



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 22 SEPTEMBER 2020**

**MINUTES**

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

Present

The Mayor, Councillor Margaret Esakoff  
Councillor Tony Athanasopoulos  
Councillor Anne-Marie Cade  
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 22 September 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**

**Moved: Cr Sztrajt**

**Seconded: Cr Silver**

That the apology from Cr Davey be received and noted.

**CARRIED UNANIMOUSLY**

#### 3. **REMINDER TO DECLARE ANY CONFLICTS OF 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 Sztrajt**

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 23 September 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 Rule 13 of the Governance Rules. 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 MEETINGS****Moved: Cr Hyams****Seconded: Cr Athanasopoulos**

That the minutes of the Ordinary Council Meeting held on 1 September 2020 and the Special Council Meeting held on 8 September 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**

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**7.1 Advisory Committees**

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**7.1.1 ADVISORY COMMITTEE MINUTES****Moved: Cr Hyams****Seconded: Cr Athanasopoulos**

That the notes of the Advisory Committee meeting as shown below be received and noted.

1. Community Engagement Advisory Committee – 12 August 2020

**CARRIED UNANIMOUSLY**

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**7.2 Records of Assembly**

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

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

1. 18 August 2020
2. 25 August 2020
3. 1 September 2020
4. 1 September 2020 Pre-meeting

**CARRIED UNANIMOUSLY**

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**8. OFFICER REPORTS (AS LISTED)**

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**8.1 34-36 CLAIRMONT AVENUE AND 2-4 TODD STREET, BENTLEIGH**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/DP-33463/2020, allowing buildings and works for the construction of a three storey residential aged care facility, removal and creation of easements and the display of business identification signage at 34-36 Clairmont Avenue and 2-4 Todd Street, 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. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as 190140/TP04-10,13 and 18, dated 20 March 2020, prepared by Clarke Hopkins Clarke), but modified to show:

*Amended plans and documents*

- (a) Any recommendations or modifications contained within the Tree Protection Management Plan required at Condition 6.
- (b) An elevation of all proposed fences within 3m of the street and for the fences to be generally in accordance with those shown in the renders provided with the application.
- (c) An overlooking diagram that includes screening of any east and south facing first and second floor habitable room windows or terraces in accordance with the requirements at Clause 53.17-3 (Overlooking) of the Glen Eira Planning Scheme.
- (d) The southern most wall (and balconies) at ground and first floor levels adjacent to 13/1D and 14/1D Tovan Akas Avenue setback a minimum of 4.85 metres from the southern boundary, or otherwise designed to generally prevent any further overshadowing to the open space areas of these adjoining dwellings at the September Equinox.
- (e) The southern most wall (and terrace) at ground and first floor levels adjacent to 19/1D and 20/1D Tovan Akas Avenue setback a minimum of 5 metres from the southern boundary, or otherwise designed to generally prevent any further overshadowing to the open space areas of these adjoining dwellings at the September Equinox.

*Parking and access*

- (f) The traffic direction of the ground level vehicle drop off area rearranged so that the traffic enters and exists in a conventional manner. This requires the entry and exit arrows to swap sides and for vehicles to travel on the left side of the accessway into the site and then move in an anticlockwise direction under the canopy.
  - (g) Clear line marking and traffic direction arrows for the ground level vehicle drop off area including the installation of west facing 'no entry' signs on either side of the line marking.
  - (h) Installation of a convex mirror at the bend in the basement car park ramp to provide visibility of any oncoming vehicles or obstructions.
  - (i) Installation of wheel stops for car spaces 16, 17, 19, 20, 21, 23, 24, 26 and 27 and designed in accordance with AS2890.1:2004.
  - (j) Parking bays for residents, visitors, staff and disabled be clearly marked, with car space 15 allocated to staff.
2. Before a Plan of Removal and/or Creation of Easements can be certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
- (a) Engineering computations and information (including stormwater drainage diversion design), demonstrating that the realigned easements provide for the required drainage and sewerage infrastructure as required by Glen Eira City Council as the relevant authority for the easement.

