



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

3 FEBRUARY 2015

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10. URGENT BUSINESS**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****11.2 Right of reply****11.3 Councillor questions****11.4 Public questions to Council****12. CONSIDERATION OF IN CAMERA ITEMS**

12.1 under s89 (2)(d) “contractual” which relates to the variation of Contract 2014.03 to include a rate for degassing of fridges, freezers and air conditioners

12.2 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.004 Cleaning of 84 Council Barbeques at various locations.

Number of tenders received	Ten (10)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value per annum	\$150,000

13. CLOSURE OF MEETING



**MINUTES of the ORDINARY MEETING OF THE
GLEN EIRA CITY COUNCIL held on TUESDAY, 3 FEBRUARY 2015**

The meeting opened at 7.30 pm in the presence of:

**His Worship the Mayor, Councillor Jim Magee
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jamie Hyams
Councillor Michael Lipshutz
Councillor Oscar Lobo
Councillor Karina Okotel
Councillor Neil Pilling
Councillor Thomas Sounness**

1. ACKNOWLEDGEMENT

On behalf of Council the Mayor read the following acknowledgement.

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

2. APOLOGIES - Nil

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

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

The Chairperson also reminded Councillors 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.

No Councillor disclosed any interest in any of the agenda items.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Copies of Minutes previously circulated.

Crs Hyams/Lipshutz

That the Minutes of the Ordinary Council Meeting held on 16 December 2014 be confirmed with the following addition:

At Agenda Item 9.3, 339-341 Neerim Road & 19-21 Belsize Avenue Carnegie, at Condition 1 (o) immediately following the words: “The rear setbacks increased to be as follows” add an additional first bullet point that reads as follows: “ground and first floors (including balconies) to be not less than 3 metres”

The MOTION was put and CARRIED unanimously.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS – Nil

6. DOCUMENTS FOR SEALING – Nil

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS - Nil

8. REPORTS FROM COMMITTEES

a. Advisory Committees

- i. Environment Advisory Committee, 11 December 2014
- ii. Local Laws Advisory Committee, 3 December 2014

Crs Lipshutz/Sounness

That the minutes of the above Committees be received and noted.

That the recommendations of the Committees be adopted.

The MOTION was put and CARRIED unanimously.

b. Records of Assembly

- i. 9 December 2014
- ii. 16 December 2014

Crs Lipshutz/Sounness

That the Record of the above Assembly be received and noted.

The MOTION was put and CARRIED unanimously.

ENVIRONMENT ADVISORY COMMITTEE



MINUTES

11 December 2014, 7.00pm

Ogaki Room, Glen Eira Town Hall

Invitees	<p>Councillors Cr Thomas Sounness (TS) Cr Karina Okotel (KO)</p> <p>Council Staff Peter Waite, Director Assets and Facilities (DAF) Rachel Ollivier, Manager Sustainability (MS)</p> <p>Community Representatives Kathryn Hannan (KH) Julian Donlen (JD)</p> <p>Apologies Cr Neil Pilling (Chair) (NP) Shane Genziuk (SG)</p>
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1. Welcome (Chair)

1.1. Cr Karina Okotel nominated and confirmed as Chair for the meeting.

1.2. Declaration of Conflict of Interests

1.1.1. None declared

1.3. DAF advised that Andrew Foran has resigned as he is moving overseas. This means that the role of Environmental Professional on the committee is now vacant.

1.1.2. ACTION: KO, NP and TS to review previous evaluation and applicants for the Environmental Professional role on the Committee and consider contacting them to find out if they are still interested. (MS to provide evaluation and application records)

2. Confirmation of minutes Minutes meeting 6 June 2014 noted as confirmed.

3. Reports on previous actions and recommendations

Action or recommendation	Report	Further Action
<p><u>CASBE:</u> Recommendation to Council to consider a report on joining CASBE at a future Council Ordinary meeting. (September item 3.1.4).</p>	<p>Council endorsed this recommendation.</p>	<p>Council will likely consider a report in early 2015.</p>
<p><u>Vision Super Ethical investment:</u> Action for Officers to draft follow up letter [to Vision Super regarding their ethical investment policy] for NP to consider (September item 3.4.1)</p>	<p>Follow up letter sent. No response as yet.</p>	<p>ACTION: MS to follow up.</p>
<p>Car Share Trial:</p>	<p>The Manager Transport Planning has reported:</p>	

Action or recommendation	Report	Further Action
Officers to report on progress at the next meeting (if available). (September Item 3.5.4).	<i>"A 12 month car share trial commenced in August 2014 at the Elsternwick shopping centre and at the Caulfield railway station. Flexicar and GoGet have each provided 2 cars at each location (i.e. a total of 4 cars in each area). All cars are being utilised; there were 89 bookings in September (54 for Flexicar and 35 for Goget) and in the period between 1 and 20 October there were 78 bookings (40 for Flexicar and 38 for Goget). Whilst there was some hesitation from the car share companies in regards to placing vehicles near the Caulfield station the vehicles at this location appear to be used more than those in Elsternwick. Goget has also noted that there has been an increase in membership for residents who reside in Elsternwick and Caulfield."</i>	
<u>Community gardens:</u> The Committee to further consider community gardens when Council has identified suitable land through the Open Space Strategy implementation (September Item 3.7).	The Strategy assigns this recommendation a "very high" priority, assigning a timeframe of 1 to 4 years. Council will consider this matter in due course as part of the Open Space Strategy.	
<u>Community Presentations:</u> Committee to consider topics for next year's program at next meeting (September Item 4.3.2.2)	Committee discussed and suggested: <ul style="list-style-type: none"> growing your own food, planting natives, spring gardening tips; tours of the Rethink centre; how to set up a community garden, how to set up a community sharing scheme; fair trade; film nights in cooperation with the arts department; nature play for kids; inspiring speakers on environmental projects – as part of community grants workshops. 	ACTION: Officers to consider suggestions from Committee (below) for 2015-16 planning for community engagement program.
<u>Emissions Reduction Strategy:</u> The Committee recommended that Council to continue with current strategies to reduce emission with a view to establishing targets for emissions reduction when developing new 2014 Environmental Sustainability Strategy (September item 5.1.4).	Council endorsed this recommendation. Work on the ESS review has commenced.	
<u>Renewable Energy Target:</u> the committee recommended at its last meeting that Council	This recommendation was not adopted by Council	

Action or recommendation	Report	Further Action
write to the relevant federal Minister(s) advocating for Government to retain the Renewable Energy Target (September item 5.3.2; moved NP; seconded TS).		
<u>Tree Strategy</u> : the committee recommended at its last meeting that Council's new Tree Strategy incorporate the Urban Forest concept and explore means of measuring tree canopy cover, and that Council's new Tree Strategy align with Council's updated Environmental Sustainability Strategy (September 5.4.2).	Council endorsed this recommendation JD noted recent guidance from MAV on what aspects Councils should disclose in regards to Trees. Work on the Tree Strategy is due to commence in 2015.	ACTION JD to forward guidance from MAV to DAF.
NP agreed to take KH's suggestion to the Arts Committee to consider. (March; Item 4.3.8; carried over).	This action removed on KH's request	
<u>Flood information request from Ogaki</u> : NP to find out what information Ogaki has about flood emergency management that maybe relevant to Glen Eira. (March; Item 6.2.4; carried over).		ACTION: NP to follow up

4. Regular reports

4.1. ESS Action Plan – progress

4.1.1. Officers advised the next progress report to end December 2014 will be available in around March 2015.

4.2. Sustainability Indicators

4.2.1. Officers provided update for 2013-14 year

4.2.2. Officers provided first quarter 2014-15 results

4.3. Community Education

4.3.1. Officers provided an update on community education events (refer to Attachment A)

5. Other business

5.1. TS requested that a presentation to the committee be requested from the relevant Greenhouse Alliance coordinator for Glen Eira.

5.1.1. ACTION: Officers to request presentation.

5.2. JD suggested that Council write to the new state government including the new minister for environment.

5.2.1.RECOMMENDATION:

To write to the Minister for Environment and Climate Change, to express Council's support for:

- **Reduction of waste and increasing recycling, particularly green waste;**
- **Reducing greenhouse gas emissions and responding to the risks associated with climate change**
- **Efforts to reduce demand for energy by households, businesses and Government departments, such as the Victorian Energy Efficiency Target.**
- **Better bike and public transport infrastructure**

(Moved Cr Okotel, seconded Cr Sounness)

5.2.2.RECOMMENDATION:

To write to the new Minister for Planning with a similar letter to that previously sent to the Minister supporting Environmentally Sustainable Design

(Moved Cr Sounness, Seconded Cr Okotel)

- 5.3. TS suggested the Committee meet informally to discuss current Environmental challenges facing the Glen Eira community.

5.3.1.ACTION: TS to suggest dates for a dinner for the EAC in late January or early February.

6. Next Meeting (Chair)

- 6.1. 12 March 2015 (Thurs)

- 6.2. Future meetings: Pencil in the second Thursday of every March, June, September and December.

Attachment A

SUSTAINABILITY EVENTS - DECEMBER 2014

Community presentations and events since the last meeting included:

- Where Does My Waste Go? 11 September 2014
- Bees in the City 19 September 2014
- Gardening on a Shoe String Budget 13 October 2014
- Solar Power 11 November 2014
- At libraries: Butterfly World 22 September 2014
- Butterfly Magic 25 September 2014
- Reptile Encounter 28 September 2014
- Greeniology 19 November 2014
- Permaculture Gardening 3 December 2014

Upcoming presentations and events include:

- Composting and Bokashi Bins 18 February 2015
- Ethical Investments 19 February 2015
- Sustainable House Case Studies 24 February 2015
- Party in the Parks at Princes Park 15 February 2015 -sustainability theme as well as stalls and activities:
 - Council sustainability programs
 - Wildlife education programs
 - Solar energy display
 - Roving educational waste promotion
 - Recycling integrated into the event
 - Composting toilets
 - Display of mural showing Glen Eira City decorated with “upcycled” materials by local schools.
- Party in the Parks at Allnutt Park 15 March 2015 – stall and activities including
 - Council sustainability programs
 - Composting/worm farm/chickens display
 - Roving educational ecologists
 - Recycling integrated into the event
 - Composting toilets

As of end November 2014, 519 households are registered for the Neighbourhood Sustainable Gardening Program.

As of end June 2014, 480 households have participated in the Glen Eira Energy Saving Program.

Record of Assembly (Section 80A)

Local Laws Advisory Committee, 3 December 2014, 6.40pm

Attendance

- Members present: Cr Lipshutz (Chair), Cr Magee (Mayor), Cr Hyams, Cr Okotel
- In attendance: Cr Lobo, Cr Delahunty
- Officers present: Andrew Newton, Jeff Akehurst.

Matters considered

- a. Draft Classified Tree Register
 - Draft register and draft local law were discussed. The Committee to brief the Councillor group in early 2015.
- b. Draft Meeting Procedure as called for by Council resolution
 - Draft discussed. Also for the Committee to brief the Councillor group in early 2015.
- c. The Committee noted the Statutory requirements for amending a Local Law.
- d. Other elements of the Local Law
 - The Chair invited Councillors to identify any other elements of the Local Law for consideration with the next meeting of the Committee to be called in early 2015.

Disclosures of Conflicts of Interest

- Nil

Close: 7.22pm.

Assembly of Councillors

9 December 2014

Record under S 80 A (2)

Meeting commenced at 6.45PM

A. Present

Cr Jim Magee Mayor	Andrew Newton
Cr Mary Delahunty	Jeff Akehurst
Cr Margaret Esakoff (Arr.6.47PM)	Peter Jones
Cr Jamie Hyams	Peter Swabey
Cr Michael Lipshutz	Peter Waite
Cr Oscar Lobo	Ron Torres
Cr Karina Okotel (Arr.6.48PM)	Paul Burke
Cr Thomas Sounness	

Apologies

Cr Neil Pilling

B. Matters considered.

(i) Men's Shed.

6.47PM Cr Esakoff entered the Briefing Room.

6.48PM Cr Okotel entered the Briefing Room.

(ii) Open Space, Public Acquisition Overlays.

DECLARATIONS OF INTEREST

Cr Esakoff declared a Conflict of Interest when a particular site in the Elsternwick area was discussed.

7.36PM Cr Esakoff left the Briefing Room.

7.49PM Cr Esakoff returned to the Briefing Room.

(iii) Council Papers for the 25 November 2014 Council Meeting comprising twenty six officer reports together with standing items on the Agenda.

(a) Agenda Item 9.1 - 188-190 Tucker Road, Bentleigh.

(b) Agenda Item 9.2 - 14-16 Elliott Avenue, Carnegie.

(c) Agenda Item 9.3 - 339 Neerim Road and 19 Belsize Avenue.

8.33PM Cr Delahunty left the Briefing Room.

8.35PM the meeting adjourned.

8.49PM the meeting resumed in the presence of:

Cr Magee, Mayor

Cr Delahunty

Cr Esakoff

Cr Hyams

Cr Lipshutz

Cr Lobo

Cr Okotel

Cr Sounness

(d) Agenda Item 9.4 - 1A Orrong Crescent and 632A Inkerman Road.

(e) Agenda Item 9.5 – 482-484 North Road, Ormond.

8.59PM Cr Sounness left the Briefing Room.

9.04PM Cr Sounness returned to the Briefing Room.

(f) Agenda Item 9.6 – 477 South Road, Bentleigh.

(g) Agenda Item 9.7 – 14-18 Bent Street, Bentleigh.

(h) Agenda Item 9.9 - Property Taxation.

(i) Agenda Item 9.11 - Management of public land by lease (Joyce Park).

(j) Agenda Item 9.12 - Bentleigh Senior Citizens Centre, 2-4 Arthur Street, Bentleigh.

(k) Agenda Item 9.13 - Community Consultation for Pedestrian Crossing Locations.

- (l) Agenda Item 9.14 - Glen Huntly Reserve Car Park - Electricity Substation Lease Agreement.
- (m) Agenda Item 9.15 - Revocation of Authorisations under the Planning and Environment Act 1987.
- (n) Agenda Item 9.18 - Conduct of General Revaluation.
- (o) Agenda Item 11.1 – Requests for Reports.
 - (1) Cr Delahunty – Zoning for social housing.
 - (2) Cr Lobo – on/off leash dogs.
 - (3) Cr Hyams – what do other Councils do to support bowls and tennis clubs and what can Glen Eira do.
- (p) Agenda Item 12.1 - under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.014 Murrumbeena Park Oval 2 Reconstruction Kangaroo Road, Murrumbeena.
- (q) Agenda Item 12.2 - under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.008 Annual Contract for Civil Works at Various locations within the City of Glen Eira.
- (r) Agenda Item 12.3 - under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.001 Provision of Concrete Maintenance Services.
- (s) Agenda Item 12.5 - under s89 (2)(d) “contractual” which relates to the awarding of contract 2015.013 for the provision of Offsite Record Storage Services.
- (t) Agenda Item 12.6 - under s89 (2)(d) “contractual” which relates to the awarding of Tender number 2014.024 Provision of Agency Nursing and Care Staff - Residential Care Services.
- (iv) Records of Assembly.
 - (a) Cr Lobo – 25 November 2014.
- (v) General Business raised by Councillors.
 - (a) Cr Sounness – advertising on the road pavement.

- (b) Cr Sounness – Naming rights. A Council in the northern suburbs.
- (c) Cr Sounness – Redan Road, infrastructure repair.
- (d) Cr Sounness – Archibald/Riddell Parade. Complaints about accidents.
- (e) Cr Okotel – LG Focus newspaper. Article on Municipal Bonds.
- (f) Cr Hyams – Strategic planning weekend, 2015.
- (g) Cr Delahunty – Strategic planning weekend. Visits to small open space sites in other municipalities.
- (h) Cr Delahunty – MAV Strategic planning – need for input.
- (i) Cr Delahunty – Elsternwick Plaza.

9.59PM Cr Sounness left the Briefing Room.

10.00PM Cr Sounness returned to the Briefing Room.

- (j) Cr Delahunty – Caulfield Park Conservatory.
- (k) Cr Lobo – Scout Hall, 15th Brighton.
- (l) Cr Lobo – new group called 'Lets Connect'.
- (m) Cr Lipshutz – Caulfield Racecourse Reserve Trust Working Group meeting.
- (n) Cr Hyams – Scout Troops and community grants.
- (o) Cr Magee – final Assembly of Councillors for Mr Jeff Akehurst.

Fin 10.15PM

Council Pre-Meeting

16 December 2014

Record under S 80 A (2)

Meeting commenced at 6.47PM

A. Present

Cr Jim Magee, Mayor
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jamie Hyams
Cr Michael Lipshutz
Cr Oscar Lobo
Cr Karina Okotel
Cr Thomas Sounness

Andrew Newton, CEO
Jeff Akehurst
Peter Jones
Peter Swabey
Peter Waite
Paul Burke

Apologies

Cr Neil Pilling

B. Matters considered.

- (i) Council Papers for 16 December 2014 consisting of twenty six Officer reports together with standing items on the Agenda.
 - (a) Agenda Item 5 – Petition.
 - (b) Agenda Item 9.1 - 188-190 Tucker Road, Bentleigh.
 - (c) Agenda Item 9.2 - 14-16 Elliott Avenue, Carnegie.
 - (d) Agenda Item 9.3 - 339 Neerim Road and 19 Belsize Avenue.
- 6.58PM Cr Lobo left the room.
- 6.59PM Cr Lobo returned to the room.
- (e) Agenda Item 9.4 - 1A Orrong Crescent and 632A Inkerman Road.

- (f) Agenda Item 9.5 - 482-484 North Road, Ormond.
- (g) Agenda Item 9.9 - Property Taxation.
- (h) Agenda Item 9.11 - Management of public land by lease (Joyce Park).
- (i) Agenda Item 11.1 – Requests for reports.
 - (1) Cr Lobo – on/off leash dogs.

7.20PM Cr Esakoff left the room.

- (2) Cr Okotel – Grade separations.
- (3) Cr Okotel – Planning zone review.
- (4) Cr Okotel – Planting of trees in North Road, Ormond.
- (5) Cr Delahunty – social housing.

7.23PM Cr Esakoff returned to the room.

- (j) Cr Magee – confidential items.

Fin 7.26PM

9. PRESENTATION OF OFFICERS REPORTS

- 9.1 53 Magnolia Road, Gardenvale - Planning Scheme Amendment C135
Acquisition of Land for Public Open Space
- 9.2 1 Wahgoo Road, Carnegie
- 9.3 97-103 Hawthorn Road, Caulfield North
- 9.4 445-457 Glen Huntly Road Elsternwick – Planning Scheme Amendment
C134
- 9.5 Planning Scheme Amendment C132 - 333- 335, 337, 339, 341, 345, 353 &
355 Hawthorn Road and 2 & 4 Briggs Street, Caulfield
- 9.6 VCAT Watch - February 2015
- 9.7 Flood Mitigation Update
- 9.8 Grade Separation Projects, Timing
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- 9.12 Transfer of Land – Laneway Off Morton Street Elsternwick
- 9.13 Changes to CCTV Policy
- 9.14 Graffiti and Mobile Garbage Bin Policies - Update
- 9.15 Changes to Delegations from Council to Members of Staff and Delegated
Planning Committee
- 9.16 Eco-Buy Program
- 9.17 Foundation for Youth Excellence Committee Grant Applications
- 9.18 Financial Report for the period ending 31 December 2014

Item 9.1**53 MAGNOLIA ROAD, GARDENVALE
PLANNING SCHEME AMENDMENT C135
ACQUISITION OF LAND FOR PUBLIC
OPEN SPACE****Enquiries: Rocky Camera
Co-ordinator Strategic Planning****1. Community Plan**

Recreation and Open Space: To enhance recreation facilities and open space to meet current and future needs of the local community.

Development and Planning

2. Proposal

The amendment proposes to apply a Public Acquisition Overlay (PAO) to the property at 53 Magnolia Road, Gardenvale. Once purchased, the property will then be incorporated into Gardenvale Park (Attachment 1).

3. Recommendation

That Council:

- Seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C135.

4. Background

Gardenvale Park was developed by the City of Caulfield following Council's purchase of properties in Elster Avenue and Gardenia Road, and the closure of Elster Avenue. The site was previously the subject of a Public Acquisition Overlay for several years. This piece of land was in the original park design but was not purchased at the time.

The Overlay was removed in 2008, through a planning scheme amendment process. The property has not been developed and no development permits exist for the site.

5. Open Space Strategy

Glen Eira has an acknowledged deficiency in public open space. Council adopted the *City of Glen Eira Open Space Strategy 2014* to address the deficiency of open space within Glen Eira for the next 13 years. The strategy identifies "gap" areas that are poorly served by public open space.

The strategy identifies Gap Area E4 in Elsternwick as deficient in open space. Whilst Gardenvale Park is located to the south (outside the gap area), acquiring 53 Magnolia Road would significantly enhance the park and, in turn, reduce the size of Gap area E4. The incorporation of 53 Magnolia Road would increase the park size by approximately 500m².

Item 9.1 (cont'd)**6. Funding**

Amendment C120 is currently with the Minister for Planning for approval. It introduces a public open space developer contribution rate of 5.7% in the Planning Scheme. Compared to the current developer contributions framework, C120, when approved by the Minister, will provide substantially more funds for the acquisition of land for open space, and the upgrading of existing open space.

7. Public Acquisition Overlay Process

The purpose of the Public Acquisition Overlay (PAO) is to identify land which is proposed to be acquired by Council and to reserve that land for a public purpose. It also ensures that changes to the use or development of the land do not prejudice the purpose for which the land is required.

A PAO is introduced through the normal planning scheme amendment process. The owner of the land or any affected person can object and have their concerns heard before a Panel.

A PAO requires Ministerial approval. The Minister will not approve a PAO unless Council has given an undertaking to accept financial responsibility for its ultimate acquisition. Once the PAO is in place, the owner is able to ask Council to immediately purchase the land and Council is obliged to do so. Consequently Council must accept financial responsibility from the outset.

It is common for Councils who use a PAO to work with the owner on a suitable time frame for the sale. Owners who have a PAO over their land can be accepting of the overlay because they know they have a purchaser, namely Council. At the time of acquisition, Council is obliged to pay market value and compensation relating to impacts associated with the acquisition of the land.

8. Planning Scheme Amendment Process

The owner of the subject site has already been informed of the proposed PAO. The application of a PAO must go through the following fixed statutory steps:

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions.
2. If there are no submissions Council can 'adopt' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.
3. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council.

Item 9.1 (cont'd)

The Panel may make a recommendation to:

- adopt the amendment
- abandon the amendment
- modify the amendment

5. Council then considers the panel report and makes its own decision. Council is not bound by the panel's findings. Again Council's options are to either abandon or adopt the amendment (with or without modifications).
6. If Council adopts the amendment, it is then referred to the Minister for Planning for approval.

The process required to amend the Glen Eira Planning Scheme is lengthy and provides opportunities for public input from interested parties. With regard to the current proposal, Council is at Step 1.

Crs Sounness/Delahunty

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Item 9.1 (cont'd)

ATTACHMENT 1 – Magnolia Road, Gardenvale



Item 9.2**1 WAHGOO ROAD, CARNEGIE
HERITAGE ASSESSMENT**

**Enquiries: Rocky Camera
Co-ordinator Strategic Planning**

**1. Community Plan**

Development and Planning

2. Proposal

At the Ordinary Council Meeting of 16 December 2014, a petition was tabled requesting a heritage survey of a building at 1 Wahgoo Road, Carnegie. Council resolved:

“That the petition be received and noted and request Council's heritage advisor to reassess the heritage value of the property within 4 weeks for the council group to consider.”

3. History of the Process and the Site**3.1 Independent Heritage Assessment of all Properties**

The *City of Glen Eira Heritage Management Plan* was produced in 1996. It arose from a review of the heritage significance of every property in the municipality, conducted by an independent heritage professional.

Item 9.2 (cont'd)

The study identified both precincts and individually significant '*heritage places*' recommended for heritage protection. 'Significance' was based on a grading system:

- A - State Importance, possible National Significance*
- B - Regional Importance*
- C⁺ - Local Significance warranting protection*
- C - Local Significance representing a period style*
- D to F. Local Interest / defaced*
- N - Not Significant*

The Plan formed the basis of a series of planning scheme amendments between 1999 and 2003 with extensive public consultation and review by an independent panel.

Council's grading methodology and justification for the chosen precincts and individual sites for protection (C⁺ grading and higher) was supported by an independent panel, and ultimately received Ministerial approval.

The process ran for more than seven years, involving independent assessments, informal consultation, Statutory Notice, planning conferences, independent panels and Council Meetings. The process was quite polarising, involving the expression of very strong views both for and against additional controls over the use of property.

Today, 3,893 properties (approximately five percent of properties in Glen Eira) are protected by a Heritage Overlay control, including 130 individually significant heritage places. Some examples of individually significant properties include:

- 113 Jasper Road, Bentleigh – the Convent of Our Lady of the Sacred Heart
- 85 Seymour Road, Elsternwick – "Bellecourt" house
- 220 Orrong Road, Caulfield North – Grimwade House (Melbourne Grammar Junior School)

3.2 Character, but not Heritage

In the 1996 municipal-wide review of heritage, precincts were identified that displayed a cohesive 'period' character but were not significant enough to warrant the Heritage Overlay control. Following a further extensive process of assessment, consultation, planning scheme amendments and independent panel hearings, these precincts are now protected by a Neighbourhood Character Overlay control. They reflect the character of neighbouring properties, not merely the property itself. There are 1,520 properties protected by this overlay.

The Neighbourhood Character Overlay and the Heritage Overlay protect 5,413 properties in Glen Eira. One consequence is that planning permission needs to be obtained before a property can be demolished.

3.3 Adding or Subtracting Properties

From time to time, parties have argued that an individual property should be placed under heritage controls notwithstanding the assessment to the contrary in the 1996 study of all properties. Any party wishing to see a property given Heritage protection can prepare the requisite expert justification.

Item 9.2 (cont'd)

From time to time, permission is given to demolish or substantially alter a building within a heritage or Neighbourhood Character overlay. This is usually based on professional assessments of structural condition.

3.4 “Frogmore”, 1 Wahgoo Road: 1996 Assessment

The 1996 heritage review assigned the building at 1 Wahgoo Road a ‘C’ grading.

A ‘C’ grading is a building of *“local significance, being representative of a period and/or house type and forming a supportive element in the heritage of the City. Preservation is important if a building of this quality is situated within an identified historic area”*.

The building is not within an identified historic area and was not recommended for inclusion in the heritage overlay.

The C grading was due to:

- The extensive 1960s and 1990s extensions surrounding the building
- The building being obscured from view from Wahgoo Road
- The non-original modifications made to the building.

