



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 21 JULY 2020

MINUTES

**Meeting was streamed live via Council's website
at 7.30pm**

Present

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

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The Mayor welcomed Councillors, council officers, Glen Eira residents and other community members to the 21 July 2020 virtual Council Meeting. Cr Esakoff advised of the process that would be followed should Council encounter technical difficulties livestreaming the meeting.

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

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

1. ACKNOWLEDGEMENT

The Mayor read the acknowledgement.

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

2. APOLOGIES - NIL

3. REMINDER OF DECLARATION BY MEMBERS OF ANY DIRECT AND INDIRECT CONFLICT OF INTEREST OR PERSONAL INTEREST IN ANY ITEMS ON THE AGENDA

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.

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

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting to be reconvened on Wednesday 22 July at 7.30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with clause 21(3)(a) of the Council Meeting Procedure Local Law 2019. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time the Mayor will resume as Chair after the result of the vote has been declared.

CARRIED UNANIMOUSLY**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS****Moved: Cr Hyams****Seconded: Cr Sztrajt**

That the minutes of the Ordinary Council Meeting held on 7 July 2020 be confirmed.

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

Nil

6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

Nil

7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY

7.1 Advisory Committees

Nil

7.2 Records of Assembly

7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**Moved: Cr Sztrajt****Seconded: Cr Silver**

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

1. 23 June 2020
2. 30 June 2020 pre-meeting

CARRIED UNANIMOUSLY

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

That Council changes the order of business to bring forward Item 10.4 Written public questions to Council to be dealt with at this stage of the meeting.

CARRIED UNANIMOUSLY

10.4 Written public questions to Council**1. Andrew Matthews – Caulfield****Question**

Now, with COVID restrictions, we can only leave our homes under limited circumstances. This means that if a neighbour is smoking, burning incense, or lighting a wood heater, there is a greater chance that this behaviour will have a negative impact on neighbours. What can Council do to protect the amenity of neighbours in these instances.

Response:

Council is the appropriate authority to investigate odour complaints under the nuisance provisions of the Public Health and Wellbeing Act 2008 and Council's Public Health Unit regularly assists residents with issues of this nature.

Under these provisions, for an odour to be deemed a nuisance, it must be liable to be dangerous to health or offensive.

Council's Environmental Health Officers must conduct a thorough investigation to determine whether an odour is causing a nuisance. This does require specific information to be provided by the reporter.

This information includes the property location where the odour is emitted in addition to the reporter completing logs documenting when they are impacted by the odour and what this impact is. Whilst this may be considered an onerous task, it is necessary should the matter escalate to legal proceedings. Council officers may also conduct a site assessment at the reporter's property for further clarity on the issue.

I understand Council's Public Health Unit have been in contact with you in response to the odour concerns that you have raised and discussed the process that would be involved in an investigation. As the nuisance is not currently occurring Officers have provided you with their phone number and email address for future reference if it is required.

2. Barry Gilbert – Caulfield

Councillors, I have been a resident ratepayer in Caulfield for over 40 years and I consistently see new gum trees being planted on nature strips under power lines where they will eventually require heavy pruning such as we see all over Glen Eira. These gum trees or other varieties being planted are high growing to over 10 metres and are grossly misshapen and lose their beauty when pruned, at great cost, to be kept clear of the power lines. Trees of this mature height are more suited to parks and country areas.

My questions are:

1. Does Parks and Gardens have any rules and mature height recommendations for planting trees on nature strips under power lines?
2. What is the annual cost of hiring contractors or using Parks and Gardens employees to prune and trim Council trees on nature strips under power lines?

Response:

Glen Eira City Council street tree planting preferred palette identifies a range of tree species that are suitable for planting across the municipality and can be viewed on the Councils Website https://www.gleneira.vic.gov.au/media/3553/street_tree_palette_october_2010.pdf

The current tree species have been chosen because of their growth habits and the available growing space across the municipality to increase the canopy cover, creating avenues of trees that will shade the streets, reduce heat island effects caused by densification and provide a myriad of other benefits back to the community. In achieving the objective for canopy cover it is acknowledged that trees will often need to be managed to meet stringent State Government clearance requirements around power lines in accordance with the requirements of the Electricity Safety Regulations 2020. Species are generally chosen with a mature form that will tolerate some pruning without significant detriment to the health, environmental benefits and visual amenity provided by the tree.