Layout not to be altered

3. The layout of the uses and the development as shown on the endorsed plans, including the location and details of the signs 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.
4. The location and details of the signs including their structures 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 tree protection

5. Before the development starts, a Landscape 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 landscape professional and must be drawn to scale and dimensioned. The plan must include:



- (a) All existing retained vegetation to be identified.
  - (b) Buildings and trees (including botanical names) on neighbouring properties within 3m 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) All external accessways and pathways are provided with artificial lighting.
  - (f) Advanced canopy trees (minimum 3m tall when planted unless otherwise agreed to in writing by the Responsible Authority) across the site.
  - (g) Trees are not to be sited over easements.
  - (h) All species selected must be to the satisfaction of the Responsible Authority.
6. All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.
7. Before the development starts, including any demolition, a Tree Protection Management Plan (TPMP) 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 Arborist and must be drawn to scale and dimensioned. The plan must include:
- (a) Protection measure in relation to Trees 20, 21, 26 and 27 (identified in the Arboricultural Assessment and Report, prepared by TreeLogic and dated 20 March 2020) and the two street trees in front of 2 Todd Street.
  - (b) Measures to be implemented to ensure the protection of the health and appearance of the specified trees. Including:
    - i. The specification of tree protection zones;
    - ii. The type, installation and maintenance of tree protection fencing;
    - iii. Vehicular or pedestrian access within a tree protection zone;
    - iv. The protection of the canopies and trunks of the specified trees;
    - v. Specific details of any works proposed in any TPZ and how impacts will be mitigated;
    - vi. How canopies will be managed, including pruning;
    - vii. Excavation within or near a tree protection zone;
    - viii. Maintenance, including mulching and watering, of tree protection zones;
    - ix. Schedule of Project Arborist inspections.
  - (c) A program for the implementation of the proposed measures before, during and on completion of construction, including demolition.
8. The provisions, recommendations and requirements of the endorsed Tree Protection 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.
9. Before the development starts, a Waste Management Plan (WMP) 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 WMP must include:

- (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 the basement area.
  - (b) Designation of methods of collection including the need to provide for private collection services. The private collection service 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) Provision for glass recycling and organic waste collection.
10. The provisions, recommendations and requirements of the endorsed Waste 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.
11. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) 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 CMP must show:
- (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, including during school times associated with the Bentleigh West Primary School. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
  - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
    - (i) Hours for construction activity must only occur within the following hours: 7am to 6pm – Monday to Friday;
    - (ii) 7am to 1pm – Saturdays;
    - (iii) No construction on Sundays or public holidays;
  - (g) Measures to control noise, dust, water and sediment laden runoff;
  - (h) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
  - (i) Any construction lighting to be baffled to minimise intrusion on adjoining lots.

12. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

#### Parking and access arrangements

13. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) fully constructed;
  - (b) properly formed to such levels that may be used in accordance with the plans;
  - (c) surfaced with an all-weather surface or seal coat (as appropriate);
  - (d) drained and maintained in a continuously usable condition;
  - (e) line marked to indicate each car space, loading bay and/or access lane;
  - (f) clearly marked to show the direction of traffic along access lanes and driveways,

all to the satisfaction of the Responsible Authority.

14. 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.
15. 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.

#### General amenity

16. Noise that is audible from the premises, including plant and other equipment must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority.
17. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority..
18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.

#### Signage requirements

19. No flashing, intermittent lighting or changing coloured lighting is permitted.

20. The signs must be located wholly within the boundaries of the subject land.
21. The signs must be maintained in good condition to the satisfaction of the Responsible Authority.

Requirements relating to the easements

22. Before the development starts, any stormwater drainage diversion works must be completed to the satisfaction of the Responsible Authority and the easements must be realigned in accordance with the endorsed plans and be registered on title to the satisfaction of the Responsible Authority.

Permit expiry

23. This permit as it relates to the buildings and works to construct the residential aged care facility 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*.

24. This permit as it relates to the signs will expire fifteen years from the date of this permit at which stage all signs and their supporting structures must be permanently removed from the land.
25. This permit as it relates to the removal and creation of easements will expire if one of the following circumstances applies:
  - (a) The Plan of Removal and/or Creation of Easements is not certified within 2 years of the date of this permit;
  - (b) The registration of the Plan of Removal and/or Creation of Easements is not completed within five years from the date of certification of the plan.

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*.

**Notes**

- A. The amendments specified in Condition 1 and 2 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.