All three factors are illustrated in the aerial photo below.



Council records have not disclosed any objections to the non-inclusion of the property in the heritage overlay during the 1996 – 2003 process.

3.5 Proposed Redevelopment for Aged Care

The property has recently changed ownership. The new owner is understood to want to continue the aged care use of the site, involving demolition and redevelopment.

Item 9.2 (cont'd)

In considering purchase of the property, a due diligence process would have disclosed that:

- the site would probably be of a size that would be economically viable for residential care
- the site was not under a heritage or neighbourhood character overlay
- there were no planning controls to prevent demolition
- there was no impediment to an application for redevelopment.

3.6 *Heritage Assessment January 2015*

At the Ordinary Council Meeting of 16 December 2014, Council received a petition asking Council to consider the “historical importance” of the building and requesting a heritage survey of the building. Council resolved to request Council’s heritage advisor to reassess the heritage value of the property within four weeks.

A consultant was engaged to carry out a reassessment. By comparison with the 1996 review, the reassessment placed emphasis on the historical associations of the property, linked to early land developers of the City, a former Councillor and the son of the architect of the Caulfield Town Hall. It concluded that Frogmore house should be included in the heritage overlay clause 43.01 in the Glen Eira Planning Scheme. The report is attached in full.

3.7 *Interim Protection Order, 19 January 2015*

Representations were also made to the Executive Director, Heritage in the State Government. On 19 January 2015 the Executive Director issued an Interim Protection Order on the property. The Order prohibits demolition, removal, damage or excavation while the Order is in place.

The Interim Order will allow time in which the Heritage Council can determine whether it will provide permanent protection or not. Consideration is usually given to whether the property in question is of State significance.

If the Executive Director imposes permanent controls, no further action would be required by Council. If the property is not considered to be of State significance, the matter may be referred to Council to consider whether to initiate a planning scheme amendment to place a local heritage overlay over the site.

4. Issues

The above sequence of events poses issues of

- the original heritage assessment
- the proposed redevelopment of the site for aged care consistent with current planning controls and
- the recent heritage reassessment.

It is desirable for Council to resolve these issues as soon as possible.

Item 9.2 (cont'd)**5. Options**

Two alternatives with their supporting arguments are set out below.

Option A: initiate a heritage protection process

One option would be to act on the recent reassessment and initiate a planning scheme amendment process to include the property in the heritage overlay.

Council would need to ask the Minister for Planning to place interim protection over the site. Given the previous assessment that heritage was not appropriate, no objections being raised for many years and that a new owner has acted in good faith on the basis of existing controls, there is no assurance that the Minister would grant such an interim control.

If interim controls were approved, the Council would need to exhibit an amendment to apply a heritage overlay. Submissions could be made for or against. The matter would go to an independent panel which could consider all submissions. Again, given the original process and that the owner has acted in good faith on Council's decision not to place a heritage overlay, there is no assurance that the panel would support the amendment. Any amendment would need to be approved by the Minister. The process would take approximately 18 months.

Option B: Not re-open the heritage issue at a municipal level but abide by whatever decision is made by the Heritage Council.

The heritage process of 1996 – 2003 considered all properties in Glen Eira. It placed 3,893 properties under heritage controls. It was a very public process with many stages of consultation. It provided opportunities for views to be put for or against heritage classification of any property in the municipality. The views being expressed now might more appropriately have been expressed during the seven year process and been taken into account and determined then or in the eleven years since then.

It is reasonable for prospective purchasers to act on the basis of the Council's planning scheme, especially given that the heritage status of every property in the municipality had been considered and had been decided. It would be unreasonable to change the rules after the purchaser had acted in good faith and committed significant funds.

6. Decision

If Council favours option A, the terms of a possible decision would be:

That Council request the Minister for Planning to impose interim heritage controls over 1 Wahgoo Road, Carnegie and authorise the exhibition of a planning scheme amendment to place heritage controls over the property.

If Council favours option B, the terms of a possible decision would be:

Item 9.2 (cont'd)

That Council

- a. note the heritage process over the period 1996 to 2003 which provided the appropriate opportunity to put views for or against the heritage status of 1 Wahgoo Road, Carnegie;*
- b. note that the current owner of the property has acted in good faith and committed significant funds on the basis of Council's planning scheme; and*
- c. forwards the attached consultant report to the Heritage Council and agrees to abide by the Heritage Council's decision in this matter.*

7. Recommendation

That Council determine the matter.

Crs Pilling/Lipshutz

That Council

- (a) note the heritage process over the period 1996 to 2003 which provided the appropriate opportunity to put views for or against the heritage status of 1 Wahgoo Road, Carnegie;**
- (b) note that the current owner of the property has acted in good faith and committed significant funds on the basis of Council's planning scheme; and**
- (c) forwards the attached consultant report to the Heritage Council and agrees to abide by the Heritage Council's decision in this matter.**

The MOTION was put and LOST.

Crs Sounness/Okotel

That Council request the Minister for Planning to impose interim heritage controls over 1 Wahgoo Road, Carnegie and authorise the exhibition of a planning scheme amendment to place heritage controls over the property.

DIVISION

Cr Lobo called for a DIVISION on the voting of the MOTION.

FOR

**Cr Sounness
Cr Lobo
Cr Okotel
Cr Delahunty
Cr Esakoff
Cr Magee**

AGAINST

**Cr Pilling
Cr Lipshutz
Cr Hyams**

On the basis of the DIVISION the Chairperson declared the Motion CARRIED.

Heritage Assessment,
Frogmore 1 Wahgoo Road, Carnegie



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FROGMORE 2015



Figure 1 Aerial view shows main stages of development with tiled roof marking Victorian-era building, (Google Earth, 2015), north up page.

FROGMORE 1919.

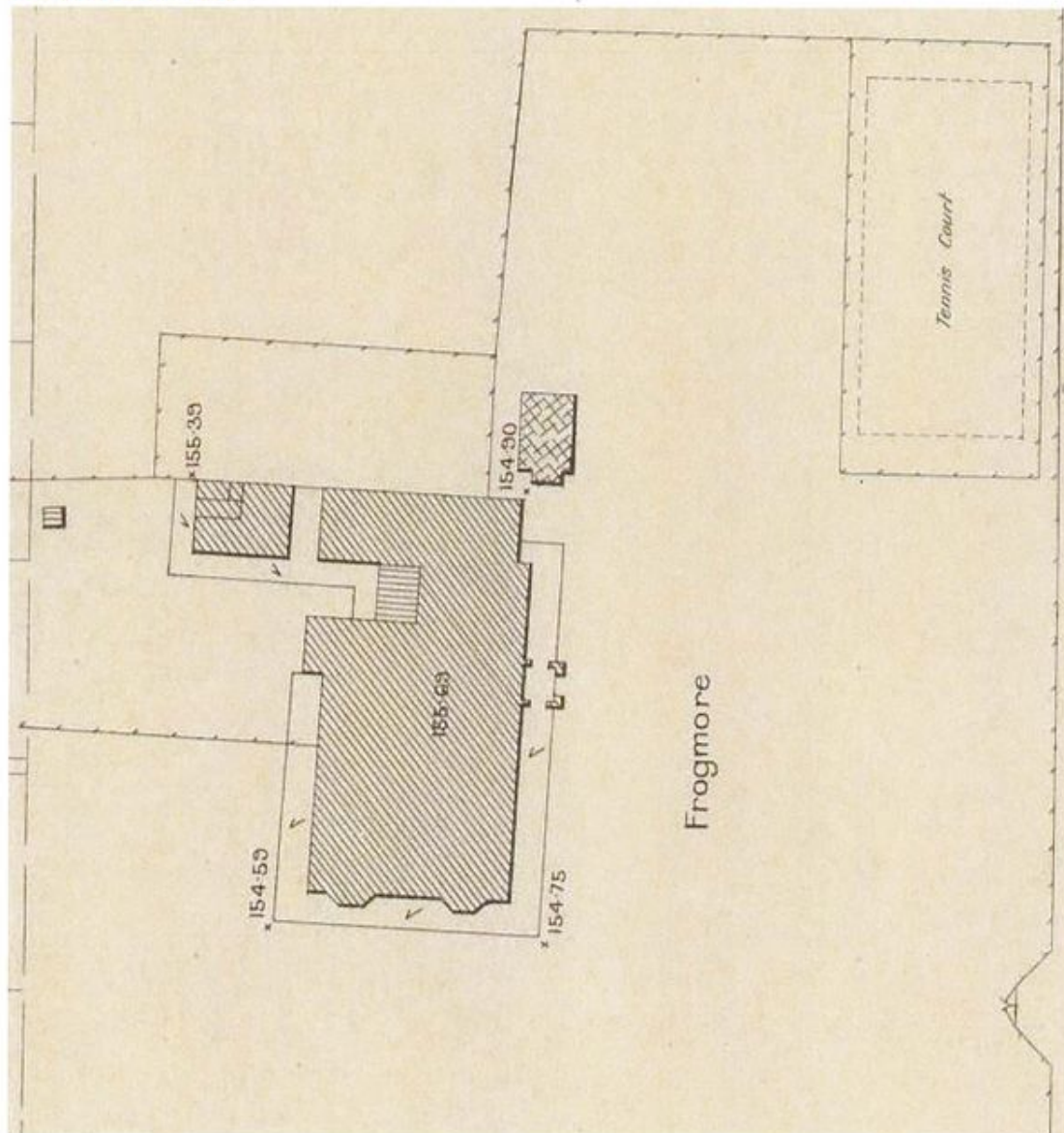


Figure 2 Frogmore: MMBW Detail Plan 2853, 1919, part, showing masonry towered villa with masonry north service wing, verandahs and drive entry from Wahgoo Road, all as existing (marked by tiled roof in Figure 1), timber shade house to north-east corner, and tennis court since removed.

PREAMBLE

Graeme Butler & Associates was commissioned to carry out a brief heritage assessment by the City of Glen Eira after a Council resolution 16 December 2014 following receipt of a petition. The meeting minutes extract below describes these events.

A petition signed by 936 signatories was tabled that read as follows:

"The petition of the following named citizens, draws to the attention of the council that the petitioners are concerned that Frogmore House at 1 Wahgoo Road, Carnegie, an historic 1850s house, is in grave danger of being demolished to make

way for a 120 bed aged care facility. Frogmore was built c1857 for William Lyall by Melbourne's leading architect Joseph Reed (State Library, Melbourne Town Hall, Ripponlea etc). it is one of the earliest Italianate houses in Melbourne. Lyall was an important Victorian pastoralist who was a member of the first Caulfield Roads Board. At Frogmore, Lyall successfully bred cattle and horses and experimented with different types of pastures and grasses.

He sold Frogmore in 1868 to Archibald McLaurin, an overlander and pastoral figure of note in Port Phillip who later became a Caulfield Shire councillor. Your petitioners therefore request that Council conduct a heritage survey of this building immediately.

We believe Frogmore should be preserved for posterity and we ask that you consider its historical importance before issuing any demolition or planning permits."

Crs Delahunty/Lobo That the petition be received and noted and request Council's heritage advisor to reassess the heritage value of the property within 4 weeks for the council group to consider.

The MOTION was put and CARRIED unanimously.

Acknowledgments

Council planning officers who provided background for the assessment included:

- Jacqui Brasher
- Rocky Camera

METHODOLOGY

Assessment criteria and thresholds

The place has been assessed under the broad categories of aesthetic, historic, social and scientific significance. The comparative geographic base used is that of the 'locality' (all or part of the Murrumbeena or Carnegie district of the City of Glen Eira) and the State of Victoria. A place must be at least of local significance to be included in the *Glen Eira Planning Scheme* (GEPS) Heritage Overlay¹.

¹ See MPS schedule to clause 43.01

Heritage criteria summary

The *Victorian Planning Provisions* (VPP) Practice Note, *Applying the heritage overlay* 2012 cites the following criteria as briefly described below:

A place may have:

- A importance to the course or pattern of our cultural or natural history (historical significance);
- B uncommon rare or endangered aspects of our cultural or natural history (rarity);
- C potential to yield information that will contribute to an understanding of our cultural or natural history (research potential);
- D importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness);
- E importance in exhibiting particular aesthetic characteristics (aesthetic significance);
- F importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance);
- G. strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance);
- H special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Methodology details

The following work was undertaken for this heritage assessment as required:

- Site visit and recording photographically;
- Appraisal of the City Of Glen Eira Heritage Management Plan 1996;
- Brief appraisal of City of Glen Eira heritage policies;

- Check of municipal Building Permit Applications for the site as required;
- Check of newspaper references, National Library of Australia (TROVE);
- Check of land and title records;
- Check of the National Trust of Australia (Vic) and Heritage Council of Victoria web-sites and Hermes database;
- Reference to thematic history in City Of Glen Eira Heritage Management Plan 1996.
- Preparation of the written report with comparative analysis carried out within the City of Glen Eira context and a Statement of Significance in the *Applying the Heritage Overlay* practice note format.

Statement of Significance format

The Statement of Significance format used for the assessment is from *Applying the Heritage Overlay Practice Note 01* (as revised September 2012). This format is as follows:

- What is significant?
- How is it significant?
- Why is it significant?

City of Glen Eira heritage strategies

The local policy (clause 21.10 HERITAGE) states the following as an overview of the City's heritage.

The City of Glen Eira is essentially an inter-war municipality founded upon the development of Melbourne's electric tramway system and the electrification of its suburban railways. Important examples of nineteenth and early twentieth century housing and commercial development add interest to the City. At the national level, it remains today as a rare, surviving, middle distance, middle class municipality of the inter-war era, retaining its system of street tramways. A number of areas and individual properties comprehensively demonstrate important eras in the growth of Glen Eira and survive in a reasonably intact state. These have been identified in the Glen Eira Heritage Management Plan. Some have also been recognised by Heritage Victoria and the National Trust.

Glen Eira is currently experiencing a development boom, which means the pressure to demolish older buildings will increase. It is becoming increasingly apparent that as property values rise, so too does the quality of the buildings which are making way for new development. One of the ways that residents can ensure that heritage values are protected is to embrace the introduction of heritage controls.

The strategies laid out to achieve the adopted objectives of identification, protection, enhancement, promotion and understanding of Glen Eira's heritage are as follows.

Strategies

- Protect places identified as having architectural, cultural or historical significance.
- Ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality.
- Enhance knowledge and popular understanding of Glen Eira's architectural, cultural and historic heritage.

This assessment of Frogmore follows on from those objectives.

City Of Glen Eira Heritage Management Plan 1996

The City of Glen Eira Heritage Management Plan 1996 is a referenced document under clause 21.10 of the Glen Eira planning scheme. The plan sets out the assessment criteria used in Volume 3 Individual Buildings and Places as follows:

The Council's criteria are as follows:

- *is important for reasons of artistic, religious, spiritual, symbolic, cultural, educational or social associations*
- *is a representative, extraordinary, rare or essentially intact example of a building type;*
- *demonstrates creative or technical, scientific accomplishment in the history of construction or settlement in Victoria;*

- demonstrates changing sequence of styles, patterns of occupancy, functions or sequence of usage over time;
- was influential in the development of style, technology, process or construction techniques, aesthetic theories, architectural design philosophy, or demonstrates new and innovative solutions to user requirements;
- demonstrates typical or outstanding craftsmanship, decoration or use of a particular material;
- demonstrates an association with an important figure or figures, cultural group or event;
- is a representative or extraordinary example of architectural style, construction technology, or of the practitioners work;
- represents or is an extraordinary example of a way of life, activity, custom, process or function;
- is of considerable age;"

Having regard to these criteria, importance has been attributed to a place if it is representative of the following themes:

Public Services-

- education (Public/private)
- transport (tramways, railways)
- post and telegraph
- fire prevention

Worship -by denomination

Recreation-

- horse racing
- locally based defence

Commercial and Residential Settlement

- mid Victorian (working class / middle class / gentry)
- late Victorian

- post Federation
- Inter War

Industry -market gardening

Recommendations have been made for the conservation of places on the basis of their significance. These address inclusion on the following registers if appropriate.

Heritage Council Register (formerly the Historic buildings Council Register) National Estate Register for transfer from the Government Buildings Register to the Heritage Council Register (formerly the Historic Buildings Council Register)

Recommendations have also been made for planning scheme control where appropriate.

The criteria used in 1996 broadly parallel the Applying the Heritage Overlay practice note criteria and the 1996 themes can be linked to selected Victorian Historical Themes.

The place assessment of Frogmore was recorded in the Appendix C, Field Surveys (surveyed 1990, separate to published report) as **C grade** which means:

"Of local significance being representative of the period, style and/or house type and forming a supportive element in the heritage of the City. Preservation is important if a building of this quality is situated within an identified heritage area". (Note, this site is not located within an identified heritage area)².

² provided by the City of Glen Eira 23 December 2014.

STATEMENT OF SIGNIFICANCE

What is significant?

Frogmore house is a one storey towered and verandahed late Victorian-era Italianate style villa on associated land with:

- pre-subdivision siting, angled to the adjacent street grid;
- symmetrical axial north-south plan;
- two colour (tuck-pointed red body brick cream quoining) face brick external walls on cemented plinth;
- red brick service wing remnants at the rear north end;
- window bays either side of south entry;
- arched doorway, with toplight, in south face;
- typically double-hung sash windows;
- M-hipped roof, once slated but now clad with Marseilles pattern variegated glazed tiles;
- moulded eaves brackets;
- parapeted two-colour brick tower on east side with cemented parapet cornice (potentially once with urns), string mould, double-hung sash windows and arched fenestration;
- return verandah;
- cast-iron verandah posts and palmette pattern frieze;
- concave profile verandah roof, clad with corrugated iron
- four visible two-colour brick chimneys in main roof with cemented moulded caps;
- part of its south garden setting in the form of two Canary Island Palms and one silky oak.

How is it significant?

Frogmore house is significant to the City of Glen Eira, historically and aesthetically.

Why is it significant?

Historically

- From the Lyall ownership to that of McLaurin, the Frogmore property echoes the early close association of the Caulfield

district with stock breeding and farming throughout the Victorian-era;

- Frogmore land was among this first wave of land alienation in the City, Lyall consolidating the Crown grants to provide for the formation of a model farm that he called his home;
- The 1880s redevelopment of Frogmore house places it among the City's Victorian architectural heritage and links the house firmly with a key early development era in the City, that of the late Victorian-era land boom. The McLaurin 1880s subdivision financed the rebuild of Frogmore, creating land packages that allowed the growth of the Caulfield municipality from 700 persons in 1871 to 6500 by 1890;
- McLaurin's subdivision was also linked with the Gippsland railway's opening and the access it gave would-be house buyers.
- Frogmore house's designer Sydney W Smith worked with Sydney William Smith his father, who was the architect of the new Caulfield Town Hall. McLaurin had also been a Caulfield councillor; the origins of his new home being shared with those of the Town hall, firmly linking him with municipal affairs in the Caulfield district;
- The further subdivision of Frogmore land in the Edwardian-era is another parallel with a major growth period in the City. Frogmore house, with its angled off-street siting, stands as a recognisable progenitor of these development eras.

Rarity

For the rarity of Frogmore as a former farm house in an area (Carnegie, Murrumbeena) where identified surviving Victorian-era villas are few and are of the suburban villa type, as residences of professional men who worked in the City, rather than the farmers or stock breeders associated with the area's early history;

Built in the 1880s, Frogmore is now of comparative considerable age and as such is part of a small minority group among the City's building stock,

particularly in the Carnegie and Murrumbeena area.

Aesthetically

Frogmore is an architect designed, large and competent example of a widely used Victorian-era villa style in suburbs closer to Melbourne (dichrome Italianate style Victorian-era verandahed villa) but not for that era in the Carnegie or Murrumbeena districts. The tower further distinguishes the house among other examples both locally and broadly across Melbourne while acting as a landmark within the suburbs that have grown around it.

Frogmore was at the beginning of the architect Sydney W Smith's long and distinguished career and a major achievement as such- no other known example of his work from this time directly parallels the design.

By Association

Because Frogmore house was custom designed for the family, the property has strong associations with the well known pastoralist McLaurin family, underscoring the rural dominance of the area until the Edwardian-era and inter-war periods when the large estates were broken up. McLaurin was also an early Caulfield Roads Board and Council member.

Lesser associations are with the Menck and Keys families, the latter having held it over a long period while the former used it as a vehicle for gala charity events, thus publicising the house widely throughout Victoria. Menck shared the theme of horse racing and breeding with the first owner of a house at Frogmore William Lyall and both echo the fame of the nearby Caulfield race course.

RECOMMENDATIONS

Frogmore is significant to the locality of Carnegie and Murrumbeena and City of Glen Eira and should be conserved as one of the cultural assets of the city.

The schedule to the heritage overlay in the Glen Eira planning scheme shows that typically external paint colour controls do not apply in the city so this option was not included, particularly given

Frogmore is a face brick building. The prohibited uses option has been used in the schedule albeit sparingly and would add flexibility for future uses but given the property is surrounded by low scale residential use this option is not recommended.

Conclusion

Frogmore house should be included in the schedule to the heritage overlay clause 43.01 in the Glen Eira Planning Scheme.

HISTORICAL CONTEXT FOR FROGMORE

The following extracts from the 1996 thematic history provide an historical context for the development of Frogmore (my bold).

Glen Eira is a diverse municipality, retaining substantial evidence of growth from all of Melbourne's major development phases. Whilst its road grid and expansive public open spaces have their origins in the pastoral era, its homes demonstrate the excitement of the Land Boom, over a century ago, the eclecticism of the inter war period home builders and the comparatively recent demise of the land of the market gardeners. Caulfield is important, also, as a tramway suburb, demonstrating the impact of the Prahran and Malvern Tramways Trust and its successor, the Melbourne and Metropolitan Tramways Board, on the suburban expansion of the metropolis during their periods of ascendancy. This expansion is also witnessed in Glen Eira as a series of "waves", the first imparting a Victorian flavour to the municipality's north-west followed by second wave, "washing" over the first and sweeping further afield during the post Federation years. They were followed by a "tidal wave" after the Great War covering all of the former municipality of Caulfield and infiltrating the western end of Moorabbin's north ward. Finally, East Bentleigh yielded to the same wave effect in comparatively recent times.

Comment on 1996 introduction to Glen Eira

Frogmore is in the eastern section of the city which was relatively unaffected by the Victorian-era building boom, described above as transforming the north west. Hence Frogmore remains a distinguishable landmark within an area of typically much later housing development, immediately surrounded by Edwardian-era and inter-war and later houses.

Murray and Wells in From Sand, Swamp and Heath, note that Caulfield had become, by the 1850's, a stopover point for livestock. Given the prohibition of travelling livestock during daylight and evening hours, Caulfield with its wetlands, was a good spot for drovers to layover before embarking on the last leg of their journey to the stock markets.

Comment on Caulfield as a rural centre

From this beginning, the Caulfield part of the city has strong rural and farming associations throughout the Victorian-era: the history of the Frogmore property echoes this, from Lyall to McLaurin, both closely associated with stock breeding and farming.

Spurred on by the population influx associated with the gold rush commencing in 1851 and the return of disillusioned diggers following the exhaustion of alluvial gold, the Victorian Colonial Government 1. proceeded to survey its lands for sale. Henry Foot surveyed Caulfield in 1853-1856 2. along with East St Kilda and East Elsternwick. The first sale of crown allotments in these areas was held on 25.2.1854, the last major release occurring just over a decade later on 16.6.1864.

Amongst the earliest grantees were several pastoralists who secured the watering places which they had grown accustomed to treating as their own. William Lyall, stock broker and importer. ...

The influence of the pastoralists is clear, as also was the fact that the Melbourne land sales of the 'fifties were dominated by a comparatively small and elite group. They participated in the Colonial Government's early land sales throughout Melbourne contributing not only to sorely needed public revenue but also to their private fortunes. Their activities in Caulfield and Moorabbin were by no means exceptional...on 16.10.1857, the Caulfield Road Board District was gazetted with Board members including G.W. Harris, later of "Glenholme", William Lyall and G. Handasyde as chairman.

Comment on the role of pastoralists as early landholders, putting together estates in the area:

The Frogmore land was among this first wave of land alienation, Lyall consolidating the Crown grants to provide for the formation of a model farm that he called his home for 12 years.

Proclamation of Shires and the Land Boom (1870's - 1890's) Steady growth under the Caulfield District Road Board had resulted in the formation of an area populated with town houses in the St Kilda portion to the

west and with less intensive but similar development in Caulfield itself. To the south, and east, land was mostly given over to farming with a substantial tract immediately to the east of Grange Road extending from Dandenong Road to North Road owned by W. Murray Ross. His holdings were situated in the centre of established market gardens by the 1870's, worked by farmers obtaining their supply of water from Leman's swamp...

The construction of villa residences of magnificent proportions continued throughout the decades up to the 1892 depression. **In spite of widespread demolition associated with the post First World War suburbanisation of Caulfield, the remaining examples constitute the highpoint of the City's Victorian architectural heritage.** Although predominantly in the north-west, they continue across the municipality and include "Heatherbrae" at the corner of Neerim and Booran Roads, and "Balranald" at its eastern extremity at 13 Poath Road. ...³

Comment on the late Victorian-era land boom and the importance of examples from that era:

The 1880s redevelopment of Frogmore house marks this period and makes it part of the City's Victorian-era architectural heritage. The parallel subdivision carried out by McLaurin financed the rebuild of Frogmore while creating the type of land package that allowed the growth of Caulfield from 700 persons in 1871 to 6500 by 1890.

The Shire's first loan was for the sum of £7,000 for the erection of the town hall in 1884. Given his business partnership with Thomas Watts, architect and first Shire President, it is not surprising that Sydney Smith was appointed architect for this important project. Smith had been in partnership with Watts from 1864 to 1870 3. and also acted as engineer for the Road Board and Shire ...'

Comment on local government connections

The architect of the new Caulfield Town Hall, Sydney Smith, was the former head of the firm

³ Apparent from the 1990 survey sheet that the study's authors were not aware that Frogmore had survived, although graded C.

that designed the new Frogmore in the late 1880s. McLaurin had also been a Caulfield councillor, the origins of his new home shared with those of the Town hall itself.

This railway (Gippsland railway link with Spencer St) was opened on 2.4.1879, providing a most satisfactory service for the Victorian Amateur Turf Club's racecourse at Caulfield ... Caulfield railway station was opened with the line, these important events giving rise to a spate of land subdivisions in the immediate vicinity of the racecourse..

Comment on transport context

McLaurin's subdivision was directly linked with the railway's opening and the access it gave would-be house buyers, McLaurin having also sold part of the estate for the railway's construction.