The current annual spend for the proactive tree pruning program is approximately \$1m, however this programme is not just limited to electric line clearance, it includes uplifting tree canopy and trimming branches so that pedestrians can walk safely on the footpath and to allow vehicles unrestricted movement on the road network.

3. Roula Gavalas – Ormond

The CEO advised that Ms Gavalas had submitted 3 questions to Council. In accordance with the Council Meeting Procedure Local Law 2019 only the first 2 questions were included in this section of the meeting however Ms Gavalas will receive a letter containing responses to all of her questions.

Re: 12 Wheeler Street Ormond

- a) QUESTION: Why is it now deemed appropriate to locate bins back in the car park basement (agreed by most at Council zoom meeting 2nd July) to avoid the massing of them outside Unit 4?
- b) QUESTION: How does this development support an ageing demographic which is one of the highest per capita in Glen Eira? Are car lifts deemed appropriate access for wheelie walkers and older people and disabled residents to navigate? This development is within a zone that needs to take the below into account.

Response:

- a) The proposal locates the bins at ground level towards the rear of the land. The recommendation does not seek to relocate the bins into the basement and has reflected the concerns set out in the earlier VCAT decision about the accessibility of the bin storage area.
- b) The Glen Eira Planning Scheme sets out accessibility standards that must be met for varying scales of development. In relation to this proposal it requires the dwelling entries of the ground floor of dwellings and residential buildings to be accessible or able to be easily made accessible to people with limited mobility. The proposal achieves this standard. The Planning Scheme also includes design standards for car parking areas and accessways. This includes the provision of mechanical parking arrangements. Where car parking is provided in accordance with the design standards then it is deemed to provide acceptable arrangements for varying users of the car parking area.

4. Richard King – Ormond

Refer Planning Permit Application No GE/DP-33317/2020 Reference Property: No. 12 Wheeler St Ormond Victoria 20th July 2020 Objections to the development of 4 multistorey Apartments. From Richard King Wheeler St Ormond. 5 Pages + Appendix A

I raise the following objections regarding the proposed development of 4 x Double storey apartments plus underground basement adjoining my property. This is of great concern to me, for the reasons noted below and request the council to ensure this proposal does not go ahead in its current form to the detriment of my property and other property owners. I request confirmation that no person from the Council deciding this application is in anyway comprised by the developer by receiving gifts or donations for re election, etc, in which case must refrain from any decision. The council is reminded to act to protect the interests of ratepayers as per their charter.

Response:

Your objection to the planning application for 12 Wheeler Street, Ormond has been noted and will be taken into consideration by Councillors when they consider the report on that matter at item 8.2 of tonight's agenda.

With regard to your concern regarding conflicts of interest, the Local Government Act requires that Councillors declare any conflict of interest that they may have on an item before it is considered, and in the case of a conflict, exempt themselves from the decision making process. No Councillors have declared a conflict of interest with regard to the planning application for 12 Wheeler Street, Ormond.

Section 62(1) of the *Local Government Act 1989* requires all candidates to submit an election campaign donation return within 40 days of election day. You can find details of the donation returns for the 2016 election on Council's website at this link:

<https://www.gleneira.vic.gov.au/media/3473/2016-election-campaign-donation-returns.pdf>.

Donation information for the 2020 election will be available on Council's website by mid December 2020.

8. OFFICER REPORTS (AS LISTED)

8.1 179 BOORAN ROAD CAULFIELD SOUTH

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33422/2020 allowing construction of a mixed use building comprising dwellings, retail and office floorspace and use of the land as dwellings at 179 Booran 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 TP07-16 & TP28, rev. B, plot date: 26th April 2020, produced by GKA architects) but modified to show:

