

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**  
**ADMINISTRATIVE DIVISION**

**PLANNING AND ENVIRONMENT LIST**

VCAT REFERENCE NO. P930/2014

<b>APPLICANT</b>	BPG Caulfield Village Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Glen Eira City Council
<b>SUBJECT LAND</b>	Caulfield Mixed Use Area – Land bounded by Kambrook Road, Station Street and Normanby Road, Caulfield
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Jeanette G Rickards, Acting Deputy President
<b>HEARING TYPE</b>	No Hearing
<b>DATE OF ORDER</b>	15 September 2014

**ORDER**

The parties have consented to the Tribunal making the following orders:

- 1 The decision of the Responsible Authority is varied.
- 2 The Tribunal directs Development Plan Approval Number: DP - 16060/2013 must contain the conditions set out in the Development Plan and Whole of Land Approval with the following modifications:

(a) Condition 1 is amended to read:

Overlooking

- a) Screening is to be provided in form of:
  - Fixed obscure glazing up to 1.7 metres above the finished floor level for windows (or an alternative method to the satisfaction of the Responsible Authority); and
  - Fixed external screens up to 1.7 metres above the finished floor level (no more than 25 per cent transparent) for balconies (or an alternative method to the satisfaction of the Responsible Authority); or
  - Screens to windows and/or balconies that are generally in accordance with drawings by SJB numbers SD-0-701 Rev 2, SD-0-702 Rev 2, SD-0-0703 Rev 2 and SD-0-704 Rev 2;

for the following apartments, **except where it is demonstrated that there is a minimum separation distance of 9 metres from the balcony or window to adjoining private open space or habitable room windows.**

### Northern Elevation

- i. Apartments: 105, 106, 107, 108, 109, 205, 206, 207, 208, 209, 305, 306, 307, 308, 309 (Building 23),
- ii. 129, 130, 131, 132, 133, 230, 231, 232, 233, 234 319, 320, 321, 419, 420 & 421 (Building 3A).

### Southern Elevation

- iii. Apartments: 107, 108, 207, 208, 307, 306 (Building 2A)
- iv. 115, 215, & 315 (Building 13). Western Elevation
- v. Apartments: 122, 123, 124, 125, 126, 127, 128, 129, 223, 224, 225, 226, 227, 228, 229 & 230 (Building 3A).

### Open Space/ Balconies

b) **Each apartment with a balcony for private open space must have a balcony generally in accordance with plans SD-0-201 -IDPA- Rev 21, SD-0-202-1 DPA-Rev18A, SD-0-203-IDPA- Rev18A, SD-0-204-IDPA-Rev18B, SD-0-205-IDPA-Rev 18 and SD-0-206-1 DPA-Rev18A or as amended to the satisfaction of the Responsible Authority.** In considering any amendment to the private open space the Responsible Authority must have regard to the following:

- **No more than 12 of the apartments with balconies less than 6 square metres in area;**
- **No more than 150 of the apartments with balconies between 6 and 7 square metres;**
- **No more than 75 of the apartments with balconies between 7 and 8 square metres; and**
- **The balance of apartments with balconies at a minimum of 8 square metres or over.**

All plans must clearly show the dimensions and area of the balconies.

### Traffic and Car Parking

- e) **A minimum height clearance of 2.2m is to be provided along the proposed ramp to the car park and access to the bicycle parking spaces or to the satisfaction of the Responsible Authority.**
- f) The provision and design of bicycle parking facilities to comply with Clause 52.34 of the Glen Eira Planning Scheme or Cycling Aspects of AustRoads Guide (AustRoads 2014), (including the type, location, layout, access paths, signage) or **to the satisfaction of the Responsible Authority.**
- g) Visitor bicycle parking to be provided on-site at locations to the satisfaction of the Responsible Authority, such as near the

entrances of the building (except Building 1A) and open spaces (but not within the road reserve).

h) The curves at the base of both ramps must be designed to accommodate a B85 vehicle passing a B85 vehicle, together with a swept path analysis showing no conflict of vehicles at the base of the ramps.

(b) Condition 7 is amended to read:

Landscape Plan

7. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Development Plan. The Landscape Plan must incorporate:

- a) A survey, including botanical names, of all existing vegetation to be retained.
- b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
- c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
- d) Landscaping and planting within all open space areas of the site.
- e) Details of soil volumes to be provided for all core landscape areas to enable adequate soil depths for the future growth of all landscaping within the development site,

All species selected must be to the satisfaction of the Responsible Authority.

(c) Condition 24 is amended to read:

Integrated Transport Plan

24. Within 18 months of the approval of this Development Plan for Stages/Precincts 1, 2 & 3 or before any further requests to Council for approval of any other stage or precinct of development or at any other such time as agreed by the Responsible Authority, an amended Integrated Transport Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The Integrated Transport Plan must be generally in accordance with the version submitted with the Development Plan (identified as Issue D dated 20/12/13 prepared by GTA Consultants) but modified to show:

- a) the proposed design of Normanby Road / Boulevard / PHE/ Sir John Monash Drive intersection updated in accordance with either:
  - i. any design to the satisfaction of the Responsible Authority having regard to the views of VicRoads and Public Transport Victoria as appropriate; or
  - ii. the option known as Drawing No. 6962019 (Sheets 1-5) prepared by O'Brien Traffic dated 30/4/14; or
  - iii. the option known as Drawing No. 6962020 (Sheets 1-5) prepared by O'Brien Traffic dated 30/4/14; or
  - and if necessary:
  - iv. Should signals be the most appropriate treatment at **Station Street /The Boulevard, a left turn deceleration and slip lane must be provided on Station Street into the Boulevard to the satisfaction of the Responsible Authority.**
- b) Car parking in the eastern and western lanes of the Boulevard (as detailed in the concept plans) during non peak periods. Non peak periods include:
  - i. 8.30am to 4.30pm (Monday to Friday); and
  - ii. 7.30pm to 6.30am (Monday to Friday); and
  - iii. Saturday and Sunday;

**or such other times as stipulated by the Responsible Authority.**

The eastern and western road lanes must not be used for car parking during peak periods.
- c) Details about any relocation/reprogramming of parking machines to be funded by the applicant/developer
- d) A timeline or program of works for all works within the Integrated Transport Plan.
- e) **The calculation of the total number of lost publicly accessible car spaces from within the existing road network as a direct consequence of the approved Integrated Transport Plan that cannot be replaced or reinstated within the proposed road network under the Integrated Transport Plan, to the satisfaction of the Council.**

(d) Condition 25 is amended to read:

Car Parking Management Plan

25. Within 18 months of the approval of this Development Plan for Stages/Precincts 1, 2 & 3 or before any further requests to Council for approval of any other stage or precinct of development or at any other such time as agreed by the

Responsible Authority, an amended Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The Car Parking Management Plan must be generally in accordance with the version submitted with the Development Plan (identified as Issue C dated 28/8/13 prepared by GTA Consultants) but modified to show:

- a) The allocation and provision of:
  - i. at least a minimum of 130 publicly accessible off-street car spaces; or
  - ii. the total number of lost publicly accessible car spaces identified in the Integrated Transport Plan; or
  - iii. a lesser number of publicly accessible car spaces to the satisfaction of the Council, which are to be provided as publicly accessible off-street car spaces across the entire Caulfield Village development site in order to replace lost existing public car spaces.
- b) The proposed relocation of any patron parking for the Caulfield Tabaret/Glasshouse outside of the Caulfield Mixed Use Area Precinct

(e) Condition 26 is amended to read:

Section 173 Agreement

26. Within 18 months of the approval of this Development Plan for Stages/Precincts 1 2 & 3 or before any further requests to Council for approval of any other stage or precinct of development or at any other such time as agreed by the Responsible Authority, the owner/developer of the land must enter into a new and revised Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. The revised agreement will address:

- a) The Infrastructure Projects identified in Schedule 2 of the Section 173 Agreement dated 11/05/2011;
- b) The revised construction of the Normanby Road / Boulevard / PHE / Sir John Monash Drive intersection as detailed in the approved Integrated Transport Plan to the satisfaction of the Responsible Authority;
- c) Any relocation/reprogramming of parking machines to be funded by the applicant/developer; and
- d) The timeline or program for the undertaking of all works.

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

(f) Appendix A

Appendix A - Drainage Management Plan Requirements

- n) The owner and any future Owners Corporation (if the site is subdivided with an Owners Corporation) must be responsible for the future maintenance of all stormwater infrastructure (e.g. drains and pits) located within any private land within the development.
- 3 The Responsible Authority is directed to reissue the conditional approval of Development Plan No. 16060/2013 replacing the conditions in accordance with this order.

**Jeanette G Rickards**  
**Acting Deputy President**

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<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Jeanette G Rickards, Acting Deputy President
<b>HEARING TYPE</b>	No hearing
<b>DATE OF ORIGINAL ORDER</b>	15 September 2014
<b>DATE OF CORRECTION ORDER</b>	18 September 2014

### CORRECTION ORDER

- 1 Pursuant to Section 119 of the *Victorian Civil and Administrative Tribunal Act 1998*, the Tribunal's Order in Application P930/2014 dated 15 September 2014 is corrected as follows:
- 2 Order 2(a) is corrected:
  - The reference to 'Building 23' is amended to read 'Building 2B' within the subheading 'Northern Elevation'.
  - The reference to 'Building 13' is amended to read 'Building 1B' within the subheading 'Southern Elevation'.
  - A new subheading 'Western Elevation' is created above paragraph 'v'.

**Jeanette G Rickards**  
**Acting Deputy President**

## REASONS

- 1 By order dated 15 September 2014, the Tribunal ordered amendment to Development Plan Approval Number: DP-16060/2013.
- 2 By letter dated 16 September 2014, the Responsible Authority drew the Tribunal's attention to what they suggested was an error within the Tribunal's order, and submitted that the Order should be corrected.
- 3 Section 119 of the *Victorian Civil and Administrative Tribunal Act 1998* provides that the Tribunal may correct an order made by it if the order contains:
  - a a clerical mistake;
  - b an error arising from an accidental slip or omission;
  - c a material miscalculation of figures or a material mistake in the description of any person, thing or matter referred to in the order; or
  - d a defect of form.
- 4 I am satisfied that a mistake or error has occurred here, comprising an error arising from an accidental slip or omission and find it appropriate to authorise a correction of the order.

**Jeanette G Rickards Acting  
Deputy President**