William Lyall's "Frogmore" Estate, extending from Koornang Road to Murrumbeena Road and from the Rosstown railway reservation north to McLaurin Road, was auctioned in 1911-12 and precipitated very little building development. Today only six houses in this area remain from the Edwardian years... Many of the larger mansion estates were re-subdivided.

Comment on the Edwardian-era Frogmore estate

Although it was by then not Lyall's estate, the further division of the Frogmore lands in the Edwardian-era mark another parallel with a major growth period in the City. Frogmore house, with its angled off-street siting, stands as a recognisable progenitor of these development eras.



Figure 3 John Hart's "Glenholme", built in 1871, was subdivided in 1923 and subsequently demolished with the construction of Chloris Court. (V1:56). Frogmore escaped this fate.

Conclusions from the contextual history

- From the Lyall ownership to that of McLaurin, the Frogmore property echoes the early close association of the Caulfield district with stock breeding and farming throughout the Victorian-era.
- Frogmore land was among this first wave of land alienation in the City, Lyall consolidating the Crown grants to provide for the formation of a model farm that he called his home.
- The 1880s redevelopment of Frogmore house places it among the City's Victorian architectural heritage and links the house firmly with a key development era in the City, that of the late Victorian-era land boom. The McLaurin 1880s subdivision financed the rebuild of Frogmore, creating land packages that allowed the growth of Caulfield from 700 persons in 1871 to 6500 by 1890.
- McLaurin's subdivision was also linked with the Gippsland railway's opening and the access it gave would-be house buyers.
- Frogmore house's designer was part of the same architect firm who designed the new Caulfield Town Hall. McLaurin had also been a Caulfield councillor; the origins of his new home being shared with those of the Town hall, firmly linking him with municipal affairs.
- The further subdivision of Frogmore land in the Edwardian-era is another parallel with a major growth period in the City. Frogmore house, with its angled off-street siting, stands as a recognisable progenitor of these development eras.

HISTORICAL SUMMARY FOR FROGMORE

(Refer APPENDIX ONE: CHRONOLOGY FOR FROGMORE)

Well known pioneering pastoralists, John Mickle & John Bakewell purchased 90 acres (CA76 Prahran parish), in 1853, between Koornang and Murrumbeena Roads, forming the core of the future Frogmore property. Other adjoining Crown Grants were to also form part of the Frogmore holding.

Nationally known pastoralist, farmer, stock and horse breeder, parliamentarian, local councillor and acclimatization enthusiast, William Lyall (1821-1888)⁴, acquires many Crown Portions by the late 1850s, totalling 212 acres, and consolidates them to form Frogmore. Lyall builds a 4 room Italian villa, designed by the much noted colonial architect, Joseph Reed in 1856, and runs Frogmore as a model farm, breeding sheep and horses, and publicises the place in letters to newspapers and journals.

Bakewell and Lyall also run a pastoral lease at Western Port, later to become Harewood: Lyall sells Frogmore and moves to Harewood in 1868-9.

Another well known pastoralist Archibald McLaurin, acquires Frogmore- by then 212 acres (CP 76, part CP A/CS8, CPs 77, 80). McLaurin continues breeding activity at Frogmore while also becoming a Caulfield Road District Board member in 1869 and in the 1870s, Councillor of the Shire of Caulfield. By then Frogmore was a brick and timber house of 8 rooms.

McLaurin sells part of his Frogmore land to the Board of Land and Works for the Gippsland railway in 1876 which allows his later subdivision of the Frogmore property in the 1880s to prosper. His property reduces to 92 acres by the late 1880s.

Another well known architect, **Sydney W. Smith**, designs a brick villa residence for A. McLaurin Esq. at Murrumbeena in 1889 which is the present Frogmore house.

Archibald McLaurin of Frogmore, Murrumbeena, gentleman dies in 1891, leaving a massive £39,000 estate to his daughter who becomes Mrs Thomson. Frogmore house was then leased as a brick villa of 10 rooms, stabling, men's rooms, cottage, orchard, and 10 acres to persons such as Mr and Mrs Gairdner who allowed the use of one of its rooms for early Church of England services in the area. In 1911 the Frogmore estate of over 116 acres was acquired and further subdivided by the pioneering colonial homeopathic doctor, Adolph

⁴ See Alan D. Mickle, 'Lyall, William (1821-1888)', Australian Dictionary of Biography, National Centre of Biography, Australian National University (ADB)

Frederic Seelenmeyer of Brighton. JG Thompson buys the house lot (4 acres) from the subdivision in 1912 and, while residing there, does his own subdivision on Carool and Coorigil Roads.

Ludbrook Owen Menck a manufacturer and stock breeder of Drouin buys Frogmore in 1920 and launches a number of gala charity events there, much reported in the society press. 1924 saw the beginning of a long tenure by members of the famous Keys family from western Victoria pastoral and horse breeding interests (not directly linked with the Keys who pioneered nearby Keysborough and Braeside Park).

The last death of the Keys family at Frogmore meant its sale to the Churches of Christ in Victoria converting the existing building into a 28-bed hospital. This was the beginning of a long period of institutional use for aged care, with major additions in 1949, 1966 and 1990. Throughout most of that period the house remained relatively unchanged, albeit on a smaller land holding.

Conclusions from Frogmore's history

Because it was custom designed for the family, Frogmore has strong associations with the well known pastoralist McLaurin family. The farm acreage also survived into the Edwardian-era, underscoring the rural dominance of the area until the Edwardian-era and inter-war periods when the large estates were broken up. McLaurin was also a Caulfield Roads Board and Council member.

Lesser associations are with the Menck and Keys families, the latter having held it over a long period while the former used it as a vehicle for gala charity events, thus publicising the house widely. Menck shared the theme of horse racing and breeding with the first owner of a house at Frogmore William Lyall and both perpetuate the fame of Caulfield race course.

DESCRIPTION OF FROGMORE

Inspection 2015



Figure 4 Frogmore from east to east verandah and tower (Bethden Aged Care web site)



Figure 5 Frogmore from south to main façade (Bethden Aged Care web site)



Figure 6 Frogmore east verandah from south end to tower (Bethden Aged Care web site)

One storey towered and verandahed late Victorian-era Italianate style villa with:

- angled pre-subdivision siting;
- symmetrical axial north-south plan
- two colour (tuck-pointed red body brick, cream quoining) face brick external walls on cemented plinth;
- red brick service wings at rear north end;
- window bays either side of south entry;
- arched entry door with toplight;
- typically double-hung sash windows;
- M-hipped roof, once slated but now clad with Marseilles pattern variegated glazed tiles;
- moulded eaves brackets;
- parapeted two-colour brick tower on east side with cemented parapet cornice (potentially once with urns), string mould, double-hung sash windows and arched fenestration;
- return verandah;
- cast-iron verandah posts and palmette pattern frieze;
- concave profile verandah roof, clad with corrugated iron
- four visible two-colour brick chimneys in main roof with cemented moulded caps, matching 1949 plans in location and number; and
- remnant south garden setting with two Canary Island palm, silky oak.

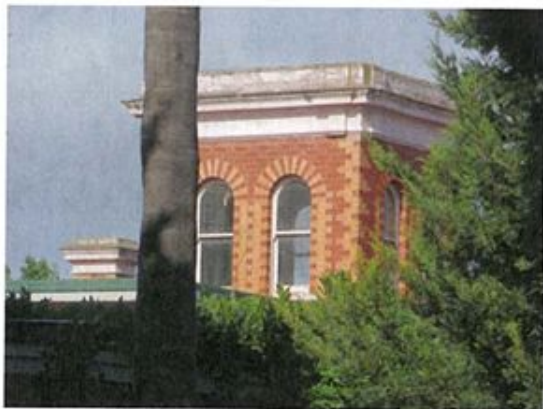


Figure 7 Tower from Wahgoo Rd, 2015

Changes to Victorian-era house



Figure 8 Detail from aerial view showing link to south Sitting Room addition from south verandah

- New Marseilles pattern variegated glazed tiles to main roof;
- quad profile roof guttering in place of ogee profile;
- concrete verandah floor;
- missing cast-iron frieze to part south, west verandah;
- modified timber window joinery (windows becoming glazed doors) in near original openings;
- Recently built brick wing attached to main south facade covering former entry door (doorway survives internally) but leaving window bays publicly visible;
- aged care service wing attached to rear west side, filling in Victorian-era former service yard;
- other wings linked on north and rear east sides; and
- stables and out buildings removed.

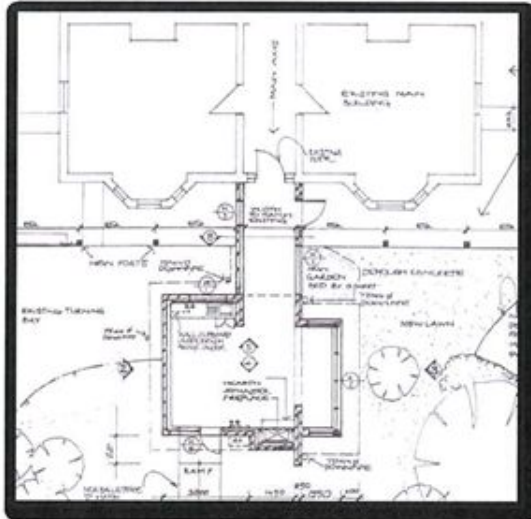


Figure 9 Sitting Room addition plan, 1990, showing retained entry

Conclusions from inspection

Frogmore's angled siting shows that the house predates the urban subdivision and hence is an important indicator of the rural beginnings of the locality. Frogmore is a large example of a widely used Victorian-era villa style in suburbs closer to Melbourne but not in the Carnegie or Murrumbeena area. The tower however distinguishes Frogmore among other examples both locally and broadly across Melbourne.

Changes have been made to the house but most of these are superficial with only one being major, that of the south addition. However drawings held of the house show the original entry has been retained and this important elevation could be restored.

PLACES IN THE LOCAL AREA COMAPARABLE WITH FROGMORE

Frogmore, as a towered Victorian-era dichrome villa serving as the centre of a farm, can be compared broadly with the following Victorian-era heritage houses in Glen Eira.

Victorian Heritage Register: places of State significance

The following large Victorian-era houses have been assessed as of State significance. Most of these mansions are of another class to Frogmore, being far more extensive in size and a highly articulated designs, some as the centre of gentlemen's farms.

Lord Lodge is perhaps the most comparable stylistically being a towered Italianate stuccoed design and shares some of the horse breeding and rural themes associated with Frogmore although not the farm house status.

Taken together, these examples evoke the development history of Glen Eira: large houses built on subdivisions of large Crown Portions rather than on predetermined regularly sized blocks from the Government subdivisions seen in suburbs closer to Melbourne.

Victorian Heritage Register examples include the following.

Rippon Lea 25 Elm Street Elsternwick, Victorian Heritage Register

Statement of Significance extract:

Rippon Lea was commenced in 1868 by Frederick Sargood, a most successful politician and merchant. He was born in England in 1834 and arrived in Melbourne in 1850. He soon joined his father's wholesale soft goods firm, spending some time as its manager on the goldfields. Sargood entered the Legislative Council in 1874. He was Victoria's first Minister for Defence in 1883...

Rosecraddock 2-8 Keverell Road and 4-10 Craddock Avenue Caulfield North,



Figure 10 Victorian Heritage Database

Statement of Significance extract:

Rosecraddock was constructed in two main stages. The first part was rated in 1857 as the home of Mr GW Harris. It consisted at that stage of seven rooms, kitchen (detached), servants' rooms, stable and outbuildings.

Three successive owners over the next few years enlarged the building. No architect or builder's names are known for this work...

Myoora, 405-411 Alma Road Caulfield North,



Figure 11 Victorian Heritage Database

Statement of Significance extract:

'Myoora, 405 Alma Road, North Caulfield, was designed by Reed, Henderson & Smart and can be attributed to Anketell Henderson. It was built in 1886 and 1887 for Thomas Christian, who had founded the fabled gold mine, the Day Dawn at Charters Towers. He never occupied the house although his widow lived there for some time. The house was subdivided into three and later six flats...'

Halstead 23 Bambra Road Caulfield North,



Figure 12 Victorian Heritage Database

Statement of Significance extract:

'Halstead is believed to be the oldest standing residence in Caulfield constructed in 1857 with subsequent additions during the 19th Century. The house was built for and owned by James Dickson, a stock agent, until his death in 1880.

Although on a much reduced parcel of land, Halstead is one of the few remaining remnants of Caulfield when it was an area of mansion houses occupied by town residing squatters, professional and business men. It is important for its place in the socio-economic history of south eastern suburban Melbourne, the inland pattern of development stretching from Malvern through Murrumbeena...'

Glenfern 417 Inkerman Road St Kilda East,

Statement of Significance extract:

Glenfern was built on spacious grounds at the corner of Inkerman and Hotham Streets, East St Kilda in two main stages in 1857 and 1876. From 1876 to 1984 Glenfern had only two owners, including the well known Melbourne family of artists, the Boyds. ...'

Labassa, , 2/2A Manor Grove Caulfield North,

Statement of Significance extract:

'Labassa, Caulfield is one of Melbourne's most lavishly decorated nineteenth century mansions. It resulted from the extensive remodelling in 1890, of an earlier house, known as Sylliott Hill, which was begun in 1862-3 for lawyer, Richard A. Billing...'

Lord Lodge, 30 Booran Road Caulfield East,



Figure 13 Victorian Heritage Database , Victorian Heritage Register

Statement of Significance extract:

' Lord Lodge is historically significant as a rare example of a late 19th century metropolitan racehorse training complex and the oldest such complex still in operation. It is one of a handful of extant racehorse training complexes directly associated with a major metropolitan racecourse.

Unlike other such complexes, Lord Lodge retains its original residence, stables and open day yards...'

Locally significant places

(Refer APPENDIX TWO: EXTRACT FROM TABLE 4.1. SCHEDULE OF DATA SHEETS AND RECOMMENDATIONS: GLEN EIRA HERITAGE MANAGEMENT PLAN 1996)

The places in appendix 2 are all Victorian-era houses recommended in the 1996 study for some form of heritage protection as locally significant and above, some being proposed for the Victorian Heritage Register.

Type

A typology has been added to the table differentiating the houses as:

- suburban villas on a limited acreage to form grounds and typically on a subdivision,
- suburban cottage, modest houses as above;
- suburban farm villas, houses built on large acreages and used as farm houses, typically pre-subdivision.

These are important and distinct categories and only Halstead, Bambra Road (Victorian Heritage Register) is included (with; Frogmore) in the farm villa category.

Nearly all the examples in Appendix 2 are suburban villas rather than former farm houses, as indicated by their initially relatively smaller acreage and siting parallel with the street on subdivided allotments (compare with angled pre-subdivision form of Frogmore).

Style

Stylistically there are many large Italian inspired suburban villas in the City and most are covered by the heritage overlay. Many are also more architecturally sophisticated than Frogmore and most are two storey, with some single storey examples having towers like Frogmore. However, Frogmore also expresses a common suburban type, dichrome Italianate style (although distinguished by the tower), while most of the 1996 examples are Italian Renaissance derived and are a custom designed.

Frogmore differs as a type where, as the house on a large farm acreage, the emphasis is not on ostentation as with most of the suburban villa examples. Frogmore was built for a retired pioneer squatter, not a professional man who worked in the City, this is expressed in the nature and style of the house.

Examples closest in style to Frogmore are:

- Lord Lodge (Victorian Heritage Register);
- Rothesay, 283 Kooyong Road, HO38;
- Roseneath, 31 Nepean Highway Elsternwick.

Location

(Refer APPENDIX THREE: PLANNING SCHEME MAP 2 OF FROGMORE DISTRICT HERITAGE)

Reference to the Glen Eira Planning Scheme map 2 for the heritage overlay shows that the Murrumbeena area surrounding Frogmore has no individual Victorian-era house heritage overlays. This is a clear an indicator of how distinct Frogmore is in the area.

Conclusion from comparative analysis

Although Frogmore has a lesser heritage value to those grand mansions on the Victorian Heritage Register, it compares well with the locally significant places in the heritage overlay.

Frogmore is distinguished from these examples by:

- as a suburban **farm villa** rather than the more common suburban villa;
- as a style not seen in the other examples, particularly in the Murrumbeena and Carnegie area;
- for the Murrumbeena and Carnegie location where no other Victorian-era houses have been identified for the heritage overlay.

DESIGNER, SYDNEY W SMITH

The designer of Frogmore house (1889-90), Sydney Wigham Smith was to become an important architectural force from the 1880s until his death in 1993, with many works in the Glen Eira, Port Phillip area. He was born in St. Kilda, son of the pioneering architect, the late Sydney W. Smith. Educated at Wesley College, he learnt profession of architect and surveyor from his father. He won the V.I.A. student competition for street architecture in 1885. After the death of his father he took up the business in 1886 and since carried

out a considerable amount of work, initially mainly houses and shops, with many hotels and commercial buildings to follow. He was appointed arch. to Melbourne Orphan Asylum and a member of V.I.A., becoming a full member of the RVIA in 1889.

Smith's career involved many stylistic phases, with a large number of the firm's works on the Victorian Heritage Register or in heritage overlays (see following examples).



Figure 14 City of Caulfield (now City of Glen Eira) Municipal Offices, 1884- (Smith's father, Sydney William Smith, then head of the practice)



Figure 15 "Record" Office, South Melbourne, 1882 (Smith's father?)



Figure 16 Three Italianate villas 21-25 Clyde St, St Kilda 1886 Sydney Smith. Australian Architecture Index



Figure 17 Row, 5-8 Layfield St, Sth Melbourne 1888-91, PPHR



Figure 18 Marine Hotel, York St, Sth Melbourne, 1892, PPHR



Figure 19 Row, 157-163 and 173-179 Cecil St, Sth Melbourne 1891. Sydney Smith and Ogg, PPHR



Figure 20 Baptist Church hall, 88 Kooyong Road, ARMADALE, 1898, Victorian Heritage Database



Figure 23 State Savings Bank Yarraville 1909, Victorian Heritage Register



Figure 21 Ettrick Homestead, 1901



Figure 24 St Kilda State Savings Bank, 1914



Figure 22 Row, 231-233 Bank St, Sth Melbourne 1901



Figure 25 Northcote Public Library 1912 Sydney Smith and Ogg, heritage overlay



Figure 26 Terminus Hotel, 1912 heritage overlay, Victorian Heritage Database



Figure 29 Reads store, Chapel Street & Commercial Road, PRAHRAN 1915, heritage overlay



Figure 27 Prahran Town Hall complex rebuild, 1914 Victorian Heritage Register



Figure 30 Milton House, 1901, Victorian Heritage Register



Figure 28 Frederick Damyon's Brinsmead's Pharmacy 1913, Glen Eira (Victorian Heritage Register)



Figure 31 Prince Albert Hotel 1916 heritage overlay



Figure 32 SSB, Ormond Rd, St Kilda 1922



Figure 33 SSB, 78 Glen Eira Rd, St Kilda 1922



Figure 34 Port Authority Building 1931 (Victorian Heritage Register)

Smith died early December 1933, aged 64. Major works (Smith & Ogg and Sydney Smith, Ogg & Serpell included) included Colonial Mutual Fire

Insurance Office, Union Steam Ship Co. of New Zealand offices, Port Authority Building (RVIA award, Victorian Heritage Register) among others⁵.

Conclusion from Smith's output

Frogmore was at the beginning of Sydney W Smith's long and distinguished career and a major achievement as such- no other known example of his work from this time directly parallels the design except for the more modest speculative suburban villas at 21-25 Clyde St, St Kilda, 1886 which have been altered.

BRIEF ASSESSMENT AGAINST HERITAGE VICTORIA CRITERIA

Assessment against relevant Heritage Victoria criteria:

A Importance to the course or pattern of our cultural or natural history (historical significance)

- The Lyall ownership to that of McLaurin, the Frogmore property echoes the early close association of the Caulfield district with stock breeding and farming throughout the Victorian-era;
- Frogmore land was among this first wave of land alienation in the City, Lyall consolidating the Crown grants to provide for the formation of a model farm that he called his home;
- The 1880s redevelopment of Frogmore house places it among the City's Victorian architectural heritage and links the house firmly with a key early development era in the City, that of the late Victorian-era land boom.. The McLaurin 1880s subdivision financed the rebuild of Frogmore, creating land packages that allowed the growth of the Caulfield municipality from 700 persons in 1871 to 6500 by 1890;
- McLaurin's subdivision was also linked with the Gippsland railway's opening and the access it gave would-be house buyers.
- Frogmore house's designer Sydney W Smith worked with Sydney William Smith his father, who was the architect of the

⁵ Lewis, M. Australian Architecture Index: cites Royal Victorian Institute of Architects Journal, Jan, 1934, p 135

new Caulfield Town Hall. McLaurin had also been a Caulfield councillor; the origins of his new home being shared with those of the Town hall, firmly linking him with municipal affairs in the Caulfield district;

- The further subdivision of Frogmore land in the Edwardian-era is another parallel with a major growth period in the City. Frogmore house, with its angled off-street siting, stands as a recognisable progenitor of these development eras.

B uncommon rare or endangered aspects of our cultural or natural history (rarity).

Frogmore is now rare within the City because of the combination of its age, scale, architectural style and historical associations.

Built in the 1880s, Frogmore is now of comparative considerable age and as such is part of a small minority group among the City's building stock, particularly in the Carnegie and Murrumbeena area.

D Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness);

Frogmore survives as a Victorian-era farm house in an area that was predominantly farmland until the 1900s, the house is a key indicator of a key early farming phase of the City's history that has since disappeared.

E Importance in exhibiting particular aesthetic characteristics (aesthetic significance)

Frogmore is an architect designed, large and competent example of a widely used Victorian-era villa style in suburbs closer to Melbourne (dichrome Italianate style Victorian-era verandahed villa) but not for that era in the Carnegie or Murrumbeena districts. The tower further distinguishes the house among other examples both locally and broadly across Melbourne while acting as a landmark within the suburbs that have grown around it.

H Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Frogmore has close associations with the McLaurin family who were well known within the locality and known across two colonies for their pastoral development, as well as other locally prominent persons, such as Menck.

City themes 1996 represented

City themes 1996 represented include

- *transport*
- *horse racing*
- *mid Victorian (working class/ middle class/ gentry) residential*
- *late Victorian residential.*

APPENDIX ONE: CHRONOLOGY FOR FROGMORE

Date	event	source
1815	Archibald McLaurin born Dunoon, Argyle, Scotland	McLaurin Family Tree
1835?	In 1835, Archibald McLaurin (who died at "Frogmore," Caulfield, in 1891) and his brother passed over Prahran with a mob of cattle, on their way to camp at the Red Bluff, St. Kilda. Probably they were the first men to pass with cattle through the district. ⁶	The History Of Prahran: 2
1836?	'Archibald McLaurin and his brother had a lease in 1836 to graze' sheep from Caulfield to Point Ormond, then known as the 'Red Bluff'. ⁷	Meyer Eidelson <i>History of Elwood, St Kilda</i> Historical Society Series No.9
1838	Archibald McLaurin arrives in Australia on ship Brilliant with parents James & Mary and siblings	McLaurin Family Tree
1850	<p>Archibald McLaurin at Moroco station Deniliquin, New South Wales, Australia-</p> <p>'FAMOUS PASTORAL PROPERTIES: ...one of the best known of those great properties which go to make up the Riverina country of New South Wales'</p> <p>'McLaurin country-...In the early part of last century 4 brothers, Robert, James, Archibald, and Alexander McLaurin, set out from the Monaro district, in the south east corner of NSW, in search of cattle country.</p> <p>They struck the Murray and followed it until they reached Moroco, driving their herd before them. It did not take them long to decide that here was the very place for which they were looking.</p> <p>The splendid natural water supply appealed to them, for the neighbouring country was drought stricken, and they at once came to terms, buying the run for £ 24,000, putting down £10,000 in hard cash as a deposit. The price caused some surprise, for such well-known runs as Deniliquin and Tuppal had been sold for much less money on long terms. Some of the neighbours suggested that these newcomers from Monaro were over impressed by the possibilities, or perhaps had more money than sense. Hardly was the ink dry on the contract of sale, however, ere the drought broke and the rain ushered in a splendid season.</p> <p>They had 1,500 head of cattle soon ready for sale, and on top of that came the inevitable rise in the value of cattle in Victoria as a result of the breaking of the drought and the boom following the discovery of gold in Victoria.</p> <p>Before a year had elapsed the stock was sold, the balance of the purchase money came from the profits, and they began their second year with the purchase money paid off and a substantial credit balance.</p> <p>1923, the Kilpatrick brothers acquired his interest...'.⁸</p>	McLaurin Family Tree; The Australasian, Saturday 6 December 1941, page 31
1852	James Bourke acquires part of the future Frogmore holding from - he sells to William Lyall in 1856	CPO; application for title
1850	CB Peed grant sold to E Hickey as part of the future Frogmore holding from - he sells to William Lyall in 1857	CPO; application for title
1853	J Mickle & J Bakewell granted part of the future Frogmore holding, 90 acres, CP76 Prahran parish, between Koornang and Murrumbeena Roads	CPO; application for title
1854	J Mickle & J Bakewell sell part of the future Frogmore holding, 90 acres, CP76 to William Lyall	VPRO application for title
1856	William Thomas Mollison is granted part of the future Frogmore holding- he sells to William Lyall in the same year.	VPRO application for title