Built form and layout changes

- (a) the cantilevered verandah extended over the footpath to a point 750mm from the face of the kerb and to be continuous across the frontage and have a height to its underside of between 3m to 3.5m to match the adjoining verandah to the west;
- (b) overlooking mitigation measures for the west facing windows of bedroom 1 of dwellings 102, 103, 202 and 204 to prevent downward views to the satisfaction of the Responsible Authority. Screening must be in accordance with the standard D14 and D15 of clause 58.04 of the Glen Eira Planning Scheme;
- (c) the northern edge of the balcony to dwelling 204 to be constructed as a solid floor to ceiling wall (abutting the title boundary);
- (d) deletion of the balcony of bedroom 1 associated with dwelling 301;
- (e) an accessibility plan which clearly shows at least 50% of the dwellings satisfy the accessibility requirements of Standard D17 at Clause 58.05-1 of the Glen Eira Planning Scheme;
- (f) the balcony of dwelling 204 increased to a minimum of 8sqm;
- (g) the external storage areas of dwellings G01 and G02 increased to reflect the volumes shown in the submitted information tables (i.e. 3.7 cubic metres each);
- (h) a secondary 'residential only' lobby on the ground floor by:
 - i) relocating the entrance of dwelling G03 westwards;
 - ii) adding a secure glass door between the entrance to the office and the entrance to dwellings G01, G02 and G03;
- (i) addition of a secure glass door to the first landing of the common staircase or in other location to appropriately separate the commercial and residential areas;
- (j) the storage cages of dwellings 101 and G03 relocated to provide a direct pedestrian route from the lift to the waste areas;
- (k) the office area to be reduced to a maximum of 57sqm;
- (l) the retail area to be reduced to a maximum of 99sqm;
- (m) deletion of the second level;

- (n) third level retained and relabelled as the second level;

Car parking and accessway layout changes

- (o) the accessway realigned at the eastern boundary with the existing crossover;
- (p) a trench grate installed across the ramp at the entrances to basement;
- (q) provision of pedestrian sight visibility triangle on the northern side of the basement ramp. Any obstructions within the sight visibility triangles must be constructed and / or maintained less than 900mm in height or have clear glazing;
- (r) provision of a traffic signal system in the basement and along the basement ramp to manage traffic conflict entering and exiting the site. A vehicle waiting bay/line is to be clearly marked in both the eastern and western sides of the basement to ensure ramp access and the internal accessway between the east and west sides of the basement remains clear at all times;
- (s) separate plan showing simultaneous swept path assessment demonstrating that the holding line is properly installed and that there is no conflict between stopping vehicle and oncoming vehicle;
- (t) confirmation that the column adjacent to the DDA compliant space is a maximum of 1 metre long;
- (u) provision of 300mm wide and 150mm high kerbs on both sides of the ramp as per Figure 2.8 of AS2890.1:2004;
- (v) both shop car parking spaces and the office car parking space to be provided on the west side of the basement to ensure convenient access;

Submission of plans

- (w) a Landscape Plan in accordance with condition 6;
- (x) any recommendation contained within the Environmentally Sustainable Design report in accordance with condition 8.

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

General requirements

2. The development and layout and description of the uses as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
4. 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.
5. 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.

Landscaping and street trees

6. 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 and must not be varied except with the written approval of the Responsible Authority. The Landscape Plan must include:
- (a) 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;
 - (b) planter box planting proposed for balconies of apartments 2.05, 2.06 and 3.01;
 - (c) advanced screen planting (minimum 3m tall when planted unless otherwise agreed to in writing by the Responsible Authority) in proposed planter boxes on terraces of apartments G.01 and G.02;
 - (d) the removal of the existing street tree and the replacement with a species to the satisfaction of Council's Park Services Department and at the cost of the permit holder;
 - (e) trees not to be sited over easements.
- All species selected must be to the satisfaction of the Responsible Authority.
7. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority, including that any dead or diseased plants are replaced.

Management Plans

8. Before the development is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the WMP is approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed uses on the site and include 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;
 - (e) the collection of waste must occur outside of peak traffic times (not between 8am and 7pm), unless waste is collected from within the basement car park.

The endorsed WMP must be complied with at all times to the satisfaction of the Responsible Authority

9. Before the development starts, a Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must outline how the development complies with Standards D6 and D13 of Clause 58 of the Glen Eira Planning Scheme. Any Environmentally Sustainable Design features within the report must be included and shown on the plans.
10. Before the development is occupied, a Car Stacker Management Plan (CSMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the CSMP is approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. The CSMP must include the following:
- (a) allocation of car spaces according to vehicle size and type;
 - (b) ongoing maintenance of the car stacker system, including that it must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker;
 - (c) instructions to owners/occupiers about the operation of the car stacker system; and;
 - (d) communicating to prospective residents about the availability of car stacker spaces and sizes;
 - (e) the car stacker must be able to accommodate a vehicle at least 5 metres in length.