**FOR:** Crs Athanasopoulos, Esakoff, Hyams, Silver and Sztrajt (5)

**AGAINST:** Crs Magee and Cade (2)

**CARRIED**

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**8.2 483 NORTH ROAD, ORMOND**

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

That Council issues a Notice of Decision to Grant a Planning Permit for Application No. GE/CP-33565/2020 allowing buildings and works including part demolition, display of business identification signage and alteration to existing liquor licence to allow for an increase in patron numbers, alteration of hours and increase in area where liquor can be served and consumed at 483 North Road Ormond in accordance with the following conditions:

1. Before the development starts or any of the variations in relation to the sale and consumption of liquor start, 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 A.002, A.003, A.100, A.101, A2.00, A2.01 and A4.00, prepared by Splinter Society and dated 12 June 2020) but modified to show:
  - (a) The red line plan at ground floor reduced to inside the venue and existing rooftop terrace;
  - (b) Removal of fixed furniture on the ground floor plan along Newham Grove;
  - (c) Plans showing the location, size and graphics/text of the proposed signage. The signage must be of a design and colour to complement the Heritage Area to the satisfaction of the Responsible Authority;
  - (d) Colour/material samples provided for all external walls/doors windows which are visible from the street to the satisfaction of the Responsible Authority.

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

2. The development and layout and description of the use 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. The sale and consumption of liquor must only occur within the endorsed red line plan between the following hours:
  - Monday to Thursday – 10am-1am
  - Friday to Saturday – 10am-3am
  - Eve of Public Holidays other than ANZAC day & Good Friday – 10am-3am
  - ANZAC day and Good Friday – 12pm noon-11pm
  - Sunday – 10am-11pm
  - Rooftop terrace (all days) – 10am-10pm
4. The sale and consumption of liquor is limited to no more than 128 patrons at any one time, unless otherwise agreed in writing by the Responsible Authority.

5. A sign must be displayed at each exit to the premises reminding patrons to limit noise when leaving the premises and to be respectful to the residential neighbours.
6. Before any of the variations in relation to the sale and consumption of liquor start, an amended Venue 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 generally in accordance with the plan submitted with the application (identified as 'Venue Management Plan', prepared by Splinter Society and dated July 2020), but modified to include:
  - (a) Deletion of any referenced to outdoor trading;
  - (b) The hours and patron numbers referenced to reflect the conditions of this permit;
  - (c) All amenity requirements of this permit.
7. The provisions and requirements of the endorsed Venue 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.
8. The use must be managed so that the amenity of the area is not detrimentally affected though the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any buildings, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
9. This permit will expire if one of the following circumstances applies:
  - (a) The development is not started within two years of the date of this permit.
  - (b) The development is not completed within four years of the date of this permit.
  - (c) The variations in relation to the sale and consumption of liquor is not started within two 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*.

**FOR:** Crs Sztrajt, Silver, Hyams, Magee, Cade and Athanasopoulos (6)  
**AGAINST:** Cr Esakoff (1)

**CARRIED**

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**8.3 679-683 GLEN HUNTLY ROAD, CAULFIELD**

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

That Council resolves to support Planning Permit application GE/DP-33237/2019 as part of the hearing at the Victorian Civil and Administrative Tribunal, for construction of a five storey building, use of the land as dwellings and a reduction of the retail car parking requirement at 679-683 Glen Huntly Road Caulfield, subject to 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 substituted as part of the VCAT hearing (identified as Sheet No. TP1.000-TP2.003, revision C, dated 26 August 2020, produced by CHT Architects) but modified to show:
  - (a) Deletion of level 05
  - (b) Any changes required by the Waste Management Plan required by condition 7.
  - (c) Any changes required by the Environmentally Sustainable Design Report required by condition 11
  - (d) Installation of speed deterrent devices on the ramp to slow vehicles as they approach the street
  - (e) Screening on the north facing bedroom windows of dwellings 106, 108, 206 and 208, to limit views within 9m of habitable room windows and private open space areas of adjoining dwellings

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

Layout not to be altered

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 tree protection

3. Before the development starts, a Landscape 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 landscape professional and must be drawn to scale and dimensioned. The plan must include:
  - (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.