⁶ Dates differs from official records⁷ Dates differs from official records

Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie

Date	event	source
1856	Frederick Hayley is granted part of the future Frogmore holding - he sells to William Lyall in the same year.	VPRO application for title
1856	JOSEPH. Reed -Tenders wanted - erection of an Italian villa residence near St. Kilda for William Lyall. (this is probably William Lyall's 'Frogmore', in Caulfield. M.B.L. 1982.)	MUAI Argus 15.10.1856 p 7
1857	Archibald McLaurin marries Elizabeth McFie Shearer (1828-91) in Victoria- daughters Jane (born Collingwood 1859, married Barclay M Thomson 1892) & Mary (1861-88)	McLaurin Family Tree
1858	William Lyall writes to 'The Argus': August from Frogmore- on his favourite subject, sheep breeding in the colony.	'The Argus':
1862	Lyall of Frogmore reported as having turned out some English hares on his property at Western Port- have thrived since until one or two were taken by a hawk.	Freeman's Journal 5/4/62, 5
1862	Lyall letter to 'The Age' about the '100,000 acres of Crown land hold by Messrs Bakewell and Lyall is a vast swamp, in the winter flooded, in the summer capable of carrying about 200 head of cattle... The swamp has cost us more in drains and waterholes than it would bring in a market as a squatting station ; and, considering the quantity of purchased land that we have adjoining the swamp, I do not consider the amount of free grass allowed us by the Government as a very great boon.'	'The Age'
1868	Lyall as a horse breeder of Frogmore writes to 'The Australasian' (Melbourne, Vic. : 1864 - 1946), on DEGENERACY OF OUR THOROUGHbred STOCK. Lyall champions locally bred horses above those of the old country.	'The Australasian' , Saturday 7 March 1868
1868	CAMPBELL and Co have received Instructions from William Lyall, Esq , of Frogmore, who is leaving that neighbourhood, to SELL by PUBLIC AUCTION, through their auctioneer, without any reserve, at Frogmore, Oakleigh, Dandenong road, on Saturday, June 6, at twelve o'clock, 20 head Brittany cattle, from imported stock, comprising cows, bulls, and heifers. A number of pure and half bred Shetland ponies superior light-harness horses. A few Cotswold merino sheep. 260 iron hurdles. Poultry, including some superior bantams. A variety of farming implements, including iron rollers, grubbers, etc. The surplus household furniture, and -A superior set of silver-mounted double harness.	'The Argus': 2/6/68
1868	William Lyall who brings the consolidated titles of the Frogmore holding under the Torrens system for sale to McLaurin. An estimated £2000 improvements were on the land	VTO (Title app 1749 ⁸)
1869	Archibald McLaurin, of Frogmore acquires 212 acres, CP 76, part CP A/CS8, CPs 77, 80 at Elsternwick East from William Lyall	VTO (Title app 1749 ⁹)
1869	CAULFIELD ROAD DISTRICT Eastern Subdivision. ARCHIBALD M'LAURIN ELECTED a member of the District Board for this subdivision.	'The Argus': 12/869
1871	ARCHIBALD M'LAURIN, Returning Officer for Council elections. August 1, 1871	'The Argus': 2/8/71
1872	Archibald McLaurin, gentleman, rated for brick house, 8 rooms, stables, 182 acres NAV £145 by the Caulfield Shire	Caulfield Rate Books VPRO, 241
1873	Archibald McLaurin, gentleman, rated for brick house, 8 rooms, stables, 182 acres NAV £145	Caulfield Rate Books VPRO, 301
1874	TILE FENCE, FIELD, AND CHATTEL PRESERVATION LEAGUE. The annual general meeting of this league was held at Hockin's hotel on Friday, Mr Archibald M'Laurin being in the chair. Mr Anketel drew the attention of the members present to the injury done both to squatters and. farmers in the districts outside Melbourne by dogs of the greyhound breed. He remarked that since the initiation of coursing in the colony, everybody-men and boys-who owned even a greyhound cur, prowled :about in search of hares, and many valuable sheep and calves had been torn to pieces and destroyed by these half-bred and	Gippsland Times Tuesday 25 August 1874; see also 27/6/70

⁸ see VPRO VPRS 460

⁹ see VPRO VPRS 460


Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie


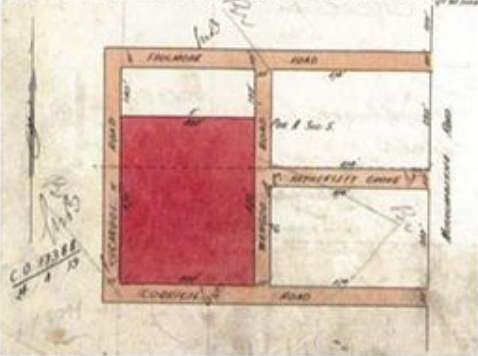

Date	event	source
	untrained curs; he considered, therefore, that such dogs should be taxed heavily...'	
1875	Archibald McLaurin, gentleman, rated for brick & wood house, 8 rooms 182 acres NAV £165	Caulfield Rate Books VPRO, 332
1875	ARCHIBALD M'LAURIN duly ELECTED as a Councillor of the Shire of Caulfield, for the Eastern Riding	'The Argus': 7/8/75
1876	Archibald McLaurin, gentleman, rated for brick & wood house, 8 rooms, 182 acres NAV £165	Caulfield Rate Books VPRO, 349
1876	Sale: PURE HEREFORD BULL FROGMORE Bred by Wm. Lyall, Esq , Western Port Frogmore, by Defiance, dam Tuberosa, by Young Oronstadt	'The Argus': 15/7/76
1876	Archibald McLaurin, of Frogmore, sells part of his land to the Board of land and Works for railway construction	VTO
1878	Archibald McLaurin, gentleman, rated for brick & wood house, 8 rooms, 182 acres NAV £273	Caulfield Rate Books VPRO, 362
1879	Archibald McLaurin, gentleman, rated for brick & wood house, 8 rooms, 182 acres NAV £273	Caulfield Rate Books VPRO, 386
1881	Archibald McLaurin, gentleman, rated for brick & wood house, 8 rooms, 182 acres NAV £244	Caulfield Rate Books VPRO, 462
1883	Archibald McLaurin, gentleman, rated for brick house, 7 rooms, 182 acres NAV £240	Caulfield Rate Books VPRO, 445
1885	MURRUMBEENA ESTATE Eight Miles From Melbourne, On the Oakleigh Line, Adjoins the Railway station To be Sold by Auction, ... Under Instruction* From Archibald McLaurin, Esq ... beautifully situated adjoining the Murrumbeena railway station only one step from the platform to the land for sale each lot has an area of about a quarter of an acre for villas It cannot be surpassed Thirty one minutes by rail from the busy hum of city life to this charming retreat	'The Argus': 19/12/85
1886	Archibald McLaurin, gentleman, rated for brick house, 8 rooms, NAV £510	Caulfield Rate Books VPRO, 744
1886-8	Archibald McLaurin, of Frogmore subdivides and sells parts of his land as part of the Murrumbeena Estate to William S Bate, Hannah Rees, James B Patterson, Edwin L Thompson located between Ardyne, Innellan Railway and Bute also many other lots adjoining.	VTO
1887	Archibald McLaurin, gentleman, rated for brick house, 8 rooms, 92 acres NAV £460	Caulfield Rate Books VPRO, 1063
1887	Melbourne hounds reported as running through Frogmore..from a meet at the Caulfield racecourse, '... immediately after crossing the Gippsland railway the scent was hit-off and the hunt commenced.'... 'The line led through Rosstown and Mr. Crosbie's paddocks and the Frogmore estate, and then turned across the Gippsland railway, which had to be jumped out of a paddock thick with scrub, which hid the first fence until the horses had to rise at it. The Dandenong-road was crossed near the Oakleigh Convent, and a deep creek was encountered at the back of the township.'	'The Australasian', Saturday 2 July 1887,
1888	Archibald McLaurin, gentleman, rated for brick house, 8 rooms, 92 acres NAV £850 (also Jane & Mary McLaurin (spinsters) have land 5 acres each)	Caulfield Rate Books VPRO, 1631-
1888-9	Archibald McLaurin, gentleman, rated as owner of Brick House and land- 92 acres- Murrumbeena & Koornong Roads NAV £1155 (1125 crossed out) , also Jane & Mary McLaurin (spinsters) have land 5 acres Murrumbeena Rd, 30 acres, Koornong Rd, appr. 5 acres Murrumbeena & Neerim Rds	Caulfield Rate books. Eastern Riding 2501-

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Date	event	source
1889	Architects- Sydney W. SMITH, 101 Queen St., Melb. Tender accepted for erection of brick villa residence for A. McLaurin Esq. at Murrumbeena (VIC).	MUAI- <i>Building Engineering and Mining Journal</i> 22.6.1889 supplement 3
1892	McLaurin dies 1891 and probate is sought- Will of Archibald. McLaurin of "Frogmore," Murrumbeena, gentleman ... dated February 11, 1886, and presented for probate by Messrs. Attenborough, Nunn and Smith of Melbourne, solicitors, appointed his wife, Elizabeth McPhie McLaurin (since deceased), James McLaurin (since deceased), James Black Lawrence of William-street, Melbourne, Merchant and Thomas Reginald Lacy of Melbourne, Merchant's clerk, executors. He bequeathed to his wife all his wines, liquors and consumable stores and provisions, furniture, plate, linen, china, glass, and other household effects, and the income of his property in Princes-street, Fitzroy, known as " Frogmore Terrace." During his wife's life he bequeathed to his two daughters, Jane Ariadne McLaurin and Mrs McGibbon McLaurin, £100 per annum each...Testator died December 18, 1891, and the will is sworn at £22,000, real, and .£17,000, personal; total, £39,000 ¹⁰	Table Talk (Melbourne, Vic. : 1885 - 1939), Friday 18 March 1892, page 15
1892	MARRIAGES. THOMSON-M'LAURIN.-On the 20th inst, at Gala Bank, College Lawn, by the Rev. James Ballantyne, M. Barclay Thomson, M.B., Edin., of South Yarra, to Jeanie, only surviving daughter of the late Archibald M'Laurin, Esq., of Frogmore, Murrumbeena.	The Australasian Saturday 30 April 1892
1904	TO LET- MURRUMBEENA.-"Frogmore," brick VILLA, 10 rooms, stabling, men's rooms, cottage, orchard, 10 acres; moderate. Gemell Tuckett also MURRUMBEENA.- Frogmore brick. VILLA 10 rooms extensive offices, stabling men's rooms cottage orchard 10 acres moderate Gemmell Tuckett	'The Argus': 23/7/04, 19/4/04
1906	'...Mr. E.. A. Swindells wrote (to Caulfield Council), asking for the erection of an extra lamp' in Murrumbeena-road opposite 'Frogmore' a number of residents connected with the local Church of England have decided to hold Sunday evening services at Frogmore...'	Brighton Southern Cross (Vic. : 1896 - 1918), Saturday 7 July 1906, page 4
1907	A letter signed by 76 residents ...protesting! against the establishment by Dr. Ramsay Mailer of an inebriate retreat at 'Frogmore' was received at 'Wednesday's Caulfield Council meeting, and referred to the Mayor (Cr. Akhurst) and East Ward councillors to enquire as to what steps (if any) the council could take in the matter.	Brighton Southern Cross 28 September 1907, page 4
1911	Adolph Frederic Seelenmeyer a Brighton medical practitioner, acquires north parts of former Frogmore land- over 116 acres, part CP A Section 5, and the home block CP 76.	VTO; Barbara Armstrong www.history ofhomeopat hy.com.au, 2011



¹⁰ VPRS 28/0/612; 28/2/334; 7591/2/192



Date	event	source
	 <p>Figure 35 Dr Adolphe Frederick Seelenmeyer</p> <p>'... Adolphe became registered in Victoria on 7 January 1887, a graduate of Brussels and Edinburgh. His qualifications were listed in the <i>Australasian Medical Directory</i> of 1892 as being "L. et L. Mid. RCP et RCS, Edin. 1885; MD Brux 1885".</p> <p>On 1 October 1887 he married Alexandra Mary Munster [1863-1947]. Their eldest child was <u>Adolphe Henry Seelenmeyer</u>, who also became a medical practitioner and eventually joined his father in his medical practice...</p> <p>In 1888 he was recorded as being a homeopathic doctor who occupied 109 Collins Street East, which became number 88 when the street numbering system changed in the 1890s. (This had been the premises of Dr G.T. Teague). He was still there in 1896, but then moved to East Street, St Kilda in 1900, then 30 Collins Street in 1903</p> <p>In the Launceston Examiner of 19 September 1896 Dr M.W. Gutteridge announced that he had arranged for his patients to be attended during his short temporary absence by Dr Seelenmeyer. While Dr Seelenmeyer was in Launceston he gave a series of evangelistic talks at the Mechanics' Hall.</p> <p>On 4 August 1904 the Table Talk publication included the following information:</p> <p style="padding-left: 40px;">Dr Seelenmeyer of Caulfield is another of the medical profession who has recently joined the ranks of the automobilists. The Doctor has acquired a neat two-seated car from the Tarrant Motor Company. The medicos find that they can cover a much larger area in quicker time by the new mode of progression.</p> <p>' Melbourne's <i>Post Office Directory</i> for 1916 shows that Dr Seelenmeyer's eldest son, <u>Dr Adolphe Henry Seelenmeyer</u> had joined him in his practice at 30 Collins Street.</p> <p>According to his descendants the brass name-plate of his clinic at 30 Collins Street was tarred and feathered during the First World War because the family name was associated with Germany. As a result, on 22 March 1920, Adolphe Frederick and his 6 surviving sons changed their surnames by deed poll to Seeley.</p> <p>During 1911 Dr Seeley purchased a mansion named 'Landcox' situated on 10 acres of land in Milroy Street, North Brighton. The property has since been subdivided and is now part of a Buddhist centre called the <i>Tara Institute</i>, situated in Mavis Avenue (off Milroy Street).</p>	

Date	event	source
	 <p data-bbox="339 656 1142 680">Figure 36 'Landcox' now the Tara Institute (2014) Mavis Avenue (off Milroy St), Brighton</p> <p data-bbox="339 707 751 732">Dr Seeley died suddenly on 8 November 1922.</p>	
1912	<p data-bbox="339 743 1203 813">Adolph Frederic Seelenmeyer sells part of above (4 acres) to John Griffith Thompson, a merchant of King St Melbourne - part CP A Section 5 and CP 76, with special railway condition. Thompson sells allotments in the 1920s on Carol and Coorigil Roads as LP6842.</p>  <p data-bbox="339 1176 512 1193">Figure 37 house lot</p>	VTO
1912-1926	<p data-bbox="339 1202 1203 1249">Adolph Frederic Seelenmeyer sells most allotments from his subdivision of north parts of former Frogmore land.</p>  <p data-bbox="339 1664 927 1688">Figure 38 Extract of subdivision plan, with Frogmore house block</p>	VTO
1914	<p data-bbox="339 1697 1203 1926">Murrumbena.... Opening New St Peter's Church...by the Archbishop of Melbourne (Dr Lowther Clarke) formally dedicated the above, ... The work of the Church of England in Murrumbena was commenced by the present Vicar of the parish of St Agnes, Glen Huntly (the Rev W. A. Phillips) on Sunday, December 31st, 1906, at "Oakdene," by the kind permission of Mr James Birtchnell. Afterwards a room in Frogmore house, then occupied by Mr and Mrs Gairdner was kindly lent until a building, till then used as the School-church of St Agnes, Glen Huntly, was purchased.</p>	Oakleigh and Caulfield Times Mulgrave and Ferntree Gully Guardian 12/12/14

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Date	event	source
	Mean time the present site (consisting of about one acre of ground on Neerim road) had been bought by the Diocesan authorities and handed over to St Peter's Church Committee. Here the purchased building was placed, and, later on, enlarged. ...'	
1915	Frogmore estate sealed by Caulfield council 'A Thomson moved that the plans of the Frogmore Estate be passed and sealed. Seconded by Or Wood and carried.'	Moorabbin News (Vic. : 1914 - 1918), Saturday 27 November 1915, page 2
1917	The J.G. Thompson Estate, subdivisional land auction, Murrumbeena, Coorigil & Carool Roads, near Murrumbeena Road Saturday, March 29th at three o'clock, in seated marquee on the grounds / Packer Bros., Auctioneer and Real estate Agents, Carnegie Railway Station. Sales plan for land in the J.G. Thompson Estate in Murrumbeena, Victoria, bounded by Coorigil Road, Carool Road, Wahgoo Road and Frogmore Road. Also shows Neerim Road, Murrumbeena Road and Hethersett Grove. Shows location of "Frogmore", residence of J.G. Thompson, Esq., Anglican and Presbyterian Churches, railway line and Murrumbeena railway station. "13 choice building allotments. (Few minutes Murrumbeena R.S.)" "Easy terms. £5 deposit. Balance quarterly over 3 years, 5 per cent interest." "Title, certificate." "These choice building allotments adjoin "Frogmore", the well-known residence of J.G. Thompson, Esq, the vendor ..." Includes text and photographs of established villas located opposite and adjoining the estate on Coorigil and Murrumbeena Roads.	State Library of Victoria
1917	'The old Frogmore Estate,' over which I used to take Sunday walks, is now laid out in streets, and is gradually being built over. Six and a half years ago it was a grazing area, and at that time Mr.W. Perry secured a few acres contiguous to this property, and built his home. At the rear he equipped his Murrumbeena Poultry Yards...' on MURRUMBEENA POULTRY FARM.	Leader (Melbourne, Vic. : 1914 - 1918), Saturday 3 November 1917, page 15, 16
1919	MMBW DP (detail) shows house  Figure 39 part MMBW Detail Plan 2853 showing Frogmore and stabling	
1920	Ludbrook Owen Menck a manufacturer of Avondale, Drouin acquires part of CPA/5 and CP 76 (1 acre 3 roods), being Frogmore, from Thompson	VTO
1921	Christmas fete at Frogmore	The Australasian Saturday 24 December 1921, page 56

Date	event	source
	 <p data-bbox="469 797 655 815">Selling Raffle Tickets</p> <p data-bbox="339 819 1198 920">Figure 40 At Frogmore House, the residence of Mr. L. O. Menck, the fete was in connection with St. Peter's Church of England. At Joyous Gard, the residence of Dr. J. A. Springthorpe, was held a Strawberry Cake fete in connection with the Presbyterian Church...</p>  <p data-bbox="491 1305 1023 1323">Garden Fete to Assist St. Peter's School Building Fund, Murrumbidgee</p> <p data-bbox="339 1335 775 1361">Figure 41 Table Talk 29 December 1921, page 18</p>	
1921	<p data-bbox="339 1368 1086 1447">Menck acquires land in the Jindivick parish- 'California Bungalow of the 1920s and the barn of c1940s were both built for manufacturer and stud farm owner Ludbrook Owen Menck.</p> <p data-bbox="405 1469 1198 1648"><i>The Crown Grant for Allotments 116G and 116H (a total of 23 acres), Parish of Jindivick was made on 2 November 1921, to Ludbrook Owen Menck of 'Frogmore', Wahgoo Road, Murrumbidgee, Merchant. He had previously taken over a Grazing Allotment Lease from selector David Fisher in 1919 over Crown Allotment 123B - the 123 acres adjoining CA116G to the east over Labertouche Creek (PROV a). Fisher's property contained a brick house, which was later given a California Bungalow style verandah, presumably by Menck (see photo in Butler, 1979: 564). The property was already called 'Kelvin Park' by 1929..'</i></p>	<p data-bbox="1227 1368 1350 1648">Baw Baw Shire Place Citation Report 2010 (Hermes No 32175) of Kelvin Park 210 Labertouche road, Labertouche</p>

Date	event	source
	 <p data-bbox="339 786 751 808">Figure 42 Kelvin Park, Labertouche (Hermes).</p> <p data-bbox="339 813 1177 882">Sold by Menck in 1933: ' Mr L.O. Menck has sold the homestead and portion of his property at Kelvin Park', as well as conducting a dispersal sale of horses from the Kelvin Park stud (Argus, 18/11/33: 18; 04/03/33: 24).'</p>	
1922	Menck advertises Kelvin Park as 260 acres, 50 miles from Melbourne- This property has been used as a country residence by city merchant, and the Improvements alone cost considerably more than price asked. Suitable for mixed farming or dairy...'-details from Frogmore.	'The Argus': 1/11/22
1923	<p data-bbox="339 1005 464 1028">KITCHEN TEA.</p> <p data-bbox="339 1032 1203 1285">At Frogmore House, Murrumbeena, Mr. and Mrs. L. O. Menck entertained about sixty guests on Saturday, October 27, at a "kitchen tea" in honour of Miss Lesley Martell, daughter of Mr. and Mrs. C. H. Martell, Tintern avenue, Toorak, whose marriage to Monsieur Jean C. Quint is to take place at St. John's Church, Toorak, on November 10. The grounds of Frogmore House looked very beautiful, and the wide verandahs were almost enclosed with masses of pink roses and trails of wisteria. Chinese lanterns added picturesqueness to the scene. The guests were received by Mrs. Menck and Miss Martell. Mrs. Menck wore an early Victorian frock of pale pink' georgette and silver lace, and Miss Martell's beaded grey georgette frock had touches of fuchsia giving it colour. Miss Hazel Menck was in a girlish frock of pale blue. Madame Martell wore an uncommon frock of embossed georgette in tawny colourings.</p>	
1924	Menck sells to David Babington Keys (gentleman) & Bessie Ann Lindsay Keys (Spinster) of Wahgoo Rd, Murrumbeena.	VTO
1924	The Australasian reports 'Mr. and Mrs. L. O. Menck have sold Frogmore House, Murrumbeena, and intend residing for a time at their country place, Kelvin Park; Longwarry.	Saturday 16 February 1924
1934	<p data-bbox="339 1431 1066 1453">AS Kenyon et.al. recall this famous pastoral family in Melbourne's centenary year-</p>  <p data-bbox="339 1760 603 1805">Figure 43 Archibald McLaurin McLaurin Family</p> <p data-bbox="339 1816 1193 1937">... By R.V.B. of "The Australasian," and A. S. Kenyon For more than 40 years Archibald McLaurin was a pastoral figure of note in Port Phillip and New South Wales. He came to Port Phillip overland in 1840, in charge of sheep owned by Dr.Reid. He was obliged to</p>	'The Argus': Thursday 13 September 1934

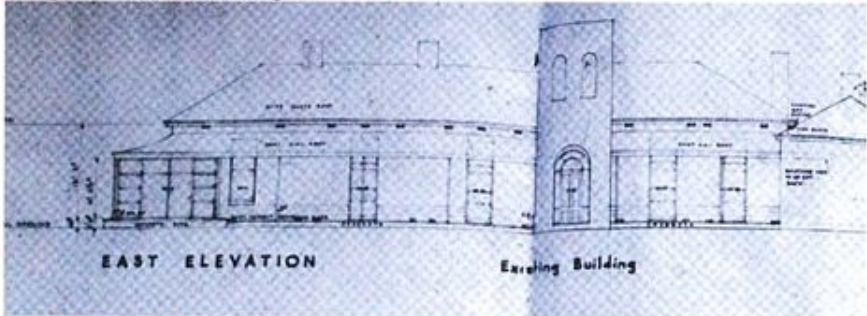
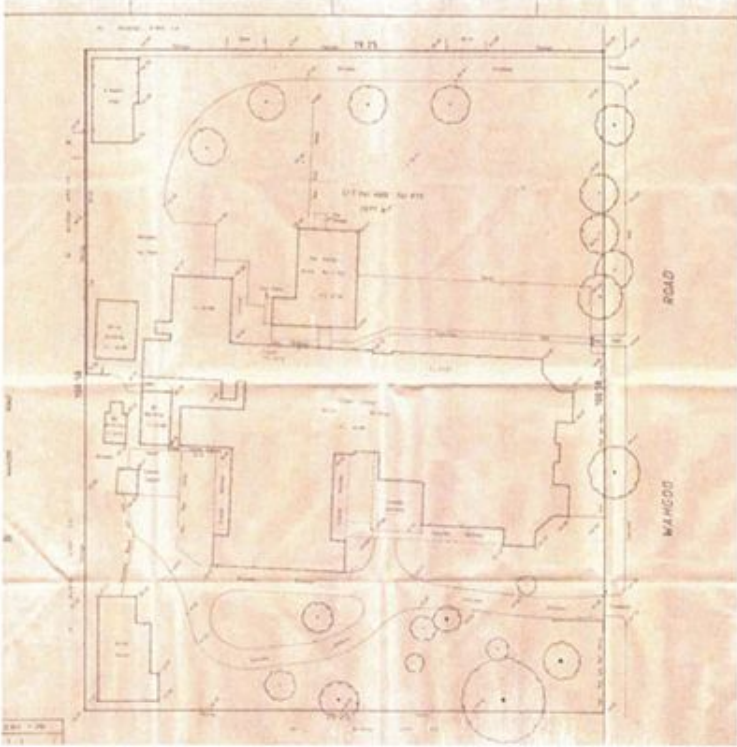
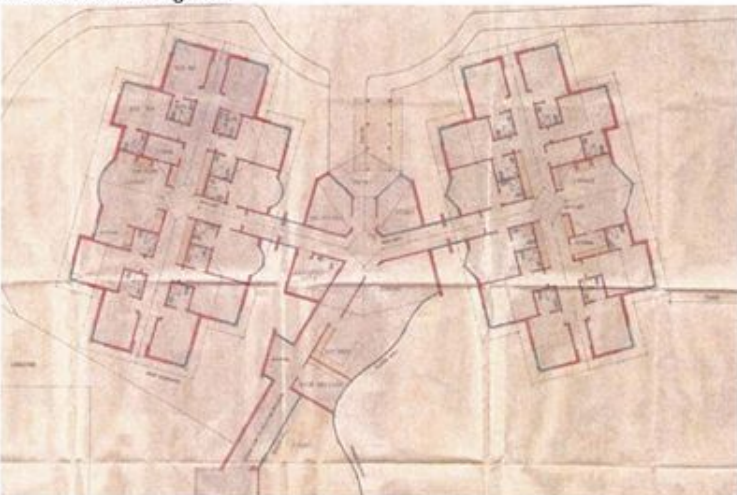
Date	event	source
	swim the sheep across swollen rivers. Frequently he had to assist them in to the water and swim over himself to assist them out again on the opposite side. In the following year McLaurin's father, mother, brothers, and sisters came to Port Phillip from Sydney; they rented a run close to Melbourne, and grazed their stock over the site of Brighton. But it was as the owners of Cornalla, on the Murray and Edwards rivers; Yabba Yabba, on the Mitta Mitta; Moroco. Derulaman, and Yarra Yarra, that the McLaurins were best known. In the late 60's Archibald sold out from his brothers. He purchased the Frogmore estate of 212 acres at Caulfield, and lived there in retirement till his death in 1891....	
1940	DEATHS KEYS. -On the 25th February, at her residence, Frogmore House, Murrumbeena Jane (Jennie), late of Mertoun Park. Colac. Privately cremated at the Springvale crematorium on the 27th February	'The Argus': 1/3/40
1942	DEATHS KEYS. -On March 9, at her residence, Frogmore House, Murrumbeena, Bessie Ann Lindsay Keys. (Privately cremated, March 11, at Springvale Crematorium.)	'The Argus': Thursday 12 March 194
1942-5	Mary Keys of Frogmore House, spinster, a descendent of David Babington Keys (gentleman) & Bessie Ann Lindsay Keys (Spinster), owns Frogmore.	VTO
1943	KEYS. -In loving memory of our brother, David Babington Keys, who died at Frogmore House, Murrumbeena, June 17, 1943	'The Argus': 17/6/44
1943	Probate: DAVID BABINGTON KEYS, Late of "Frogmore House," Wahgoo Street, Murrumbeena, Gentleman. Deceased.-After 14 clear days Mary Keys and Rebecca Babington Key, both of "Frogmore House," Wahgoo street, Murrumbeena, spinsters, being two of the executors appointed by deceased's will, dated 27th day of August, 1941 (Bessie Ann Keys, the other executor appointed by the said will, having predeceased the testator), -will APPLY to the Supreme Court for PROBATE of this WILL. DES-MOND DUNNE, IIARTY, & DWYER, solicitors, 95 Kepler street. Warrnambool ¹¹ .	'The Argus': 9/9/43
1945	DEATH KEYS.-On May 30- (suddenly), at her residence. Frogmore House, Murrumbeena,	'The Argus': 9/6/45
1946	NEW 28-BED CHURCH HOSPITAL The Churches of Christ in Victoria have purchased the property Frogmore, Wahgoo rd, Murrumbeena, with the intention of converting the existing building into a 28-bed hospital. The grounds (two acres) will be used later for additional wards, increasing the accommodation to 120 beds. A nurses' home will also be built. The Church has also purchased the property Newcumloden, Murrumbeena rd, Murrumbeena, at present occupied as a school. This will be converted later into a home for babies and toddlers. Plans have been prepared for a new hostel and cottages at the church's guest house at Oakleigh. These will increase the accommodation by 30 beds.	'The Argus': 20 April 1946, page 7
1949	Architects Buchan Laird & Buchan prepare drawings for Churches of Christ Nurses Home (since removed) at Christian Guest Home, Frogmore: two storey gabled wing at rear or to the north. Shows existing building with window bays to main façade facing south, arched main entry door, gravel drive and loop at front of house. The rear stable was to be demolished. existing slate roof, proposed glazed enclosures at south verandah corners. verandah roof shown as concave corrugated iron clad, as existing  EAST ELEVATION Existing Building	GEC