The endorsed CSMP must be complied with at all times to the satisfaction of the Responsible Authority.

11. Before the development starts (including excavation or demolition), a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the CMP is approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. The CMP 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.

The endorsed CMP must be complied with at all times to the satisfaction of the Responsible Authority.

Car and bicycle parking

12. Before the development is occupied, bicycle parking facilities must be provided in accordance 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 and be permanently maintained in good order.
13. 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.to the satisfaction of the Responsible Authority.
14. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
15. Vehicular 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.

Land contamination

16. Before the development starts, other than necessary demolition and investigation works forming the environmental site assessment process), an Environmental Assessment must be submitted to and approved by the Responsible Authority.

The Environmental Assessment Report must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to whether the condition of the land is such that an Environmental Audit should be conducted taking into account the proposed uses. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority, including if required the preparation of an environmental audit.
17. If, in accordance with Condition 16, an Environmental Audit is required, then before the development starts (other than excavation as necessary) either:
 - (a) A Certificate of Environmental Audit for the land must be issued in accordance with section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or

- (b) An Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.
18. Where a Statement of Environmental Audit is issued for the land in accordance with Condition 17:
- (a) the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
 - (b) prior to the commencement of the uses and buildings and works (other than excavation) and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Statement are satisfied; and
 - (c) where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Permit expiry

19. This permit will expire if one of the following circumstances applies:
- (a) the development is not started within three years of the date of this permit;
 - (b) the development is not completed within five years of the date of this permit;
 - (c) the use of the dwellings is not started within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes:

- 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. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- D. 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.
- E. 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.
- F. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- G. All stormwater runoff must be connected to Council drainage network No uncontrolled stormwater discharge to adjoining properties and footpaths.
- H. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties/footpaths. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
- trench grate (150mm minimum internal width) located within the property and/or;
 - shaping the driveway so that water is collected in a grated pit on the property

CARRIED UNANIMOUSLY

8.2 12 WHEELER STREET ORMOND

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33317/2020 allowing construction of a of four dwellings on a lot and buildings and works on land affected by a Special Building Overlay at 12 Wheeler Street, Ormond, 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 decision plans (identified as TP099-B, TP100-B, TP101-B, TP102-B, TP200-B, TP201-B by CBG Architects, dated 23 June 2020 and 19-790-L Rev. A (Landscape Plan) by John Patrick Landscape Architects) but modified to show:
 - (a) east and west elevations relabelled to reflect the accurate orientation;
 - (b) storage areas to be shown in cubic metres;
 - (c) ground clearance diagrams provided to demonstrate that there is no vehicle scraping (using a B99 vehicle model) for the accessway between the car lift and the crossover;
 - (d) driveway pavement to be shown on the landscaping plan and should be the same as or similar to the pavement used for the platform of the car lift;
 - (e) the driveway to be modified to align with the existing crossover. The car lift must be retained in its current position;
 - (f) a garden area plan demonstrating that the minimum garden area requirement is met;
 - (g) any changes required to satisfy the Melbourne Water requirements at conditions 16 to 30 including annotation that the front fence is to meet the Melbourne Water requirements;
 - (h) any recommendations contained in the acoustic report at condition 13 included on the plans.
 - (i) the bin storage area relocated so that bins for each dwelling are stored adjacent to the front door of each respective dwelling and enclosed within a screened bin storage corral, that is integral to the design of the dwelling.
 - (j) annotation on the plans that the bin storage areas must be maintained in good order and free of odour to the satisfaction of the Responsible Authority.