- (c) Provision of replacement tree planting along the street front to offset the removal of the eastern most street tree and for its replacement to be at the cost of the permit holder
  - (d) The provision of irrigation systems for planter boxes.
  - (e) Landscaping and planting as shown on the development plans.
4. All landscaping works as shown on the endorsed plans must be maintained, including that any dead, diseased or damaged plants are to be replaced, to the satisfaction of the Responsible Authority.
5. Before the development starts, including any demolition, excavation or construction, tree protection measures must be established around the western most street tree on the Glen Huntly Road frontage in accordance with the standard and guidance prescribed in *AS 4970 –2009: Protection of Tree on Development Sites*. The tree protection measures must identify and isolate a tree protection zone (TPZ) and include the restriction of activities within the TPZ; protective fencing; and signs identifying the TPZ. The area within the TPZ should be mulched, watered and maintained free of weeds.
6. The tree protection measures must remain in place until the development is complete and any alteration to the TPZ or works inside the TPZ must only be undertaken with the prior written consent of the Responsible Authority.

#### Management plans

7. Before the development starts, a Waste Management Plan (WMP) 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 WMP must include:
- (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 the basement area.
  - (b) Designation of methods of collection including the need to provide for private collection services. The private collection service 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) Swept path analyses of waste vehicles in and out of the site, prepared by a suitably qualified traffic engineer.
  - (f) Demonstration all headroom clearances within the development are adequate for waste vehicles to complete waste collection on site.
  - (g) Waste collection to occur outside the operating hours of the retail premises.
  - (h) Provision for glass recycling and organic waste collection.
8. The provisions, recommendations and requirements of the endorsed Waste 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.

9. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) 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 CMP must show:
  - (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;
    - (i) Hours for construction activity must only occur within the following hours: 7am to 6pm – Monday to Friday;
    - (ii) 7am to 1pm – Saturdays;
    - (iii) No construction on Sundays or public holidays;
  - (g) Measures to control noise, dust, water and sediment laden runoff;
  - (h) Measures to ensure that subcontractors/tradespersons operating on the site are aware of the contents of the CMP;
  - (i) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
10. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
11. Before the development starts, an Environmentally Sustainable Design Report 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.
12. The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report 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.

#### Parking and access

13. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) fully constructed;
  - (b) properly formed to such levels that may be used in accordance with the plans;
  - (c) surfaced with an all-weather surface or seal coat (as appropriate);

- (d) drained and maintained in a continuously usable condition;
- (e) line marked to indicate each car space, loading bay and/or access lane;
- (f) clearly marked to show the direction of traffic along access lanes and driveways,

all to the satisfaction of the Responsible Authority.

14. 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.
15. 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.
16. A minimum 1 metre horizontal clearance must be maintained between the edge of the proposed vehicle crossing and the edge of the existing Council pit and Telstra pit, unless otherwise agreed in writing by the Responsible Authority.
17. 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.
18. The car parking allocation for the approved development must be:
  - (a) Not less than one car space for each one or two bedroom dwelling.
  - (b) Not less than two car spaces for each three or more bedroom dwelling.
  - (c) Not less than two car spaces for the retail use.

#### General amenity

19. External lighting must be designed, baffled and located so as to prevent any adverse effect from light spill on adjoining land to the satisfaction of the Responsible Authority.
20. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building unless otherwise agreed in writing by the Responsible Authority.

#### Permit expiry

21. 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.
- E. There is an existing 300mm diameter Council drain that runs along the western boundary of 685 Glenhuntly Road. The building proposed is within 1.0m from the edge of the existing Council drain. The developer must expose the Council drain on site and call Engineering Services for inspection to confirm exact location of this drain. If any structures are proposed within 1.0m of Council drain, then an Application to Build within 1.0m to Council drain must be submitted to Engineering Services.
- F. Protection works must be in place during excavation and construction of the building to protect the Council’s drain. Developer/Owner is required to submit the proposed protection works plan to Council for approval prior commencement of any works.
- G. The developer/owner is required to submit CCTV report of the easement drain before and after the construction is completed. Any damage to the drain will be the responsibility of the developer/owner and any reinstatement works to be carried out must be to Council satisfaction at the developer/owner’s cost.

**CARRIED UNANIMOUSLY**

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**8.4 VCAT WATCH**

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

That Council notes the applications currently before, and the recent decisions of the Victorian Civil and Administrative Tribunal.