Figure 44 Part east elevation as existing in 1949 (Buchan Laird & Buchan)

¹¹ VPRS 7591 /2/1253; VPRS 28/3/4012

Date	event	source
1952	Christian Fellowship Association of Flinders Lane, Melbourne own Frogmore.	VTO
1966	Building Permit Application drawings for New wing linked to Frogmore via tower on east by South Yarra architect James M McIlldowie additions to William H Clay Nursing Home for Churches of Christ - shows existing house as before, with glazed south verandah (glazing since removed), 6 main rooms south of cross passage leading from secondary entry via tower, 4 fireplaces, 2 of which single sided.	GEC
1989	Churches of Christ of Community Care survey plan: 	Gissing & Smith (GEC)
1990	Architects Campbell Clark & Kidd proposed a nursing home wing for the complex to north of Frogmore House, with cream brick Post Modern style angled wings linked to a central dining area, linked in turn to Frogmore. 	GEC
2007	Churches of Christ of Community Care, Heidelberg Rd, Fairfield, still own Frogmore	VTO

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Date	event	source
2008	<p>eMelbourne entry by historian Jill Barnard:</p> <p>‘ Murrumbeena</p> <p>The name of this eastern portion of the former City of Caulfield is an adaptation of the Aboriginal word mirambeena. Murrumbeena was officially adopted when the railway station opened in 1879. In the 1850s two hotels on Dandenong Road serviced travellers and local farmers like William Lyall who established a model farm, Frogmore, where he bred sheep and horses and experimented with grasses. Murrumbeena was predominantly a market garden and orchard district in 1908 when potter Merric Boyd and decorator Doris Gough established their house called Open Country with the pottery in the garden. In 1944 Arthur Boyd, along with John Perceval and Peter Herbst, established the Arthur Merric Boyd pottery in a former butcher's shop in Neerim Road. They were joined in 1950 by Neil Douglas. In 1934 A.V. Jennings built his second estate, the Beauville, in Murrumbeena, although residential growth did not really accelerate until after World War II.</p>	School of Historical & Philosophical Studies, The University of Melbourne Published July 2008
2011	Churches of Christ Queensland own Frogmore	VTO
2012	<p>Street names of Cranbourne</p> <p>Links to our Past - history - Bakewell Street and Lyall Street</p> <p>John Bakewell and William Lyall were part of the influential partnership of Mickle, Bakewell and Lyall who arrived in the area in 1851. John Mickle (1814-1885) and John Bakewell (1807-1888) were business partners in Melbourne from 1847 and they were soon joined by William Lyall (1821-1888) who had married Mickle's sister, Margaret. In 1851 they acquired the Yallock Run (based on the Yallock Creek, south of Koo-Wee-Rup). In 1852 they acquired the Tooradin run and in 1854 they acquired the Great Swamp run and at one stage they occupied nearly all the land from Cranbourne to Lang Lang.</p> <p>After Government land sales in 1856 the trio subdivided their jointly owned land. Bakewell's portion included Tooradin, Tobin Yallock, the Bluff and Warrook on the Yallock Creek. Mickle received the Upper Yallock blocks which he renamed Monomeith. Lyall received the Yallock pre-emptive right and the remaining land. William and Annabella Lyall built Harewood house in the 1850s and the property remained in the Lyall family until 1967. John Bakewell died in England in 1888.</p>	Casey Cardinia Library web site, www.cdcl.vic.gov.au/aggregator?page=31
2014	<p>Glen Eira council minutes</p> <p>‘RECEPTION AND READING OF PETITIONS AND JOINT LETTERS</p> <p>A petition signed by 936 signatories was tabled that read as follows:</p> <p>“The petition of the following named citizens, draws to the attention of the council that the petitioners are concerned that Frogmore House at 1 Wahgoo Road, Carnegie, an historic 1850s house, is in grave danger of being demolished to make way for a 120 bed aged care facility.</p> <p>Frogmore was built c1857 for William Lyall by Melbourne's leading architect Joseph Reed (State Library, Melbourne Town Hall, Ripponlea etc). It is one of the earliest Italianate houses in Melbourne. Lyall was an important Victorian pastoralist who was a member of the first Caulfield Roads Board. At Frogmore, Lyall successfully bred cattle and horses and experimented with different types of pastures and grasses. He sold Frogmore in 1868 to Archibald McLaurin, an overlander and pastoral figure of note in Port Phillip who later became a Caulfield Shire councillor.</p> <p>Your petitioners therefore request that Council conduct a heritage survey of this building immediately. We believe Frogmore should be preserved for posterity and we ask that you consider its historical importance before issuing any demolition or planning permits.”</p> <p>Crs Delahunty/Lobo</p> <p>That the petition be received and noted and request Council's heritage advisor to reassess the heritage value of the property within 4 weeks for the council group to consider.</p>	ORDINARY COUNCIL MEETING – MINUTES 16 DECEMBER 2014
2014-2015	Aerial view, Google Earth showing 1880s house in centre of complex, with some front garden elements.	Google Earth

Lewis, M. Australian Architecture Index:

Cites:

Graeme Butler & Associates 2015: 35

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Argus, 15 Oct 1856, p 7 - Joseph Reed, tenders wanted for Italian villa res near St Kilda for William Lyall.

Ricardo, 'William Lyall', p 12. Before Lyall was at 'Frogmore', he was at East St Kilda. Ibid, p 20: Florence Lyall was born at 'Frogmore' on 16 May 1859. Ibid, p 22: in 1868 (having lost cattle at sea) he decided to sell 'Frogmore' and move to his property at Tooradin. Ibid, p 15: 'Today, in 1956, this fine old house has been purchased and converted by the Church of Christ for use as a Convalescent Home'. Murray, *Sand, Swamp*, p 29 - subdivided after 1905; p 88 - WL born Forfar 1821, emigrated to Tasmania at 14, in 1847 his sister married John Mickle, who joined John Bakewell in a livestock agency in Melb, and Lyall migrated too; in 1850 Mickle & Bakewell sold out to Goldsborough, and joined partnership with Lyall in Westernport squatting runs. Lyall left his Brunswick home for the Yallock run at Tooradin, accompanied his partners to England in 1854, and on his return built Frogmore. He developed a model Scottish farm, and doubled the size by buying land on the other side of Murrumbena Road from Frederick Hayley & W T Mollison. He added stables and workmen's huts to Frogmore in 1857, and added another room to the 4 rm house in 1858. At the age of 47 he moved to Harewood, WP, and sold Frogmore to Archibald McLaurin. Ibid, p 41: c1906 Catherine McNabb registered Frogmore as a rest sanatorium. NB McLaurin built a house, possibly here, in 1889, qv.

Murray, *Sand, Swamp*, p 87 - map showing location






APPENDIX TWO: EXTRACT FROM TABLE 4.1. SCHEDULE OF DATA SHEETS AND RECOMMENDATIONS: GLEN EIRA HERITAGE MANAGEMENT PLAN 1996

The following are all Victorian-era houses Recommended in the 1996 study for some form of heritage protection, some for the Victorian Heritage Register.







A typology has been added to the table differentiating the houses as:

- suburban villas on a limited acreage to form grounds and typically on a subdivision,
- suburban cottage, modest houses as above;
- suburban farm villas, houses built on large acreages and used as farm houses, typically pre-subdivision.




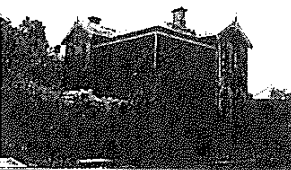


There is a small number of the last type, Frogmore fitting this category.

Place	address	date	Type (Graeme Butler)	Heritage overlay
	389-393 Alma Road	pre 1888	Suburban villa	HO2
	405 Alma Road	1886 part	Suburban villa	HO3
	67 Balaclava Road OR 220 Orrong Road Caulfield North	1875	Suburban villa	HO54
	73 Balaclava Road	pre 1871	Suburban villa	HO7
	23 Bambra Road	ore 1857	Suburban farm villa	HO10, Victorian Heritage Register

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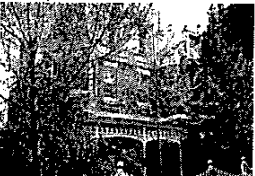





Place	address	date	Type (Graeme Butler)	Heritage overlay
				
"Kynaston" 	70 Bambra Road	1888- 89	Suburban villa	HO11
"Andover" & stables ALSO "Lord Lodge" 	30 Booran Road	1890	Suburban villa	HO94, Victorian Heritage Register
"Burreel" 	10 Burreel Avenue	pre 1866	Suburban villa	HO13
"Kiora" 	33 Clarence Street	1888- 89	Suburban villa	HO15
"Rosecraddock" 	10 Craddock Avenue	1857	Suburban villa	HO16
Terrace	2-24 Edward Street	1890	Suburban row	HO21







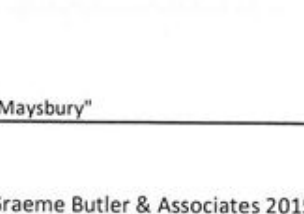
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Place	address	date	Type (Graeme Butler)	Heritage overlay
				
"Fresch" (?) 	11 Gladstone Parade	1888	Suburban villa	HO22
"Monkleigh" 	12 Gladstone Parade	1889	Suburban villa	HO22
"Payneswicke" 	13 Gladstone Parade	1889- 90	Suburban villa	HO22
"Hartington" 	15 Gladstone Parade	1888	Suburban villa	HO22
"Rathow" ¹² 	25 Gladstone Parade	1889	Suburban villa	HO22
"Swibiton"	28 Gladstone	1890	Suburban villa	HO22






¹² Lewis, M. Australian Architecture Index: designer Jackson, Thomas B?

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Place	address	date	Type (Graeme Butler)	Heritage overlay
	Parade			
"Kenly" 	34 Gladstone Parade	1889	Suburban villa	HO22
"Nulmore" 	36 Gladstone Parade	1889	Suburban villa	HO22
"Hengar" 	356 Glen Eira Road	1889- 90	Suburban villa	HO26
"Thornleigh Grange" 	504 Hawthorn Road	Pre 1872	Suburban farm villa	HO31
"Melrose" 	2 Hopetoun Street	1890	Suburban villa	HO35
"Rippon Lea" 	192 Hotham Street	1868- 87	Suburban farm villa	HO36
"Glenfern"	417 Inkerman	1857	Suburban villa	HO37

Place	address	date	Type (Graeme Butler)	Heritage overlay
	Road			
"Nithsdale" 	133 Kambrook Road	1858- 86	Suburban villa	part of HO73 – Glen Eira Road and Environs
"Rothesay" 	283 Kooyong Road	1888(?)	Suburban villa	HO38
"Tarqua" 	1-3 Lirrewa Grove	1886	Suburban villa	HO39
"Craigellachie" 	2b Lynedoch Avenue	1876	Suburban farm villa?	HO40
"Ontario" ("Labassa") 	2 Manor Grove	1863- 87	Suburban villa	HO44
"Maysbury" 	1 Maysbury Avenue	1887	Suburban villa	part of HO72 – Elsternwick Estate and Environs





Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie

Place	address	date	Type (Graeme Butler)	Heritage overlay
				
House 	32 Murray Street	1888- 89	Suburban villa	HO130
"Edenkillie" 	37 Neerim Road	1889	Suburban villa	HO45
"Heatherbrae" 	73 Neerim Road	pre 1876- c.1890	Suburban villa	HO46
"Manair" (?) 	225 North Road	1890	Suburban villa	HO49
"Ascog"	10 Orrong Road	1887- 88	Suburban villa	HO51






Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie

Place	address	date	Type (Graeme Butler)	Heritage overlay
				
Lisbon House 	70 Orrong Road	1889	Suburban villa	HO52
"Roseneath" 	31 Nepean Highway	1874		HO48
"Athole" 	18 Poplar Grove	1889	Suburban villa	HO80
House	57 Prentice Street	ore 1885	Suburban cottage	HO56

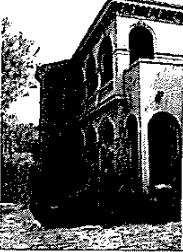
Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie

Place	address	date	Type (Graeme Butler)	Heritage overlay
				
House 	59 Prentice Street	pre 1885	Suburban villa	?
"Alnwick" 	11 Railway Avenue	1892- 93	Suburban villa	HO57
"Glenmoore" 	1 St Georges Road	1869- 70	Suburban villa	HO59
"Elston"	3 St Georges Road	1896	Suburban villa	part of HO72 – Elsternwick Estate and Environs

Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie

Place	address	date	Type (Graeme Butler)	Heritage overlay
				
"Stanmere" (Elsternwick Club) 	19 Sandham Street	1889	Suburban villa	HO60
"Kooroowa" 	20 Sandham Street	1899	Suburban villa	part of HO72 – Elsternwick Estate and Environs
"Chiselhurst" (Presentation Convent) 	28 Sandham Street	1885	Suburban villa	HO61
"Beemery" 	85 Seymour Road	1891	Suburban villa	HO62

Heritage Assessment, Frogmore 1 Wahgoo Road, Carnegie

Place	address	date	Type (Graeme Butler)	Heritage overlay
				

APPENDIX THREE: PLANNING SCHEME MAP 2 OF FROGMORE DISTRICT HERITAGE

The following Glen Eira Planning Scheme map shows the Murrumbeena area surrounding Frogmore: no individual Victorian-era house heritage overlay are shown on this map as an indicator of how distinct Frogmore is in the area.



Figure 47 Planning Scheme map 2, Frogmore arrowed.

Item 9.3

**97-103 HAWTHORN ROAD CAULFIELD
NORTH
APPLICATION NO. GE/PP-27263/2014
(COMMERCIAL 1 ZONE)**

**File No: GE/PP-27263/2014
Enquiries: Ron Torres
Director Planning and Transport**



APPLICATION SUMMARY	
PROPOSAL	A five storey building comprising of a shop and up to eighteen (18) dwellings.
RECOMMENDATION	Notice of Decision to Grant a Permit subject to conditions for improved internal amenity
KEY ISSUES	<ul style="list-style-type: none"> • Car parking and access • Streetscape
MUNICIPAL STRATEGIC STATEMENT	Housing Diversity Area (Caulfield Park Neighbourhood Centre)
APPLICANT	Caulfield Park Apartments Pty Ltd
PLANNING SCHEME CONTROLS	<ul style="list-style-type: none"> • Commercial 1 Zone • Road Zone Category 1 • No overlays
EXISTING LAND USE	Double storey shops
PUBLIC NOTICE	<ul style="list-style-type: none"> • 15 properties notified • 30 notices sent (owners and occupiers) • 2 signs erected on site • 4 objections received

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Item 9.3 (cont'd)**1. Community Plan**

- **Town Planning and Development:** to manage the rate and extent of change to the built environment consistent with State and Local Planning Policies to achieve a diversity of housing as sympathetic as possible to neighbourhood character.

2. Recommendation

That Council:

- Issues a Notice of Decision for Application No. GE/PP-27263/2014 allowing the construction of a five storey building comprising of a shop and up to eighteen (18) dwellings; reduction of car parking requirements associated with the shop and a waiver of loading bay requirements in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17th May 1999 and approved by the Minister on 5th August 1999.
- Housing Diversity Policy – Adopted by Council on 18th October 2003, approved by the Minister on 28th October 2004.

4. Reasons For Recommendation

In recommending that Council determines to approve the proposal, consideration has been given to:

- All written objections and matters raised at the planning conference
- Council's MSS

Policy and Zoning

The subject site and all surrounding properties are zoned Commercial 1. The Commercial 1 Zone encourages residential uses (such as shop top housing and apartment style developments) to be integrated with ground floor commercial uses. The proposal responds to zone objectives with a retail space at ground floor and residential above.

Subject to conditions, the proposed development is an acceptable response to the zoning, the site context, and will achieve an acceptable degree of fit, further:

- All surrounding sites are also within the Commercial 1 Zone. There is good access to transport and existing commercial infrastructure.
- The site is located on a declared main road.
- The surrounding area contains a mix of residential development including single dwellings, multi-unit developments and apartment buildings.

Item 9.3 (cont'd)Height and scale

Given the Commercial Zoning and location within the Caulfield Park Neighbourhood Centre, it is considered that in principle a five storey building is acceptable on the site. The proposal has been designed so it reads as a three storey building from the street with the upper levels setback from the street to limit visibility.

It is considered that a three storey podium presenting to Hawthorn Road is an acceptable response to the neighbourhood character in terms of height and scale, noting the commercial setting.

Amenity impacts to neighbouring properties

The most sensitive interface is to the east (at the rear). Whilst also commercially zoned, it contains a double storey dwelling. This property is separated from the subject site by a 3m wide laneway. The building envelopes of the first and second floors are setback 2.2m from the boundary with the balconies constructed on the boundary. At third floor, setbacks have been increased to 5.18m (to the building envelope) and 12.89m at fourth floor. Setbacks proposed are considered to be reasonable and will ensure the uppermost levels have limited visibility from Cromwell Street.

There will be additional shadows cast across to the property to the south throughout the day, and in the afternoon to the east, however given the Commercial zoning of these properties this is considered a reasonable outcome.

Item 9.3 (cont'd)Internal amenity

There are four single bedroom dwellings at first and second floor which have bedrooms which rely on borrowed light. These dwellings face east and west with the bedrooms setback approx. 3.5m from the balconies (with opaque glass walls to allow for light to filter through to these rooms.) Given these are one bedroom dwellings which are well orientated and have generous balconies, this is considered reasonable. However conditions are recommended to ensure these opaque glass walls are openable, to allow for ventilation and additional light.

All other dwellings are well orientated and proportioned with generous balconies and good internal amenity.

Car Parking and Access

Car parking is proposed at the rear, accessed from the laneway. Car stackers have been proposed for the shop and dwelling car spaces with the three visitor car spaces provided at ground level.

Car parking rates have been provided as follows:

- 1 car space per one/two bedroom dwelling
- 1 car space for the retail tenancy
- 3 visitor spaces

The number of car spaces provided for the dwellings and visitor spaces complies with State Government Guidelines. A reduction of four car spaces is requested for the shop.

Council's Traffic Engineering Department has reviewed the proposal and considers that the number of car spaces, layout and design is satisfactory, subject to conditions.

Residents of the dwellings would not be issued Residential Parking Permits (including visitor parking permits).

Loading Bay/Bicycle Parking

A loading bay is not provided for the shop as it is located on a main road. It is not unreasonable to expect loading to occur from the street. It is noted there is no loading bay on site for the existing uses.

Management Plan Requirements

A Construction Management Plan (CMP) is required. A condition has been included in the Appendix outlining the requirements of the CMP.

A preliminary Waste Management Plan (WMP) has been provided to Council and is considered acceptable; a full plan is required as condition of approval to ensure waste management is satisfactory.

A Car Stacker/Turntable Management Plan is also required as condition of approval.

Item 9.3 (cont'd)**APPENDIX****ADDRESS: 97-103 Hawthorn Road, Caulfield North****APPLICATION NO: GE/PP-27263/2014****1. Proposal**

Features of the proposal include:

- Demolition of existing buildings
- Construction of a five storey building
- Retail at ground floor fronting Hawthorn Road, car parking provided with access from rear laneway
- 19 car spaces provided in car stackers, three visitor car spaces (at grade)
- 6 dwellings at first floor
- 7 dwellings at second floor
- 5 dwellings at third and fourth floor (three are two storey dwellings).
- Balconies facing north, east and west
- All dwellings one or two bedrooms
- Overall height 16.67m

2. Public Notice

- 15 properties notified
- 30 notices sent (owners and occupiers)
- 2 signs erected on site
- 4 objections received

The objectors' concerns can be summarized as follows:

- Car parking
- Access
- Overlooking
- Overshadowing
- Noise
- Inappropriate height
- Streetscape
- Lack of loading bay

3. Referrals*Transport Planning*

- We are satisfied that residents can, if they wish, utilise the turntable and exit in a forward direction.
- The space provided for the bicycle racks does not meet the dimensions specified in the Bicycle Parking Handbook.
- The provision of a loading bay for the small retail areas can be waived on this occasion as delivery vehicles are likely to be smaller in size and can be accommodated on-street or within an allocated car space.

Item 9.3 (cont'd)**4. Planning Conference**

The Conference, chaired by Cr Sounness, provided a forum where all interested parties could elaborate on their respective views. Objectors mainly emphasised their original reasons for objection. It is considered that the main issues arising from the discussions were:

- Car parking
- Traffic and access issues within the laneway
- Height and scale
- Overlooking
- Undesirable precedence

5. Conditions

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP03-TP12 Rev 02 dated 26/09/14 drawn by ADDARC) but modified to show:

- (a) Upper floor balconies at first, second and third floor on the eastern elevation to have fixed screening or fixed obscure glazing to a height of 1.7m above finished floor level, or otherwise to the satisfaction of the Responsible Authority.
- (b) The obscure glass walls to the bedrooms of Units 1.01, 1.06, 2.01 and 2.07 to be openable.
- (c) Details of the privacy screens between balconies/courtyards along the northern boundary.
- (d) All balconies to be clearly dimensioned (and a minimum area of 8sqm to be provided for each balcony).
- (e) All residential storage areas to have 6 cubic metres in capacity.
- (f) Shop car spaces to be designed to meet disability specifications OR written approval to be provided from the Victoria Building Authority that this is not required.
- (g) The bicycle parking to meet the dimensions specified in the Bicycle Parking Handbook/ Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993.
- (h) A schedule of construction materials, external finishes and colours (incorporating samples) to the satisfaction of the Responsible Authority.

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

2. The layout of the site and size, design, use and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.

Item 9.3 (cont'd)

3. This Permit will expire if:

- a) The development does not start within two (2) years from the date of this Permit;
or
- b) The development is not completed within four (4) years of the date of this Permit.

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

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

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

All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility:-AS1428.1-2001, AS1428.2-1992, AS1428.3-1992 and AS1428.4-2002.

5. The amenity of the area must not be adversely affected by the use or development as a result of the:

- (a) transport of materials, goods or commodities to or from the land; and/or
- (b) appearance of any building, works, stored goods or materials; and/or
- (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/or

In any other way, to the satisfaction of the Responsible Authority.

6. All air conditioning/heating units, 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.
7. No plant, substations, equipment, services or architectural features other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
8. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
9. The Permit holder must ensure that all dwellings within the development are protected from noise associated with any on-site mechanical plant equipment, consistent with the requirements of the State Environment Protection Policy N-1.
10. The permit holder must ensure that dividing walls and floors between dwellings are constructed to limit noise transmission to 45 STC (Sound Transmission Class) in accordance with Part F(5) of the Building Code of Australia.

Item 9.3 (cont'd)

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

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

12. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
- (a) Delivery and unloading points and expected frequency.
 - (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced.
 - (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services.
 - (d) Any requirements outlined within this permit as required by the relevant referral authorities.
 - (e) Hours for construction activity in accordance with any other condition of this permit.
 - (f) Measures to control noise, dust, water and sediment laden runoff.

Item 9.3 (cont'd)

- (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
 - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
- 13. Prior to the occupation of the building, upper floor balconies at first, second and third floor on the eastern elevation to have fixed screening or fixed obscure glazing to a height of 1.7m above finished floor level, or otherwise to the satisfaction of the Responsible Authority.
- 14. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) Constructed.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Surfaced with an all-weather sealcoat.
 - (d) Drained.
 - (e) Line-marked to indicate each car space and all access lanes.
 - (f) Clearly marked to show the direction of traffic along the access lanes and driveways.

To the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.

- 15. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 16. The mechanical car stackers and turntable must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.

Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a Car Stacker/Turntable System Management Plan including but not limited to the following:

- (a) Allocation of car spaces according to vehicle size and type;
- (b) Ongoing maintenance of the car stacker and turntable system;
- (c) Instructions to owners/occupiers about the operation of the car stacker/turntable system; and

Item 9.3 (cont'd)

- (d) Communicating to prospective residents about the turntable and availability of car stacker spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

17. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
18. 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.
19. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note C.
20. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.

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.

Item 9.3 (cont'd)

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

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

Crs Hyams/Sounness

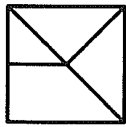
That the recommendation in the report be adopted.