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

General requirements

2. The development as shown on the endorsed plans must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

Landscaping and street trees

3. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plant must be replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
4. A Tree Protection Zone (TPZ) must be established around the Council owned tree to the standard and conditions prescribed in AS 4970 –2009 (Protection of Tree on Development Sites) prior to any demolition, excavation or construction works. The TPZ must remain in place until the development is completed and no works are to occur inside the TPZ unless otherwise agreed in writing by the Responsible Authority.
5. The TPZ fence must be constructed of chain mesh fencing panels (or similar sturdy materials) and be 1.8m tall. The area within the TPZ fencing must be dressed with 100mm of mulch and the area watered regularly to maintain moisture in the ground. A sign must be placed on each side of the fence identifying "Tree Protection Zone, no entry or dumping of materials".
6. The TPZ on the nature strip area shall form a rectangle along the back of the kerb, across the nature strip either side of the tree, and along the edge of the footpath. The footpath must remain open for public access. The TPZ fencing erected across the nature strip shall be located to the existing crossover to the north and 5m to the south from the tree, unless otherwise agreed in writing by the Responsible Authority.
7. The TPZ within the subject site shall form an arc within the property, with the property boundary as a base so that the tree remains viable. The arc of TPZ fencing shall extend 4m into the private property, unless otherwise agreed in writing by the Responsible Authority. Existing paved surfaces such as footpaths or vehicle crossings within the TPZ must remain accessible as long as all other protection measures remain in place. Removal of these hard surfaces must be undertaken with care so as not to damage any tree roots.
8. Above ground canopy TPZ shall be adopted with no works, structures or machinery to come within 1m of the trees crown/canopy. Any required canopy pruning of the tree must be conducted before the development starts and be carried out by Glen Eira City Council Parks Services..

Parking and access

9. 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.to the satisfaction of the Responsible Authority.
10. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

11. The vehicular crossing must be constructed to the road to suit the proposed driveway 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.
12. The car lift must always be maintained in good working order to the satisfaction of the Responsible Authority. Ongoing maintenance of the car lift system must be by the Owner's Corporation or if no Owner's Corporation is established, then the lot owner must bear responsibility for ongoing maintenance of the car lift. All users of the car parking areas must be inducted into the proper use and operation of the car lift.
13. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must demonstrate that there will be no unreasonable impact to residential amenity caused by noise from use of the car lift. The report must be prepared by a suitable qualified acoustic engineer and any recommendations in the report should be incorporated on the plans to be endorsed under condition 1.

Management Plans

14. Before the development starts (including excavation or demolition), a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the CMP is approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. The CMP 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.

The endorsed CMP must be complied with at all times to the satisfaction of the Responsible Authority.

15. Before the development is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the WMP is approved, it will become an endorsed plan forming part of the permit and must not be varied

except with the written approval of the Responsible Authority. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed uses on the site and include 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;
- (e) details of how the immediate area will not be impacted by noise, smell and pollution from the waste area.

The endorsed WMP must be complied with at all times to the satisfaction of the Responsible Authority.

Melbourne Water requirements (conditions 16 to 30)

16. Finished floor levels of Townhouse 1 must be constructed no lower than 29.20 metres to Australian Height Datum (AHD).
17. Finished floor levels of Townhouse 2 must be constructed no lower than 29.22 metres to Australian Height Datum (AHD).
18. Finished floor levels of Townhouse 3 must be constructed no lower than 29.25 metres to Australian Height Datum (AHD).
19. Finished floor levels of Townhouse 4 must be constructed no lower than 29.37 metres to Australian Height Datum (AHD).
20. Finished floor levels of the carlift must be constructed no lower than 29.20 metres to AHD.
21. The fire escape stairs and any opening to the basement including windows and vents must be constructed no lower than 29.20 metres to AHD.
22. A minimum 2.25 metre setback measured from the southern boundary and maintained at natural surface levels is required for the conveyance of overland flow.
23. A minimum one (1) metre setback measured from the northern boundary and maintained at natural surface levels is required for the conveyance of overland flow.
24. The basement roof must be constructed 'in-ground' at natural surface levels to allow for the conveyance of floodwaters.
25. The rainwater tanks located within the southern boundary setback must be constructed 'inground' at natural surface levels or removed to allow for the conveyance of overland flow.
26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway.

27. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
28. The front fence and any new internal fencing must be 'open style', a minimum of 50% of construction and any new side boundary fencing must be timber paling to allow for the conveyance.
29. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
30. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Permit expiry

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

The Responsible Authority may extend the permit if a request is made in writing in accordance with Section 69 of *Planning and Environment Act 1987*.