**CARRIED UNANIMOUSLY**

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**8.5 PLANNING SCHEME AMENDMENT C207GLEN, 380 DANDENONG ROAD, CAULFIELD NORTH, AND 15 ROCKBROOK ROAD, ST KILDA EAST**

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

That Council:

1. considers the submissions received;
2. notes the summary of submissions received;
3. resolves to abandon whole Amendment - Planning Scheme Amendment C207GLEN; and
4. requests that a photographic study be conducted of the home prior to any further permit being granted.

**FOR:** Crs Silver, Esakoff, Sztrajt, Hyams and Cade (5)

**AGAINST:** Crs Magee and Athanasopoulos (2)

**CARRIED**

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**8.6      ADVOCACY REGARDING THE SALE OF ALCOHOL AT 417 SOUTH ROAD,  
BENTLEIGH**

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

That Council provides a response to any application made to the Victorian Commission of Gambling and Liquor Regulation for a liquor licence at 417 South Road, Bentleigh on amenity based grounds.

**CARRIED UNANIMOUSLY**

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**8.7      COVID-19 SMALL BUSINESS GRANTS**

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

That Council:

1. maintains its current support for the initial grant conditions, which includes computer hardware, to support business activities in responding to and recovering from COVID-19 restrictions.
2. supports the definition of computer hardware as tabled in the report, which excludes hand held devices such as phones and tablets.
3. notes the updated grant assessment process and grant acquittal process detailed in the report.

**CARRIED UNANIMOUSLY**

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**8.8 SALE OF DISCONTINUED RESERVE - ABUTTING 19 SATURN STREET CAULFIELD SOUTH**

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

That Council directs that:

1. having given public notice of a proposal to sell the land from the discontinued drainage reserve adjoining 19 Saturn Street, Caulfield South (shown as Lot 6 on PS433599Q as attached) to the owner of 19 Saturn Street, Caulfield South, in accordance with section 189 of the *Local Government Act 1989* (the Act);
2. having received no submissions in respect of the proposal under section 223 of the Act, that the land be sold by private treaty to the owner of 19 Saturn Street Caulfield South, in accordance with section 189 of the Act and Council's Roads and Reserves Discontinuance and Sale Policy 2015; and
3. the Chief Executive Officer be authorised to execute all documentation associated with the sale of Lot 6 on PS433599Q.

**CARRIED UNANIMOUSLY**

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**8.9 LEASE - TOWN HALL VODAFONE**

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

That Council:

1. finalises the terms of a new lease with Vodafone Network Pty Ltd for their occupation of Council premises located on the Town Hall rooftop at 420 Glen Eira Road, Caulfield; and
2. executes the lease in an appropriate manner including affixing the common seal.

**CARRIED UNANIMOUSLY**

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**8.10 AUTHORISATIONS UNDER THE PLANNING AND ENVIRONMENT ACT**

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**Moved: Cr Silver****Seconded: Cr Cade**

That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* (Vic) and section 313 of the *Local Government Act 2020* (Vic) resolves that:

1. any existing Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* to the staff members referred to in Attachment 1 to the report be revoked;
2. the staff members referred to in the attached Instruments of Appointment and Authorisation (Attachment 1 to the report) be appointed and authorised as set out in the Instruments; and
3. the Instruments described in part 2 above come into effect immediately after this resolution is passed by Council.

**CARRIED UNANIMOUSLY**

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**8.11 FINANCIAL MANAGEMENT REPORT (AUGUST 2020)**

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

That Council notes the Financial Management Report for the period ending 31 August 2020.

**CARRIED UNANIMOUSLY**



**9. URGENT BUSINESS - NIL****10. ORDINARY BUSINESS****10.1 Requests for reports from a member of Council staff - Nil****10.2 Right of reply - Nil****10.3 Notice of Motion - Nil****10.4 Councillor questions - Nil****10.5 Written public questions to Council**

*Caretaker Period commenced at midday today, therefore placing restrictions on what Council can do until after the 24 October election. The questions received by Council related to matters deemed to be electoral matters for which the responses may be seen to influence the election and were therefore disallowed.*

*The submitters have been advised that they are welcome to re-submit their questions to a future meeting of the Council following the election period.*

**11. CONFIDENTIAL ITEMS**

Nil

**12. CLOSURE OF MEETING**

The meeting closed at 9.38pm.

Confirmed this 13 day of October 2020

**Chairperson.....**