DIVISION

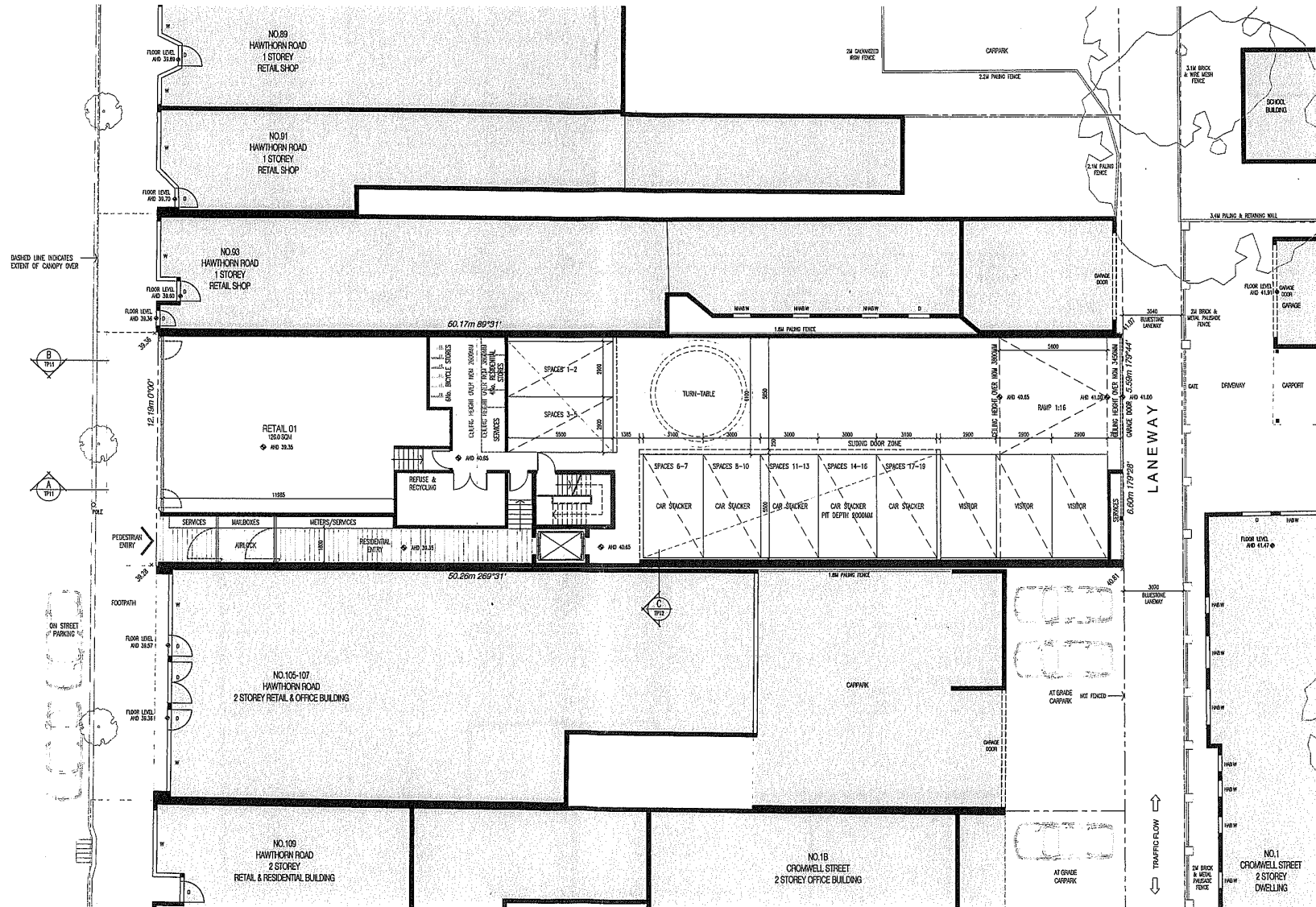
Cr Okotel called for a DIVISION on the voting of the MOTION.

FOR	AGAINST
Sounness	Okotel
Pilling	Esakoff
Magee	Lipshutz
Delahunty	Lobo
Hyams	

On the basis of the DIVISION the Chairperson declared the Motion CARRIED.



HAWTHORN ROAD
TRAFFIC FLOW
TRAFFIC FLOW



ADDARC

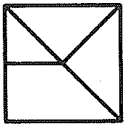
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03 9614 4788 | INFO@ADDARC.COM.AU | WWW.ADDARC.COM.AU

97-103 HAWTHORN ROAD
CAULFIELD NORTH

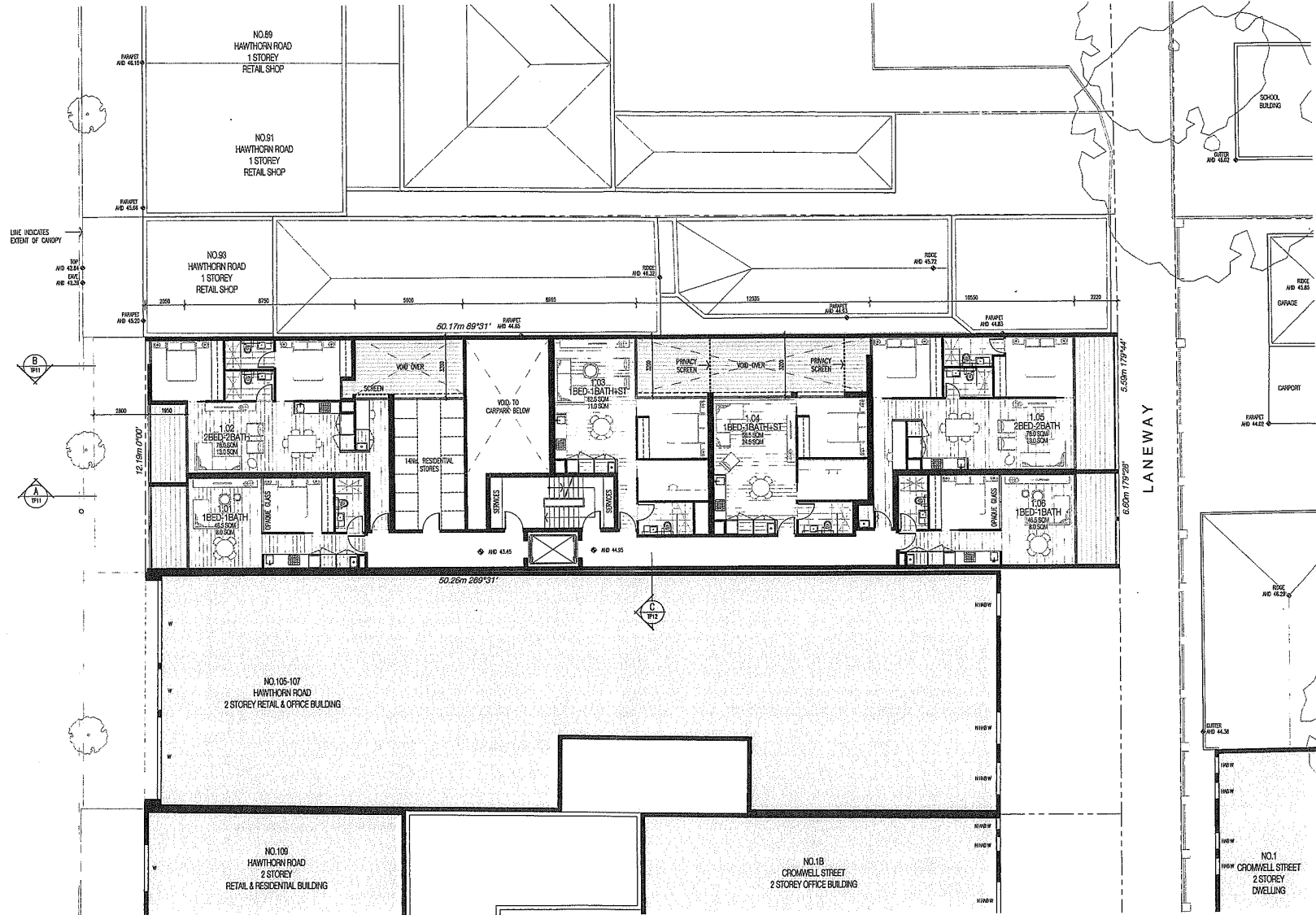
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26.09.14 REV 02 ISSUED FOR TOWN PLANNING

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TP03



HAWTHORN ROAD



ADDARC

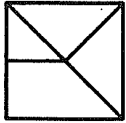
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97-103 HAWTHORN ROAD
CAULFIELD NORTH

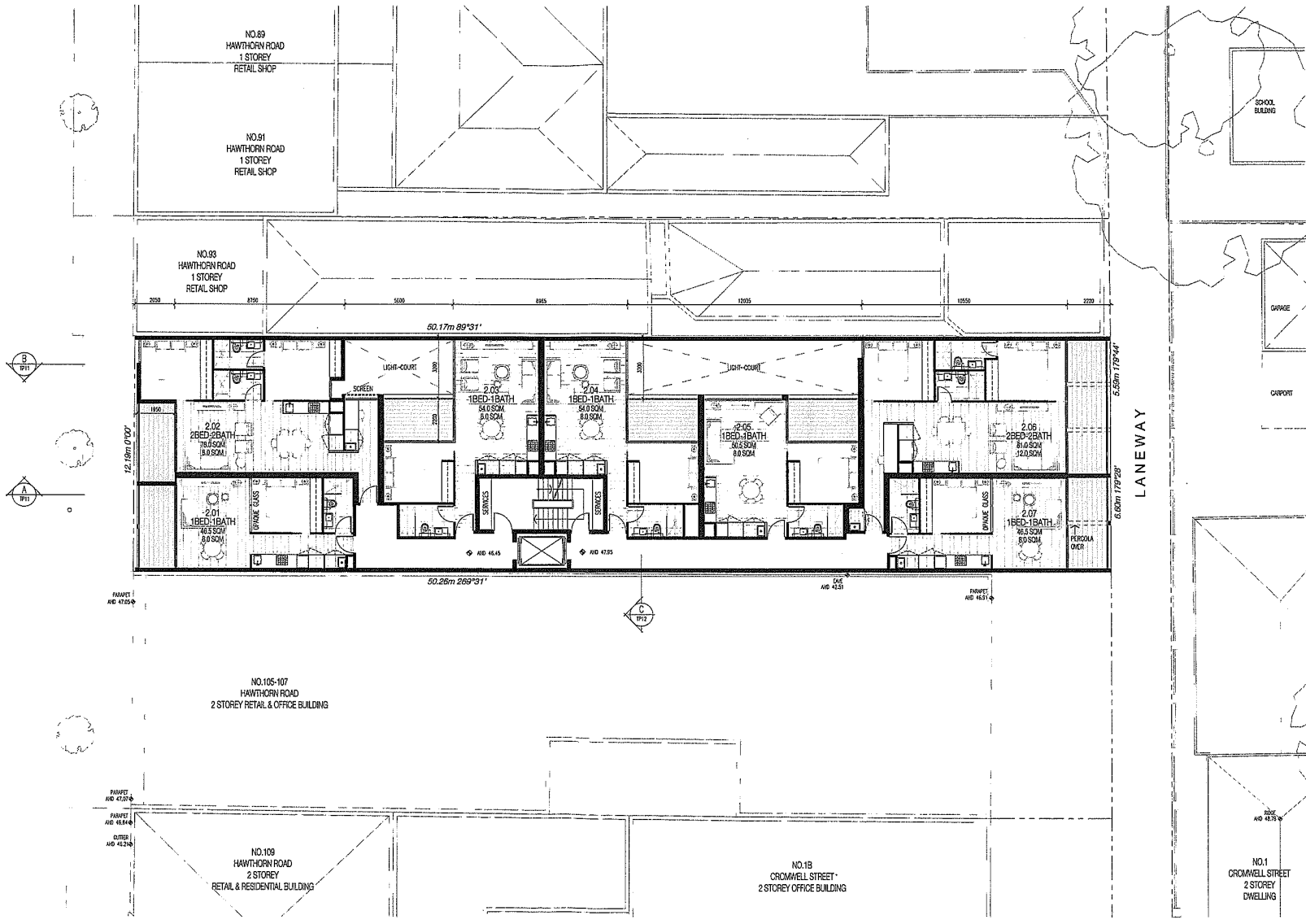
LEVEL 01 FLOOR PLAN
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TP04



HAWTHORN ROAD



ADDARC

STUDIO 10, LEVEL 01, 540 LITTLE COLLINS STREET, MELBOURNE VIC 3000
03 9614 4788 | INFO@ADDARC.COM.AU | WWW.ADDARC.COM.AU

97-103 HAWTHORN ROAD
CAULFIELD NORTH

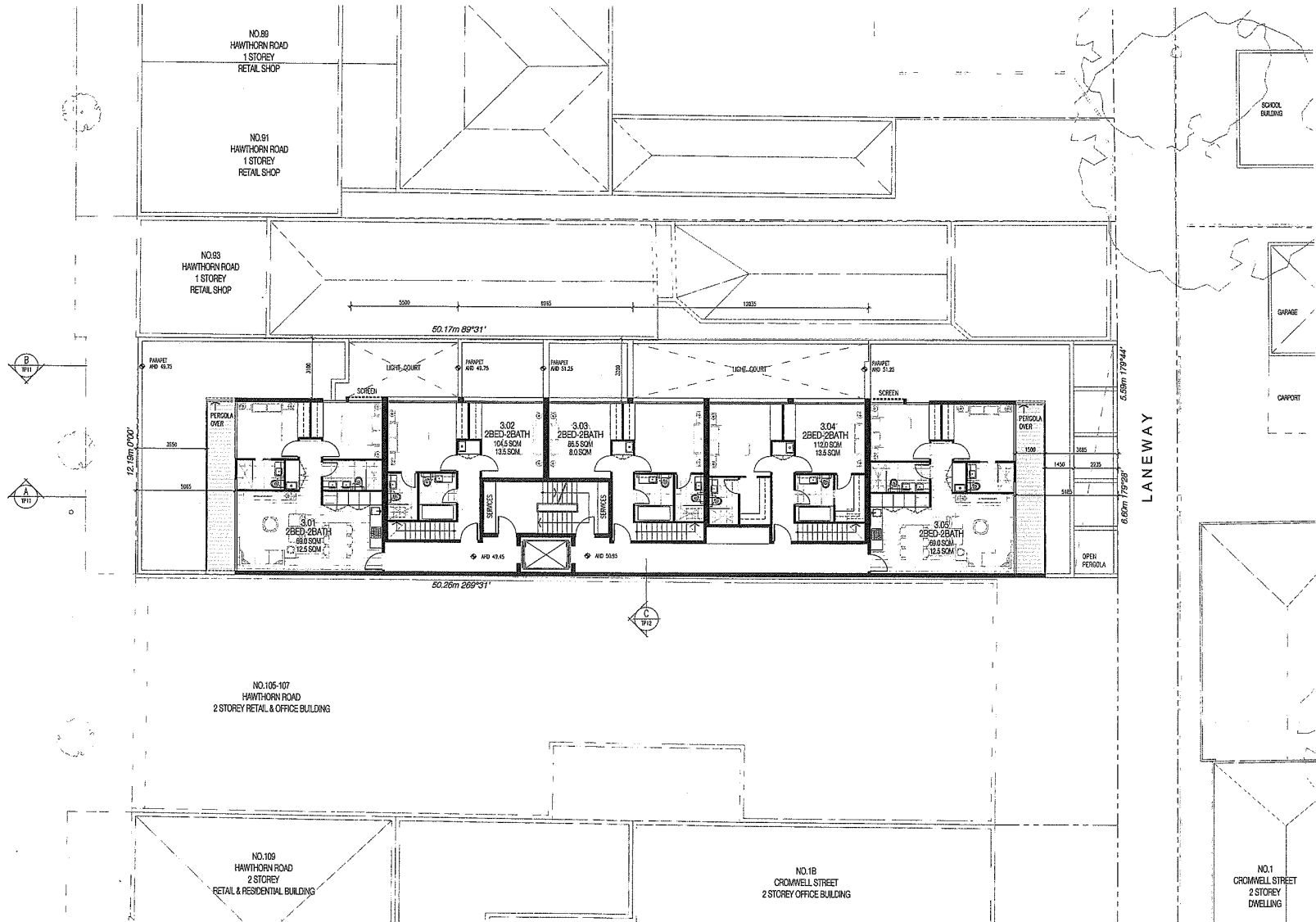
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TP05



HAWTHORN ROAD



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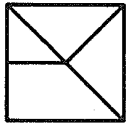
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97-103 HAWTHORN ROAD
CAULFIELD NORTH

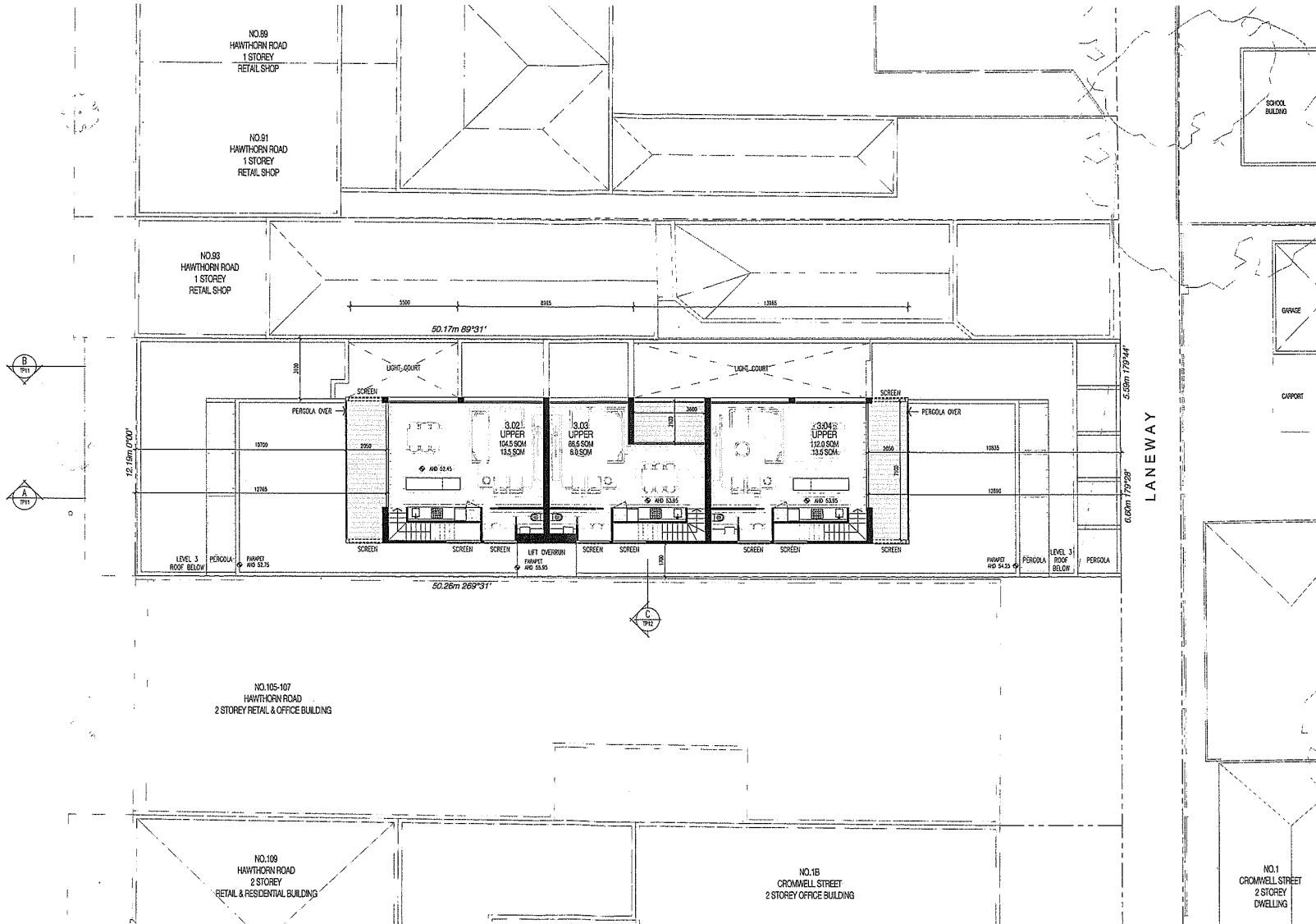
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TP06



HAWTHORN ROAD



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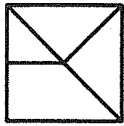
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97-103 HAWTHORN ROAD
CAULFIELD NORTH

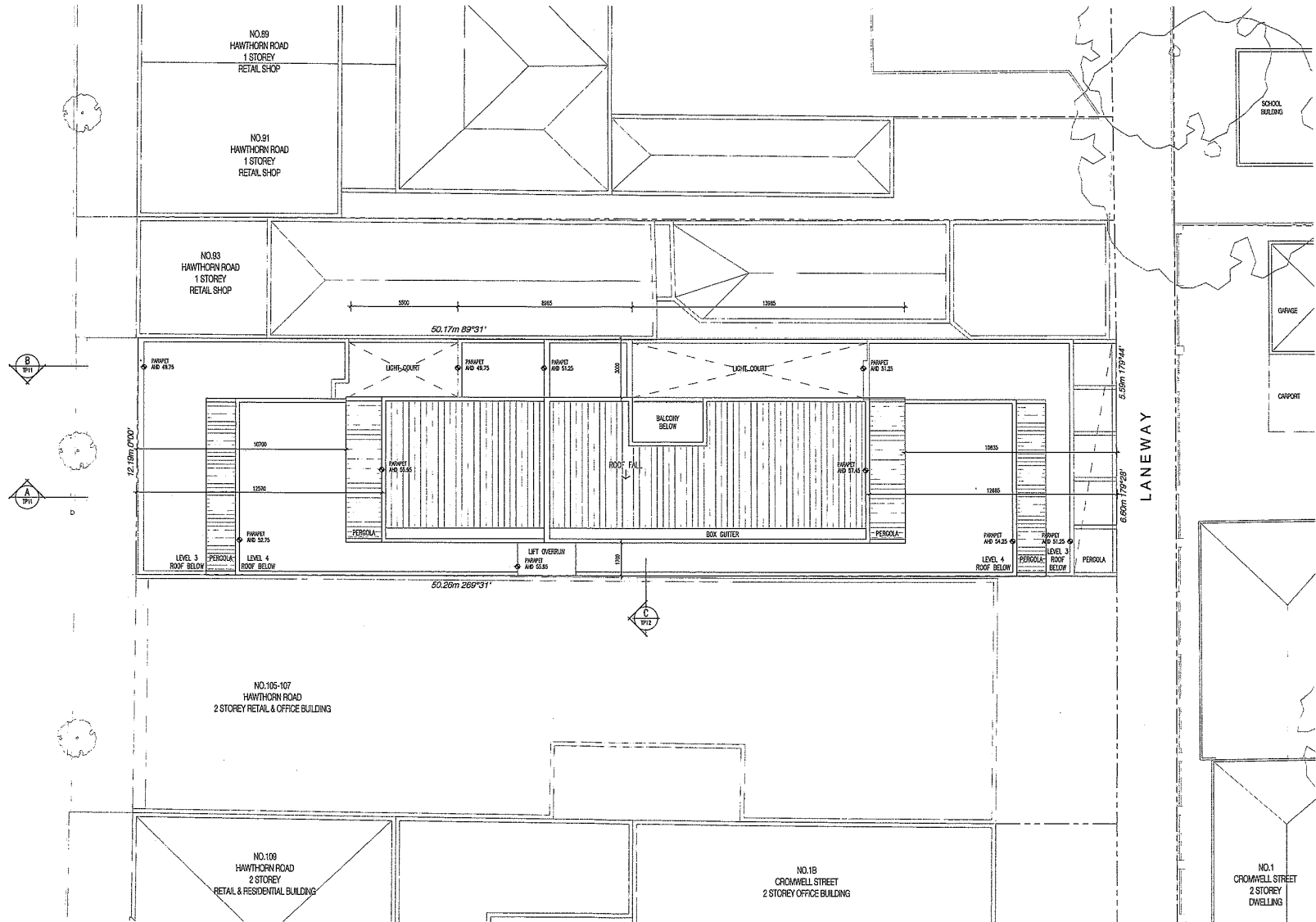
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TP07



HAWTHORN ROAD



ADDARC

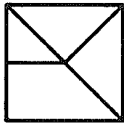
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03 9614 4788 | INFO@ADDARC.COM.AU | WWW.ADDARC.COM.AU

97-103 HAWTHORN ROAD
CAULFIELD NORTH

ROOF PLAN
26.09.14 REV 02 ISSUED FOR TOWN PLANNING

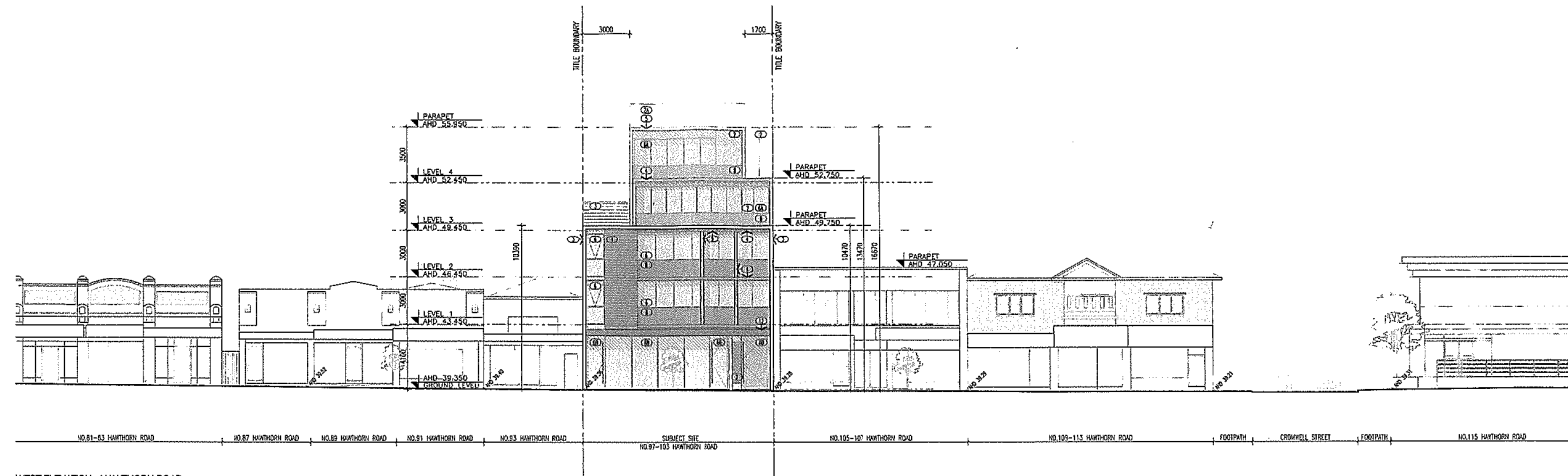
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TP08