Permit notes:

- 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.

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

- E. Consideration is required when installing domestic services (i.e – air conditioning units, heaters, pool pumps, water tanks and the like). The owner/occupier/permit holder/developer must take all reasonable and practicable measures in locating domestic services in position that reduce any amenity impact on adjoining properties. This includes selecting an appropriate installation position and enclosing the domestic service. Further information regarding noise from domestic services can be found in the Environmental Protection Act 1970.
- F. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works.
- G. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- H. The applicable flood level is 29.28 metres to Australian Height Datum (AHD) – advice from Melbourne Water.

It is recorded that Cr Davey vacated the Chamber at 8:01pm and re-entered at 8.04pm.

CARRIED

8.3 417 SOUTH ROAD BENTLEIGH

Moved: Cr Hyams**Seconded: Cr Cade****RECOMMENDATION**

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33125/2019 allowing buildings and works for the construction of a 6 storey building, use as a residential hotel, sale and consumption of liquor in association with a bar and alteration of access to a Road Zone Category 1 at 417 South Road, Bentleigh, 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 AR7-AR17 & AR32, dated 16 March 2020, by Kace Design) but modified to show:
 - (a) vehicle hold line on basement level to be installed as recommended in the B99 swept path assessment for the ramp (Sheet 4 of 11 in Appendix C of the Traffic Impact Assessment prepared by Ratio Consultants dated 31 March 2020);
 - (b) basement ramp height clearance to have a minimum height clearance of 2.1m as per figure 5.3 of AS2890.1:2004;
 - (c) provision of an amber warning light near the glass folding shutter panel for the single car space on ground floor and for the folding shutter panel for the loading bay;
 - (d) a note on the plans that all operations in a car park shall be directed by a suitable directional, informative, regulatory or warning sign as per Clause 4.3 of AS2890.1:2004;
 - (e) provision of a push button to activate the signal system when cars exit from bays numbered 4 to 7;
 - (f) length of the columns in basement level reduced to 1m;
 - (g) provision of kerbs (300mm wide and 150mm high) on both sides of the ramp as per Figure 2.8 of AS2890.1:2004;
 - (h) a full schedule of materials including a note on the plans that the materials of the metal screens will not cause glare from reflection;
 - (i) any recommendations within the Sustainability Management Plan at condition 13 shown on the plans;
 - (j) allocation of parking spaces on the plans as follows:
 - Not less than 28 for the hotel use, and;
 - Not less than five for the bar use.
 - (k) an acoustic screen to be provided around the external terrace to ensure compliance with condition 9.

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

General requirements

2. The development and layout and description of the uses as shown on the endorsed plans must not be altered or modified (unless the Glen Eira

Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

3. 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.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the prior written consent of the Responsible Authority.
5. Only signage which identifies the business on the land is permitted. No promotional signage is permitted on the building façade.

Restrictions for the sale and consumption of liquor

6. The sale and consumption of liquor on the land may only occur between the hours of 7am and 9pm, Monday to Sunday.
7. Liquor may only be sold and consumed within the red line area, shown on the endorsed plans.
8. A maximum of 85 patrons are permitted in association with the sale and consumption of liquor on the land from within the bar area at any one time.

Amenity requirements

9. Noise that is audible from the premises must comply with the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2), or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria, EPA Publication 1254 and any other relevant guideline or Australian Standard to the satisfaction of the Responsible Authority.
10. The communal terrace can only be used between 7am and 9pm.

Management Plans

11. Before the development is occupied, a Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the WMP is approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. The WMP must outline the collection and disposal of waste and recyclables associated with the proposed uses on the site and include 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;
- (e) waste collection should only occur between 8am and 9pm and avoid peak traffic periods and check out times.

The endorsed WMP must be complied with at all times to the satisfaction of the Responsible Authority.

12. Before the development starts (including excavation or demolition), a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When the CMP is approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. The CMP 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.

The endorsed CMP must be complied with at all times to the satisfaction of the Responsible Authority.

13. The provisions, recommendations and requirements within the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority

Public Realm

14. Before the development starts, a Public Realm 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 prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
- (a) plans, elevations, treatments and materials schedules prepared in conjunction with the responsible authority for the street frontages directly adjoining the subject land;
 - (b) description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);

- (c) the removal and replacement of the street tree along Corbie Street;
- (d) a plan defining the area the works are to be undertaken; and
- (e) vehicle and pedestrian access arrangements including any signage or safety measures.

