipment, Open Space and Recreational Infrastructure, Outdoor Furniture, Signage and Related Products and Services

- Local Government Act 1989 - Section 89(2)(d)

### 12.4 Contract 2017.396 Provision of Library Collections, Furniture, Equipment and Associated Requirements

- Local Government Act 1989 - Section 89(2)(d)

**CARRIED UNANIMOUSLY**

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## 12.1 Tender 2018.002 Crosbie Road Reconstruction

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*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under section 89(2)(d) 'contractual matter'*

**Moved: Cr Hyams**

**Seconded: Cr Davey**

1. That Council appoints **Delfino Paving Co Pty Ltd, ACN 007 116 305** as the contractor under Tender number 2018.002 Crosbie Road Reconstruction for an amount of \$908,695.00 exclusive of GST in accordance with the Schedule of Rates submitted.
2. That the contract be prepared in accordance with the Conditions of Contract included in the tender.
3. That the contract be executed in an appropriate manner by affixing of the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting.

**CARRIED UNANIMOUSLY**

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## 12.2 Tender Recommendation for Consideration by Council Tender 2017.049 Provision of Cleaning Services, GESAC

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*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under section 89(2)(d) 'contractual matter'.*

**Moved: Cr Silver**

**Seconded: Cr Hyams**

1. That Council appoints **Quayclean Australia Pty Ltd, ACN 102 238 933** as the contractor under Tender number 2017.049 for an amount of \$2,283,223.90 (exclusive of GST).
2. That the contract be prepared in accordance with the Conditions of Contract included in the tender.
3. That the contract be executed in an appropriate manner by affixing of the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting

**CARRIED UNANIMOUSLY**

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**12.3 Contract 2017.247 Provision of Parks and Playground Equipment, Open Space and Recreational Infrastructure, Outdoor Furniture, Signage and Related Products and Services**

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*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under section 89(2)(d) 'contractual matter'.*

**Moved: Cr Hyams**

**Seconded: Cr Magee**

That Council:

1. appoints the panel of suppliers recommended by MAV Procurement for contract 2017.247 – Provision of Parks and Playground Equipment, Open Space and Recreational Infrastructure, Outdoor Furniture, Signage and Related Products and Services. A full listing is provided in the Confidential Attachment No. 1 of the report.
2. authorises the Chief Executive Officer to advise MAV Procurement.
3. make the resolution available in the public meeting minutes of the Meeting.

**CARRIED UNANIMOUSLY**

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**12.4 Contract 2017.396 for the Provision of Library Collections, Furniture, Equipment and Associated Requirements**

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*In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under sections 89(2)(d) 'contractual matter'.*

**Moved: Cr Silver**

**Seconded: Cr Esakoff**

That Council :

1. appoints the panel of suppliers for contract 2017.396 for the Provision of Library Collections, Furniture, Equipment and Associated Requirements as recommended by Procurement Australia. A full listing is provided in the Confidential Attachment No. 1 of the report.
2. authorises the Chief Executive Officer to advise Procurement Australia.
3. make the resolution available in the public meeting minutes of the Meeting.

**CARRIED UNANIMOUSLY**



**Procedural Motion**

**Moved: Cr Hyams**

**Seconded: Cr Sztrajt**

That the meeting be resumed in open Council.

**CARRIED UNANIMOUSLY**

**13 CLOSURE OF MEETING**

The meeting closed at 10.41pm.