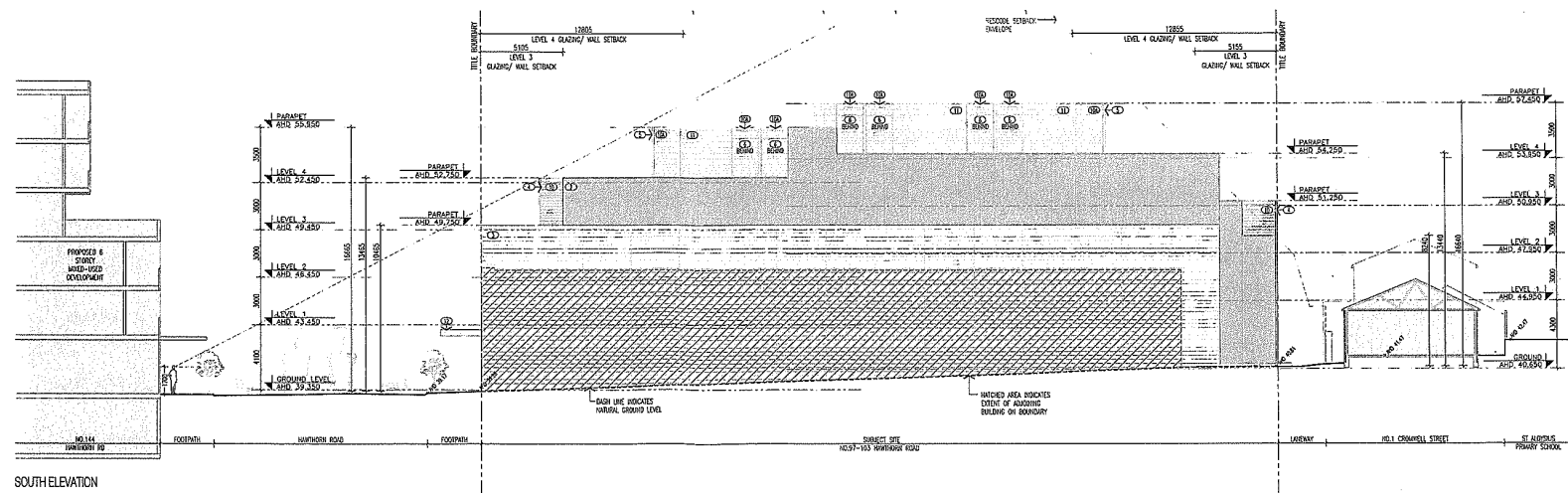


EXTERNAL FINISHES SCHEDULE LEGEND

- ① FEATURE CLADDING WITH HORIZONTAL ARTICULATION
- ② RENDER FINISH WITH EXPRESSED VERTICAL JOINTS - COLOUR: DARK GREY
- ③ RENDER FINISH - COLOUR: WHITE
- ④ TEXTURED/PROFILED CONCRETE - COLOUR: NATURAL
- ⑤ STEEL WORK WITH MAGNETIC IRON OXIDE PAINT - COLOUR: DARK GREY
- ⑥ STEEL WORK WITH MAGNETIC IRON OXIDE PAINT - COLOUR: WHITE
- ⑦ ALUMINIUM FRAMED WINDOW SYSTEM - CLEAR GLASS
- ⑧ ALUMINIUM FRAMED WINDOW SYSTEM - GREY GLASS
- ⑨ ALUMINIUM FRAMED SHROFFRONT GLAZING SYSTEM - CLEAR GLASS
- ⑩ GREY GLASS TYPE BALUSTRADE
- ⑪ SOLID TYPE BALUSTRADE - COLOUR: DARK GREY
- ⑫ LIVING ROADS - COLOUR: DARK GREY
- ⑬ HORIZONTAL BATTEN SCREEN, POWDERCOAT FINISH - COLOUR: DARK GREY
- ⑭ HORIZONTAL BATTEN SCREEN, POWDERCOAT FINISH - COLOUR: WHITE
- ⑮ TEXTURED/PROFILED LIGHTWEIGHT CLADDING - COLOUR: WHITE
- ⑯ CANOPY - ARCHITECTURAL SHEET CLADDING WITH ALUMINUM SIGNAGE - COLOUR: DARK GREY
- ⑰ GARAGE DOOR - COLOUR: DARK GREY
- ⑱ SERVICES DOORS - COLOUR: DARK GREY



WEST ELEVATION - HAWTHORN ROAD



SOUTH ELEVATION

ADDARC

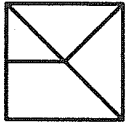
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03 9614 4788 | INFO@ADDARC.COM.AU | WWW.ADDARC.COM.AU

97-103 HAWTHORN ROAD
CAULFIELD NORTH

ELEVATIONS
26.09.14 REV 02 ISSUED FOR TOWN PLANNING

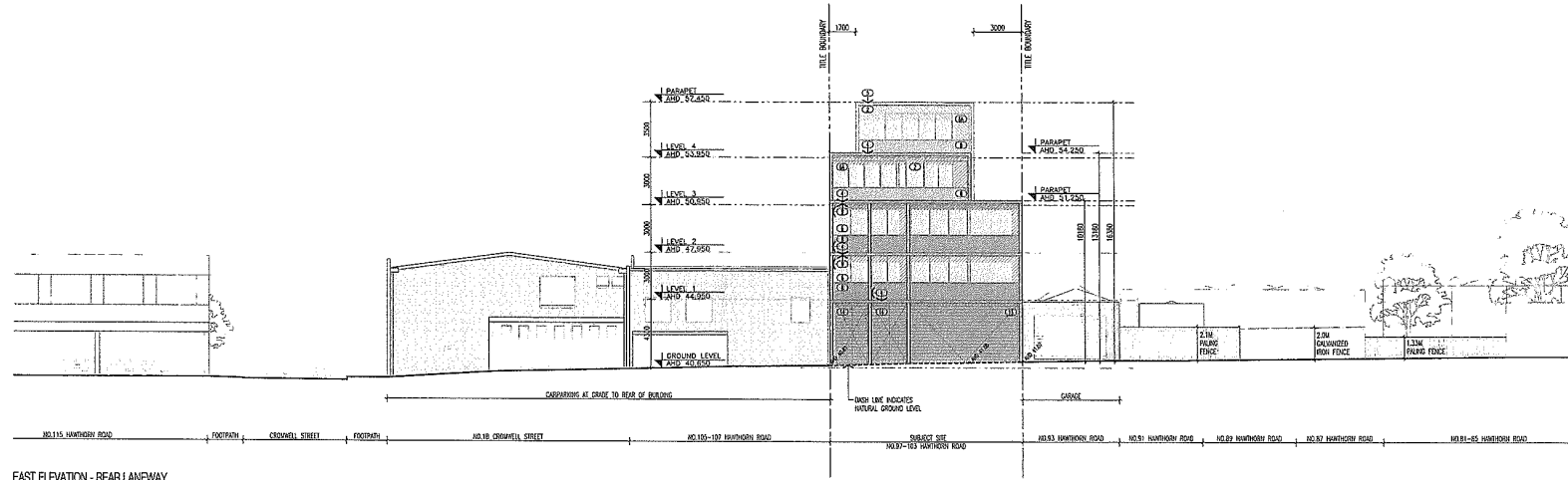
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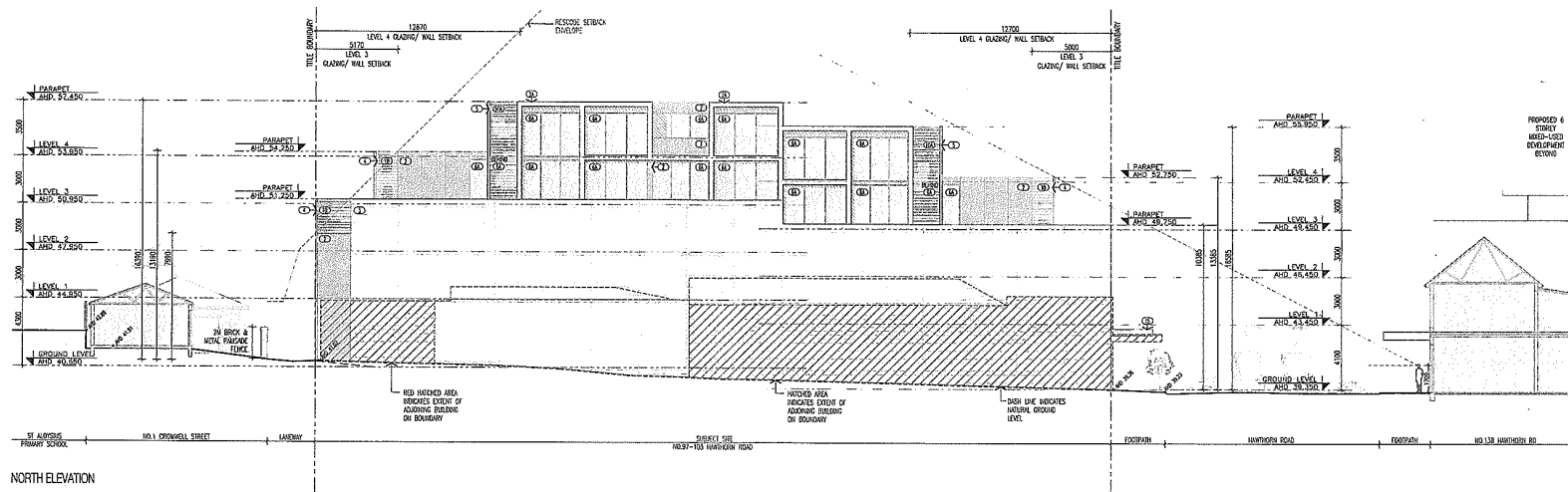


EXTERNAL FINISHES SCHEDULE LEGEND

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- (4) TEXTURED/PROFILED CONCRETE - COLOUR: NATURAL
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- (6) STEEL WORK WITH LACAZEDUS IRON OXIDE PAINT - COLOUR: WHITE
- (7) ALUMINIUM FRAMED WINDOW SYSTEM - CLEAR GLASS
- (8) ALUMINIUM FRAMED WINDOW SYSTEM - GREY GLASS
- (9) ALUMINIUM FRAMED SHOPFRONT GLAZING SYSTEM - CLEAR GLASS
- (10) GREY GLASS TYPE BALUSTRADE
- (11) SOLID TYPE BALUSTRADE - COLOUR: DARK GREY
- (12) LIVING BARBERS - COLOUR: DARK GREY
- (13) HORIZONTAL BATTEN SCREEN, POWDERCOAT FINISH - COLOUR: DARK GREY
- (14) HORIZONTAL BATTEN SCREEN, POWDERCOAT FINISH - COLOUR: WHITE
- (15) TEXTURED/PROFILED LIGHTEIGHT CLADDING - COLOUR: WHITE
- (16) CANOPY - ARCHITECTURAL SHEET CLADDING WITH HORIZONTAL JOINTS - COLOUR: DARK GREY
- (17) GARAGE DOOR - COLOUR: DARK GREY
- (18) SERVICES DOORS - COLOUR: DARK GREY



EAST ELEVATION - REAR LANEWAY



NORTH ELEVATION

ADDARC

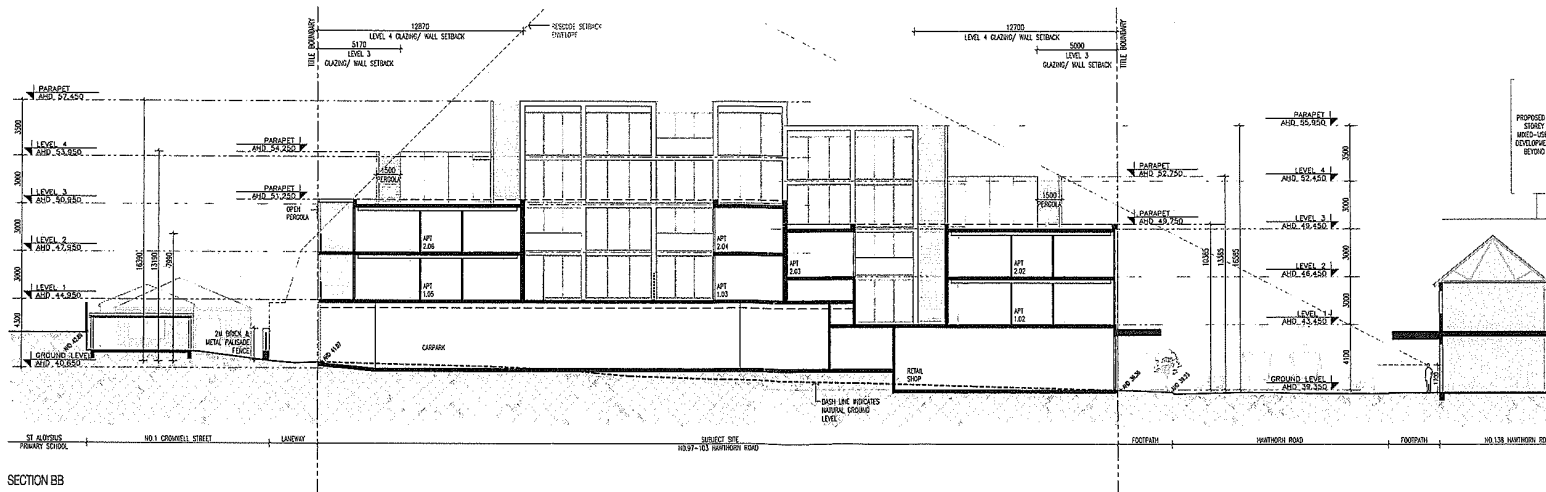
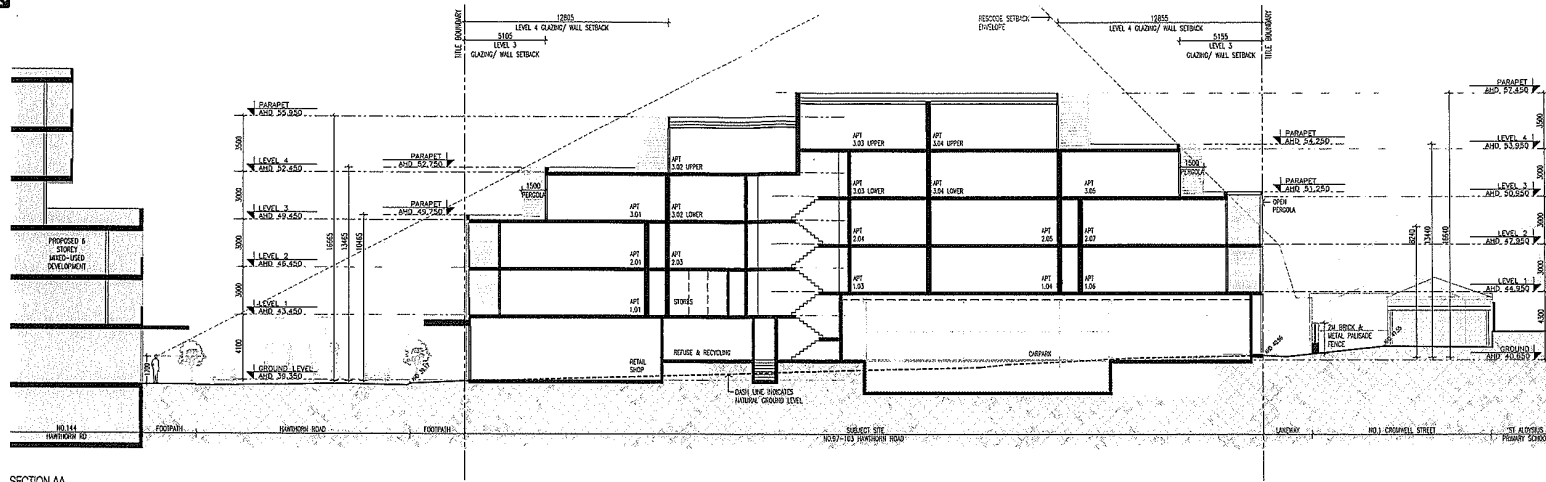
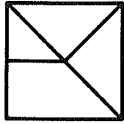
STUDIO 10, LEVEL 01, 540 LITTLE COLLINS STREET, MELBOURNE VIC 3000
03 9614 4786 | INFO@ADDARC.COM.AU | WWW.ADDARC.COM.AU

97-103 HAWTHORN ROAD
CAULFIELD NORTH

ELEVATIONS
26.09.14 REV 02 ISSUED FOR TOWN PLANNING

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TP10



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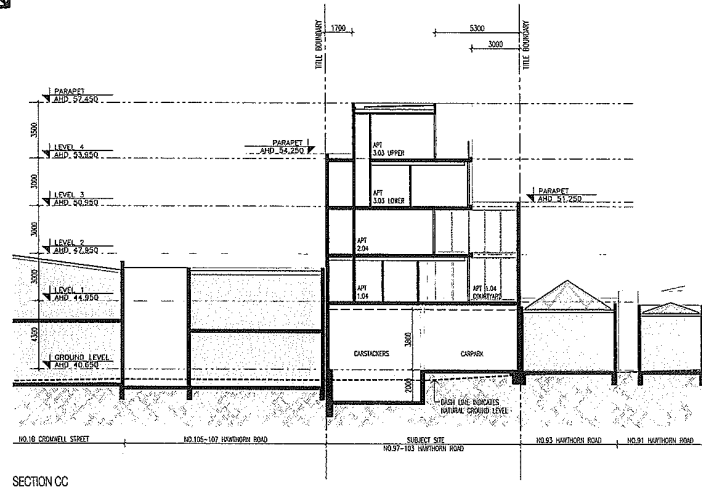
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97-103 HAWTHORN ROAD
CAULFIELD NORTH

SECTIONS
28.09.14 REV 02 ISSUED FOR TOWN PLANNING

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TP11



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STUDIO 10, LEVEL 01, 540 LITTLE COLLINS STREET, MELBOURNE VIC 3000
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97-103 HAWTHORN ROAD
CAULFIELD NORTH

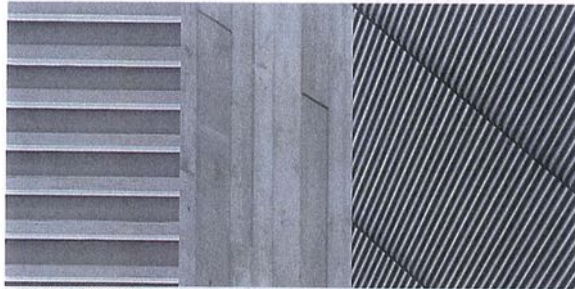
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26.09.14 REV 02 ISSUED FOR TOWN PLANNING

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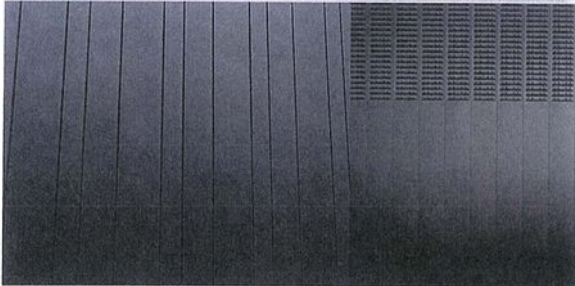
TP12



SOUTHERN FACADE ARTICULATION & MATERIALS



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Level 3 Material/Articulation:

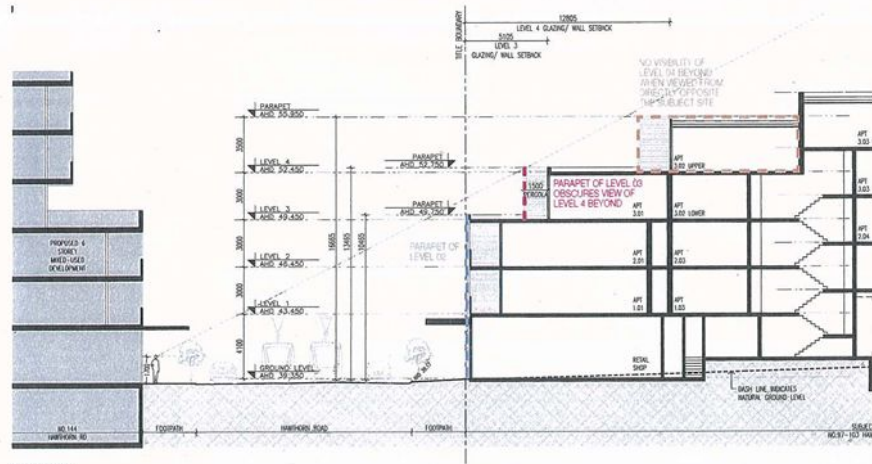


Levels 01-02 Material/Articulation:

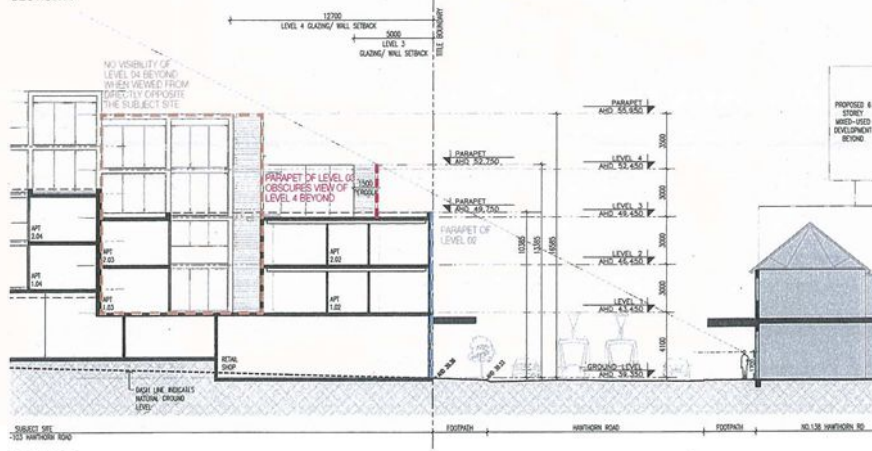




HAWTHORN ROAD MASSING/SETBACK STUDY

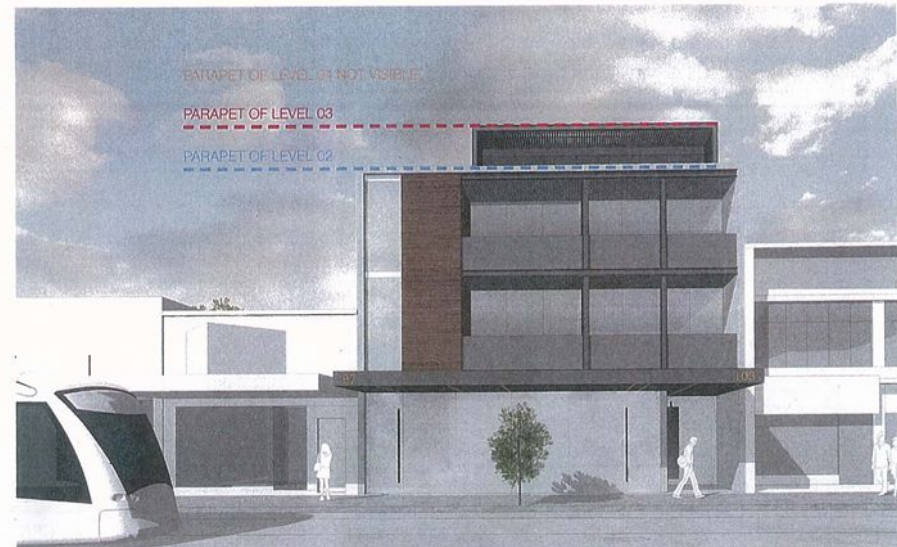


SECTION A



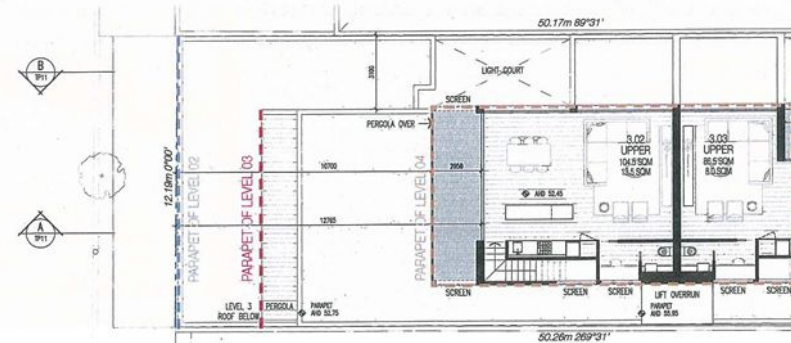
SECTION B

ADDARC



View looking east across Hawthorn Road towards Subject Site

HAWTHORN ROAD



Diagramatic Plan

Item 9.4**445-457 GLEN HUNTLY ROAD ELSTERNWICK
PLANNING SCHEME AMENDMENT C134****Enquiries: Rocky Camera
Co-ordinator Strategic Planning****1. Community Plan**Town Planning and Development

To manage the rate and extent of change to the built environment consistent with State and local planning policies to achieve a diversity of housing as sympathetic as possible to neighbourhood character.

2. The Proposed Amendment

The amendment proposes to:

- Rezone Land Parcels 1 & 2 from Residential Growth Zone Schedule 1 to Commercial 1 Zone (attachment 1); and
- Amend Council's Urban Village Policy to include the whole of the subject land within the Retail Hub of the Elsternwick Urban Village.

3. Recommendation

That Council refuses to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C134.

Item 9.4 (cont'd)**4. Background**

The amendment has been made at the request of Contour Town Planning Consultants on behalf of the land owner.

The subject site comprises multiple land titles and is irregular in shape. The site currently contains a supermarket that fronts onto Glen Huntly Road, shops, an at grade car park and a loading bay fronting Beavis Street (that is used for the supermarket). The overall site is approximately 6,777m² in area.

The amendment seeks to rezone two parcels of land from the Residential Growth Zone to Commercial 1 Zone (attachment 1). Parcel 1 is 2,440m² and parcel 2 is 360m² in area. The rest of the subject site is already zoned Commercial 1.

Prior to the implementation of the new residential zones in August 2013, the 2 parcels of land were zoned 'Residential 1'. This residential zone had no mandatory maximum height limit.

On the 24 March 2011, VCAT approved a 6 storey building plus basement comprising a supermarket and 99 dwellings over their entire site. This development has not commenced.

The developer has recently explored amending this planning permit in order to increase the overall height of development to approximately 8 storeys. However under Glen Eira's new residential zones an increase in height is now prohibited as the two land parcels are located in the Residential Growth Zone which imposes a 13.5m (or 4 storey) mandatory maximum height limit. It is noted that the existing approval for the six storey building (which is partly over these two parcels of land) was approved prior to the introduction of Glen Eira's new residential zones. This approval is still valid and can be acted on.

5. Assessment

The proposed rezoning request seeks to extend the Commercial 1 Zone further north of Glen Huntly Road. This is not supported.

The amendment has been sought in order to remove the mandatory maximum height limit of 13.5 metres or 4 storeys currently applying to the two land parcels. The Commercial 1 Zone does not have a mandatory maximum height limit.