Before the development is completed, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Car and bicycle parking

15. 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.to the satisfaction of the Responsible Authority.
16. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
17. 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.
18. Before the use starts, a Car Parking 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 and dimensioned. The plan must include:
 - (a) the allocation of car spaces to each use within the development. No less than 5 spaces must be allocated to the bar use and no less than 28 spaces for the hotel use;
 - (b) details of the valet parking arrangement;
 - (c) details of the booking system used to book parking bays;
 - (d) details of the car stacker system and the ongoing management arrangements to ensure that it is maintained and permanently available for the parking of vehicles.The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
19. Before the buildings are occupied, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

Department of Transport requirements (conditions 20 to 22)

20. Prior to the occupation of the development hereby approved, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to the Department of Transport (Head, Transport for Victoria) or the RA.
21. The demolition and construction of the development must not disrupt bus operations on South Road without the prior written consent of the Head, Transport for Victoria.
22. Any request for written consent to disrupt bus operations on South Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Permit expiry

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

The Responsible Authority may extend the permit if a request is made in writing in accordance with section 69 of *Planning and Environment Act 1987*.

Permit notes

- 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 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.
 - F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
 - G. The developer will be required to liaise with the relevant Council department regarding the creation of this space.
 - H. Laneway is not lit by Council. Any lighting in laneway is to be provided and maintained by the development.
 - 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 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.
 - J. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
 - K. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
 - L. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve

CARRIED

The Motion was PUT and a **DIVISION** was called:

FOR: Crs Athanasopoulos, Hyams, Silver, Sztrajt and Cade (5)
AGAINST: Crs Davey, Delahunty, Esakoff and Magee (4)

CARRIED

8.4 VCAT WATCH

Moved: Cr Hyams**Seconded: Cr Cade**

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

It is recorded that Cr Athanasopoulos vacated the Chamber at 8:41pm.

CARRIED UNANIMOUSLY

8.5 PLANNING SCHEME AMENDMENT C190GLEN: BENTLEIGH AND CARNEGIE HERITAGE - CONSIDERATION OF SUBMISSIONS

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

That Council:

1. Considers the submissions received;
2. Notes the summary of submissions received and endorses the planning officer's and heritage consultant's comments/recommendations (Attachment 3) for the purpose of advocacy before a Planning Panel;
3. Request the Minister for Planning to appoint a Planning Panel to consider:
 - a) Submissions received during the exhibition period for Amendment C190glen; and
 - b) The nine late submissions received after the close of the exhibition period for Amendment C190glen.

in accordance with section 23 of the *Planning and Environment Act 1987*.

It is recorded that Cr Athanasopoulos entered the Chamber at 8:46pm.

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

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

CARRIED UNANIMOUSLY

CARRIED UNANIMOUSLY

8.6 ENVIRONMENTAL SUSTAINABILITY ACTION PLANS FOR 2019-20 AND 2020-21

Moved: Cr Sztrajt**Seconded: Cr Davey**

That Council:

1. notes the report on progress against the Environmental Sustainability Strategy 2019-20 Action Plan; and
2. endorses the Environmental Sustainability Strategy 2020-21 Action Plan.

CARRIED UNANIMOUSLY

8.7 SMOKE-FREE OUTDOOR POLICY

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

That Council:

1. acknowledges the feedback received during the community engagement process and thanks all submitters;
2. adopts the Glen Eira Smoke-Free Outdoor Policy; and
3. endorses the development of a Smoke-Free Outdoor Policy Local Law, to enable the enforcement of smoke-free areas.

CARRIED UNANIMOUSLY

8.8 WEEKLY GREEN BIN TRIAL OUTCOMES

Moved: Cr Davey**Seconded: Cr Sztrajt**

That Council:

1. notes the outcomes of the weekly green bin trial in McKinnon – Ormond;
2. endorses the preparation of a phased rollout program of the *weekly green bin, fortnightly red bin* service to the wider community, subject to the approval of a future report to Council outlining a detailed project plan and timeline; and
3. endorses continuing the *weekly green bin, fortnightly red bin* service in McKinnon – Ormond for the foreseeable future.

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

That Council grants Cr Sztrajt a 1 minute extension of speaking time.

CARRIED UNANIMOUSLY**CARRIED UNANIMOUSLY**

8.9 COUNCILLOR CIVIC SUPPORT AND EXPENSES POLICY

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

That Council endorses the revised Councillor Civic Support and Expenses Policy dated July 2020.

CARRIED UNANIMOUSLY

8.10 REVISED SERVICE AGREEMENT WITH THE VICTORIAN ELECTORAL COMMISSION FOR THE PROVISION OF ELECTORAL SERVICES FOR THE 2020 COUNCIL ELECTION

Moved: Cr Delahunty**Seconded: Cr Davey**

That Council:

1. resolves to enter into a revised contract with the VEC in the form of the contract attached to the report; and
2. authorises the CEO to sign the contract for Council.

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

That the meeting be extended to finish at 11pm.

CARRIED UNANIMOUSLY**9. URGENT BUSINESS - NIL****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff****10.1.1 PLANNING APPLICATION FEES FOR PROPOSALS WITHIN A HERITAGE OVERLAY AREA OR FOR A HERITAGE PROPERTY****Moved: Cr Hyams****Seconded: Cr Sztrajt**

That officers provide a report that considers the desirability of waiving planning application fees for proposals within a heritage overlay area or a heritage property, where an application is required solely due to the property being under that overlay. The report should set out a mechanism or mechanisms for providing such a waiver.

CARRIED UNANIMOUSLY

10.1.2 ADVOCACY RE THE SALE OF ALCOHOL IN RELATION TO A PLANNING APPLICATION**Moved: Cr Delahunty****Seconded: Cr Magee**

That officers provide a report that provides advise as to how Council might advocate on the sale of alcohol at 417 South Road Bentleigh.

CARRIED UNANIMOUSLY

10.2 Right of reply - Nil**10.3 Councillor questions****Cr Silver**

Question to the Chief Executive Officer

Yesterday I received a comment from residents particularly in relation to Bentleigh and Carnegie. The suggestion was particularly in those areas but I suspect to in my area with the advent of Covid-19, we are seeing obviously a lot more people in the suburbs and consequently a lot more litter. In particular, complaints about people leaving gloves and masks simply on the street at the back of the chemist near the car. For whatever reason, it is obviously a concern for Council.

My question is are we doing something about it and are we going to make it clear to people that they need to put their rubbish in the bins.

Response from Chief Executive Officer

We are seeing a bit of an increase in poor behaviour in terms of dumping of rubbish particularly in some of our activity centres and behind shopping centres as you have highlighted. It is actually still littering and it is inappropriate and people who find themselves doing it may find themselves actually receiving a fine.

That's not our preferred course of action so we will be initiating the following over the coming days:

- A further social media and GE News campaign focussing on masks and their safe disposal;
- New signage in activity centres and shopping centre car parks reminding people to use the bins.

We will also ask our Working for Victoria street cleansing workforce to address hotspots and ask our ambassadors in activity centres to remind people of their responsibilities if they see littering occurring.

It's disappointing that we have reached this point but hopefully some of these things will help. Of course the last resort is that people may receive fines.

10.4 Written public questions to Council

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

11. CONFIDENTIAL ITEMS**Moved: Cr Silver****Seconded: Cr Hyams**

That, in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public for the consideration of the following confidential items:

11.1 South East Metropolitan Advanced Waste Processing Procurement Update

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

- because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- this ground applies because the agenda item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations.

11.2 Working for Victoria - CityWide Engagement

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

- because it is private commercial information, being information provided by a business, commercial or financial undertaking that
 - (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g));
- this ground applies because releasing the information would unreasonably expose the business to financial disadvantage.

CARRIED UNANIMOUSLY

**11.1 SOUTH EAST METROPOLITAN ADVANCED WASTE PROCESSING
PROCUREMENT UPDATE**

11.2 WORKING FOR VICTORIA - CITYWIDE ENGAGEMENT

12. CLOSURE OF MEETING

The meeting closed at 10.01pm.

Confirmed this 11 day of August 2020.

Chairperson.....