Land directly north of the subject site is zoned Residential Growth and is affected by an Heritage Overlay (HO72). It is considered that this proposed rezoning would result in the commercial zone 'creeping' into an established residential area. This is not considered appropriate given the potential use and development outcomes that could occur under the Commercial 1 Zone.

The rezoning is also not considered appropriate as the Commercial 1 Zone does not contain any mandatory height limit on development. Furthermore the proponent has not proposed any mandatory maximum height limits or setback requirements through other planning mechanisms (such as a Design and Development Overlay).

Item 9.4 (cont'd)

The proposed increase of the commercial area further north of Glen Huntly Road would also not be in keeping with the objectives of Council's Urban Villages Policy which seeks (selected):

- *To consolidate retail functions within existing strip shopping centres; and*
- *To ensure development respects the amenity of the surrounding area and provides transition to surrounding residential uses.*

The current 13.5 metre or 4 storey mandatory maximum height limit set in the Residential Growth Zone is considered an appropriate and a reasonable height transition from the commercial area along Glen Huntly Road to the residential area to the north. In addition the current zoning will ensure that core retail functions do not move further north away from the Glen Huntly Road shopping centre.

Not proceeding with this amendment will not preclude the current approval for the 6 storey building from going ahead. This development has a valid town planning permit issued by VCAT prior to the introduction of Glen Eira's new residential zones. This development must commence by 24 March 2015 or this planning permit will expire.

DECLARATIONS OF INTEREST

Cr Esakoff declared a Conflict of Interest in this Item under S78 of the Local Government Act, an indirect interest by close association, as she has a relative with a direct interest.

8.40PM Cr Esakoff left the Chamber.

Crs Sounness/Delahunty

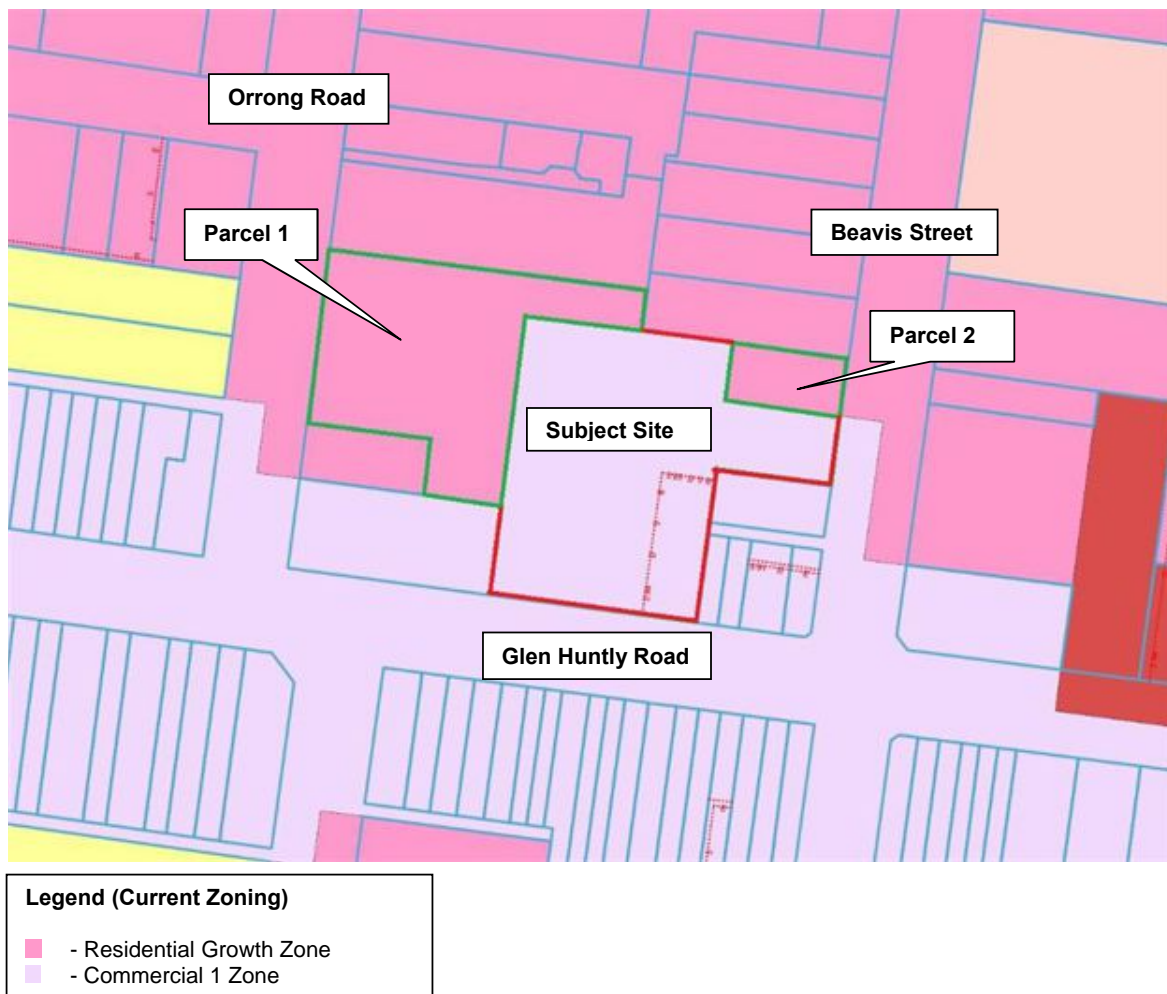
That the recommendation in the report be adopted.

The MOTION was put and CARRIED.

8.46PM Cr Esakoff returned to the Chamber.

Item 9.4 (cont'd)

APPENDIX 1 – Land Parcels 1 & 2 to be Rezoned



Item 9.5

**PLANNING SCHEME AMENDMENT C132
333- 335, 337, 339, 341, 345, 353 & 355
HAWTHORN ROAD AND 2 & 4 BRIGGS
STREET, CAULFIELD**

**Enquiries: Rocky Camera
Co-ordinator Strategic Planning**

**1. Community Plan****Town Planning and Development**

To manage the rate and extent of change to the built environment consistent with State and local planning policies to achieve a diversity of housing as sympathetic as possible to neighbourhood character.

2. The Proposed Amendment

The amendment proposes to:

- Rezone the properties at 333- 335, 337, 339, 341, 345, 353 & 355 from General Residential Zone- Schedule 2 (GRZ2) to the Commercial 1 Zone (C1Z);
- Rezone the properties at 2 & 4 Briggs Street from General Residential Zone- Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z);
- Apply a Design and Development Overlay Schedule 6 (DDO6) to all properties; and
- Apply a Environmental Audit Overlay (EAO) to all properties.

Item 9.5 (cont'd)**3. Recommendation**

That Council refuses to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C132.

4. Background

The existing hardware store and plant nursery are currently for sale.

Tract Consultants on behalf of the current owner have applied for a rezoning.

Land Ownership

The properties at 333- 335, 337, 339, 341 & 345 Hawthorn Road and 4 Briggs Street, Caulfield (Appendix 1) are under single ownership.

The land at 353 Hawthorn Road is owned by Council and is used as a public car park.

The owner of 355 Hawthorn Road (convenience store) has provided written consent to be included in this rezoning request.

The owners at 2 Briggs Street have indicated to the proponent that they do not wish to be included in this rezoning request.

5. Assessment

The land is currently in the General Residential Zone.

Commercial 1 Zone

The rezoning request seeks to extend the Commercial 1 Zone further north of Glen Huntly Road up to Briggs Street, including two residential properties in Briggs Street. This is considered inappropriate and will have a detrimental impact on the amenity of the surrounding, long established residential area.

The rezoning request has been sought in order to allow greater development flexibility to future purchasers. The Commercial 1 Zone allows for a vast variety of land use options. In addition there is no mandatory height control within the Commercial 1 Zone.

Land directly to the west of the subject land (across Hawthorn Road) is zoned Commercial 1 from Glen Huntly Road up to 306 Hawthorn Road. Whilst it could be argued that there is planning merit in extending the Commercial 1 Zone in line with those properties opposite on Hawthorn Road (to the west), it is considered that the proposed request which includes properties at 2 & 4 Briggs Street would result in the commercial zone 'creeping' into the longstanding residential area. This is not considered appropriate given the land use and development outcomes that could occur in the future under the Commercial 1 Zone. These could have a detrimental impact on the amenity of the established surrounding residential area.

Item 9.5 (cont'd)Heights

The proponent has prepared a Design and Development Overlay (DDO) which includes mandatory maximum building heights and setback requirements. The maximum building height sought in the DDO is seven storeys (or 22 metres). This is considered inappropriate and contrary to the policy and zoning aspirations for the area.

All the subject properties currently have a mandatory maximum height limit of 10.5 metres (or 3 storeys) due to their zoning. All properties are located within the 'Caulfield South Neighbourhood Centre'. It is policy to "*recognise neighbourhood centres as locations which provide significant opportunities for housing diversity, but at a lesser scale and density than developments in urban villages and the Phoenix Precinct*".

The heights of existing buildings within the immediate area are largely characterised by 2 and 3 storey buildings. The current tallest building within the immediate vicinity is the building located to the west (at 328 Hawthorn Road). This site is zoned Commercial 1 with an overall height of 11.9 metres.

Given the proposed height of seven storeys (22 metres) is nearly double the height of the current tallest building within the immediate area, it is considered excessive and not in keeping with the preferred neighbourhood character of the area as set out under Council's Housing Diversity Area Policy. The proposed height would also result in unreasonable amenity impacts onto adjoining dwellings to the east. It is considered that the current height control of 3 storeys (or 10.5 metres) which was introduced as part of Glen Eira's new residential zones is better suited to this area.

Not proceeding with this amendment will not preclude the existing commercial use from operating. Alternatively the land has the potential to be redeveloped with dwellings up to height of 3 storeys.

Council Car Park

It is considered that the council car park at 353 Hawthorn Road should not form part of any amendment process. A public consultation process (separate to a town planning amendment process) should be undertaken first in order to determine an appropriate future land use. Council currently does not have any plans to change the car park use.

Crs Lipshutz/Pilling

That the recommendation in the report be adopted.

8.59PM Cr Delahunty left the Chamber.

9.00PM Cr Delahunty returned to the Chamber.

The MOTION was put and CARRIED.

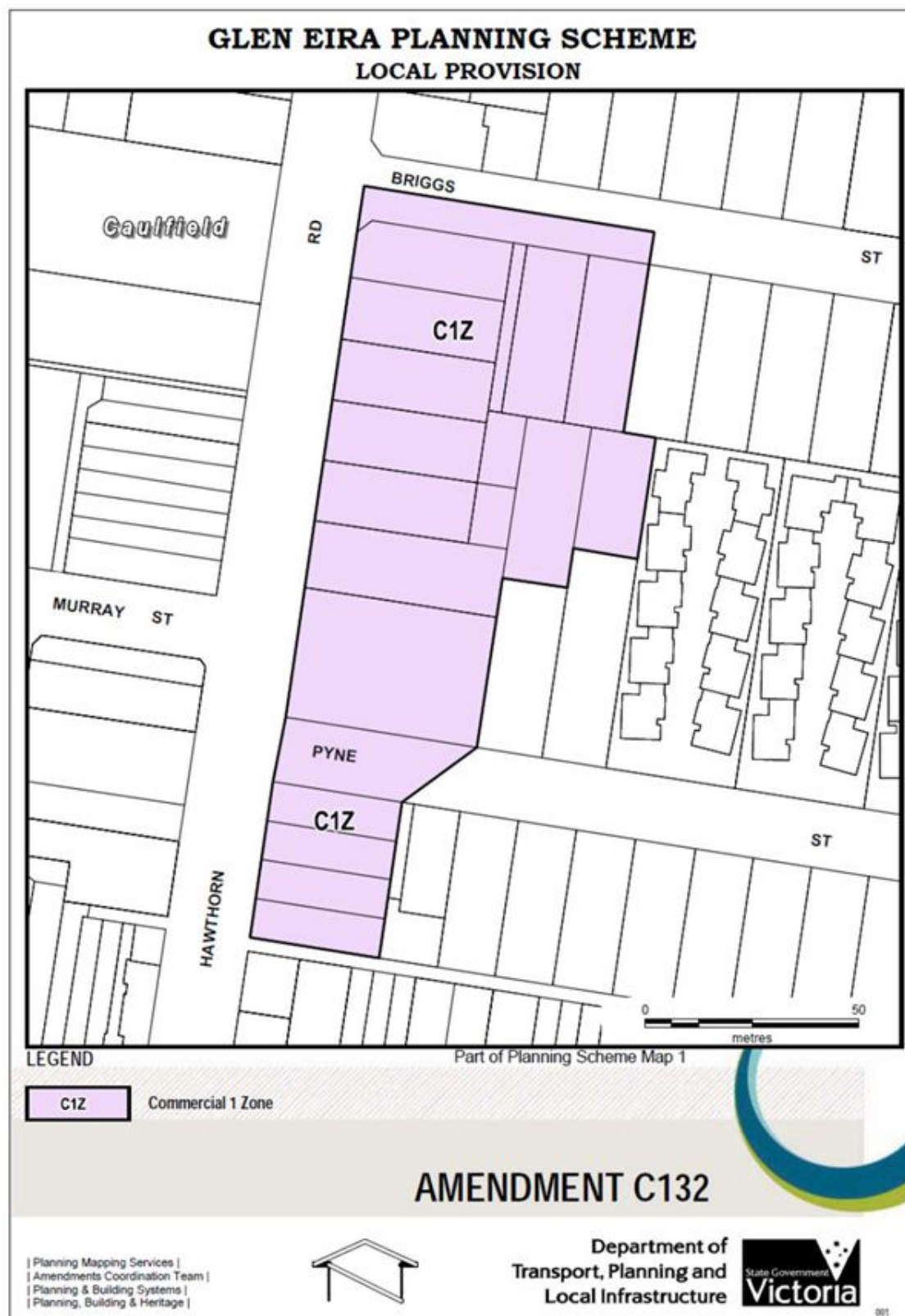
Item 9.5 (cont'd)

APPENDIX 1 – Land to be rezoned (Land Addresses)



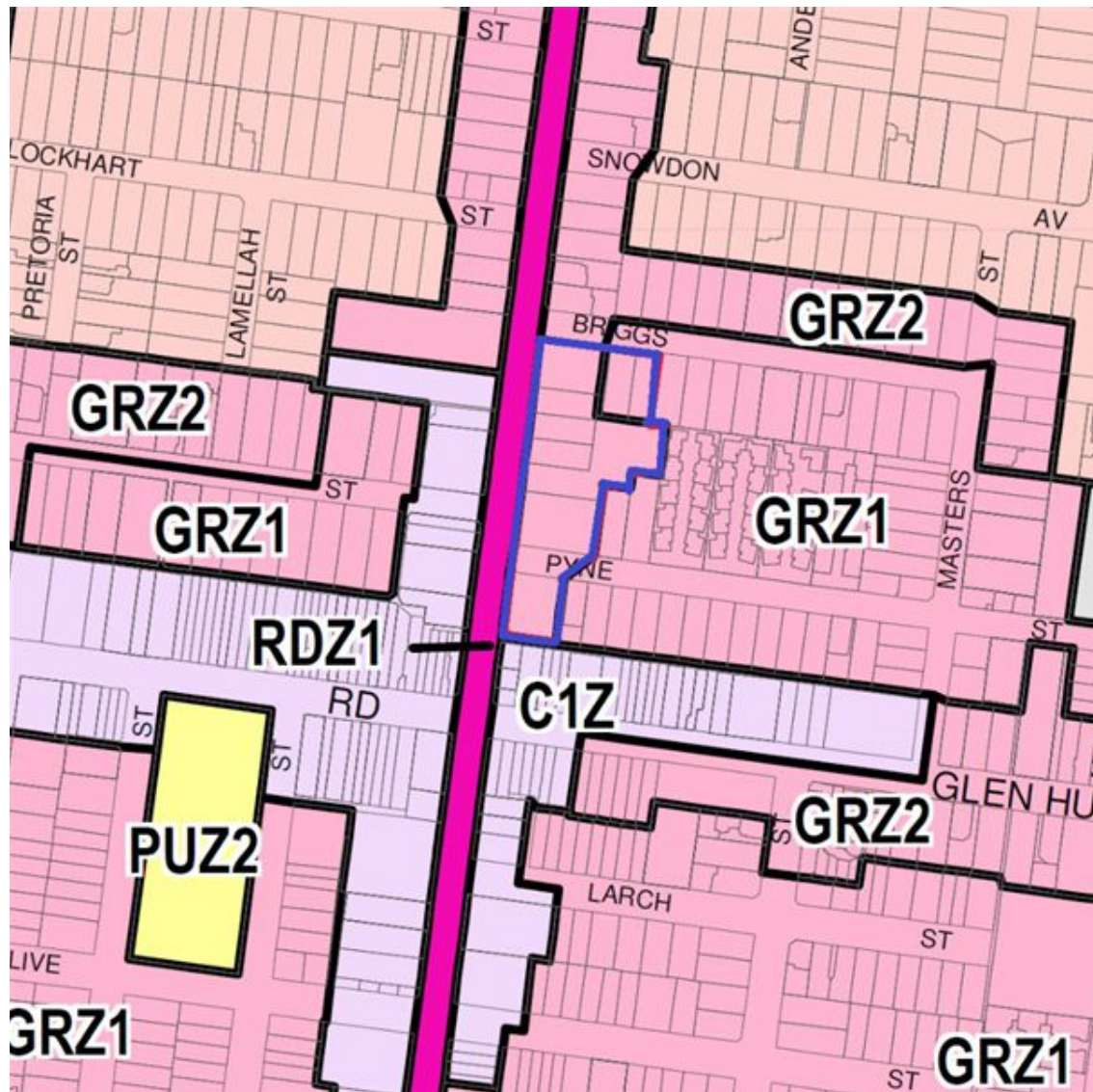
Item 9.5 (cont'd)

APPENDIX 2- Proposed Zoning Map



Item 9.5 (cont'd)

APPENDIX 3 –Existing Zoning Map



Item 9.6

**VCAT WATCH
FEBRUARY 2015**

**Enquiries: Michael Henderson
Planning Supervisor (VCAT)**

1. Purpose

To report to Council recent VCAT decisions.

2. Decisions

ADDRESS	8-10 SPRINGFIELD AVENUE, ST KILDA EAST
PROPOSAL	USE OF THE LAND FOR AN EDUCATION CENTRE (LEARNING PROGRAM AND HOME SCHOOLING – RELIGIOUS INSTRUCTION) AND ASSOCIATED CAR PARKING
COUNCIL DECISION	NOD (RESOLUTION)
VCAT DECISION	PERMIT
APPELLANT	ADAM SLONIM AND OTHERS

“I understand that since my earlier decision, the Kornhausers have in practice continued to operate the Merkoswomen and boys’ religious classes at the 10 Springfield Avenue property. However (above and beyond my earlier decision being appealed to the Supreme Court) there is clear case law that with this type of retrospective permit application, the ‘already operating’ nature of the proposal is to be treated in a neutral manner by the Tribunal (which is what I have done).” VCAT Member Philip Martin

- Councillors may recall the application, whereby Council determined to support the application, subject to permit conditions that limited staff/student numbers and hours of operation.
- An Application for Review of this decision was subsequently lodged by an objector to the application.
- The Tribunal agreed with Council’s decision that the use of the land was an appropriate outcome for this site.
- The Tribunal clarified car parking arrangements by allocating areas for loading and unloading areas, designation of car parking and waste bin areas and provision of bicycle parking facilities.
- The Tribunal also introduced additional conditions to ensure that the on-going use of the land will not unreasonably impact upon the amenity of the neighbourhood by including a cap on student and staff numbers and designating a play area.

Item 9.6 (cont'd)

ADDRESS	40 NARONG ROAD, CAULFIELD NORTH
PROPOSAL	ALTERATIONS AND ADDITIONS TO AN EXISTING APARTMENT BUILDING TO CREATE A NEW THIRD STOREY CONTAINING TWO ADDITIONAL APARTMENTS (A TOTAL OF EIGHT APARTMENTS)
COUNCIL DECISION	REFUSAL (MANAGER)
VCAT DECISION	PERMIT
APPELLANT	BENJAMIN RETIREMENT FUND LTD AND BRFCUSTODIAN PTY LTD

“The objectives of the Minimal Change Area local planning policy also provides acknowledgement of the fact that there may be some increases in the number of multi-dwelling developments in these areas. This is particularly evident when you look at the last two objectives of the Minimal Change Area policy that require consideration to be given to the interface and scale of existing residential development on adjoining sites.” VCAT Member Rachel Naylor

- This site is located within the Neighbourhood Residential Zone with the surrounding properties generally consisting of double storey walk-up apartments, with a number of single dwellings interspersed.
- This application was lodged prior to the introduction of the new zones. If this application was lodged today, the development would be prohibited being more than two dwellings on a lot in a Neighbourhood Residential Zone.
- The application was refused on grounds relating to the intensity of the development and its compatibility with the existing, and preferred, character of the area. The development also failed to satisfy a number of ResCode Standards and resulted in an inability to provide reasonable landscaping opportunities.
- The Tribunal held that owing to the circumstances of the site and characteristics of the surrounding area, the site is suitable for an increase in dwellings and built form.
- On this basis, the Tribunal determined to overturn Council's decision and direct that a planning permit be issued, subject to conditions which resolve a number of ResCode Standards. These conditions required the provision of a waste storage area, storage areas for dwellings and the reduction of the front fence height.

Item 9.6 (cont'd)

ADDRESS	2 WILKS STREET, CAULFIELD NORTH
PROPOSAL	CONSTRUCTION OF A THREE (3) STOREY BUILDING COMPRISING FIVE (5) DWELLINGS ABOVE A BASEMENT CARPARK AND A REDUCTION IN THE VISITOR CAR PARKING REQUIREMENTS
COUNCIL DECISION	REFUSAL (MANAGER)
VCAT DECISION	PERMIT
APPELLANT	BELERIA PTY LTD

“The series of tribunal decisions dealing with transitional cases all emphasise the need for a contextual assessment of any such application. This is true for this application, it is the characteristics of the land and its immediate environs, its context, which is decisive.”

VCAT Member A P Liston

- This site is located within the Neighbourhood Residential Zone. Owing to the site's proximity to the former Alma Sports Club and the subdivision pattern along Wilks Street and Waiora Road, both single storey dwellings and multi-dwellings developments are common within the area.
- This application was lodged prior to the introduction of the new zones. If this application was lodged today, the development would be prohibited being more than two dwellings on a lot in a Neighbourhood Residential Zone.
- The application was refused on grounds relating to the intensity of the development and its compatibility with the existing, and preferred, character of the area. The development also failed to satisfy a number of ResCode Standards.
- The Tribunal found that a three-storey dwelling is acceptable in this instance due to the presence of other three-storey developments within the neighbourhood.
- On this basis, the Tribunal determined to overturn Council's decision and direct that a planning permit be issued, subject to conditions which resolve a number of ResCode Standards. These conditions addressed overlooking opportunities, the reduction of the front fence height and the screening of any plant equipment.

Item 9.6 (cont'd)

3. Recommendation

That Council note:

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

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

VCAT WATCH**NEW HEARING DATES*****MAJOR CASES***

MEDIATION	FULL HEARING	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
11 February 2015	23 March 2015 (5 days)	P2094/2014	470 Dandenong Road, Caulfield North	Construction of a three storey building above a basement car park and use of the land as a Child Care Centre	General Residential Zone, Schedule 2 (GRZ)	Refusal (Manager)	Refusal (Applicant)
13 February 2015	30 March 2015 (3 days)	P2190/2014	15-17 Belsize Avenue & 316-320 Neerim Road, Carnegie	Construction of a four storey building comprising up to forty seven (47) dwellings above two levels of basement car parking	Residential Growth Zone (RGZ)	Permit (Resolution)	Conditions (Applicant)
19 February 2015	30 March 2015 (1 day)	P2174/2014	401-407 Neerim Road, Carnegie	Construction of a five storey building comprising of shops and dwellings above basement car park	Mixed Use Zone (MUZ)	Permit (Resolution)	Conditions (Applicant)
10 March 2015	13 April 2015 (3 days)	P2170/2014	14-22 Woorayl Street, Carnegie	Construction of a 12 storey mixed use development comprising 138 residential apartments, offices (above basement car parking)	Mixed Use Zone (MUZ)	Refusal (Manager)	Refusal (Applicant)

NEW APPEALS LODGED***PLANNING AND ENVIRONMENT LIST***

APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
P1983/2014	24 Osborne Avenue, McKinnon	Construction of two (2) double storey attached dwellings	Neighbourhood Residential Zone (NRZ)	Permit (Manager)	Conditions (Applicant)
P2023/2014	32 Cedar Street, Caulfield South	Construction of two (2) double storey attached dwellings	General Residential Zone, Schedule 1 (GRZ)	Permit (Manager)	Conditions (Applicant)
P2039/2014	2-4 Penang Street, McKinnon	Construction of a three (3) storey building comprising of up to twenty-four dwellings	General Residential Zone, Schedule 1 (GRZ)	Refusal (Resolution)	Refusal (Applicant)
P2054/2014	1170 Dandenong Road, Carnegie	Construction of a three (3) storey building comprising twenty-three dwellings	General Residential Zone, Schedule 2 (GRZ)	NOD (DPC)	NOD (Objector)
P2106/2014	17 Rosella Street, Murrumbeena	Construction of seven (7) double storey dwellings	General Residential Zone, Schedule 2 (GRZ)	Refusal (DPC)	Refusal (Applicant)
P2140/2014	33 George Street, Bentleigh East	Construction of two double storey attached dwellings	Neighbourhood Residential Zone (NRZ)	Refusal (Manager)	Refusal (Applicant)

P2173/2014	7 Woodville Avenue, Glen Huntly	Construction of two dwellings (double-storey to the front and single-storey to the rear)	Neighbourhood Residential Zone (NRZ)	NOD (DPC)	NOD (Objector)
P2204/2014	9 Ruby Street, Ormond	Demolition of the existing dwelling and construction of a double storey dwelling on land affected by the Heritage Overlay	Neighbourhood Residential Zone (NRZ)	Refusal (Manager)	Refusal (Applicant)

Item 9.7**FLOOD MITIGATION UPDATE**

File No:
Enquiries: Peter Waite
Director Assets and Facilities

1. Purpose

To report on works carried out since the major storm in February 2011.

2. Community Plan

Strategy: Maintain, renew and upgrade Council's drainage system to reduce the risk of flood damage.

3. Background

The purpose of drains is to take water from Glen Eira to Port Phillip Bay. As Glen Eira has no frontage to the bay or waterways, Council's drains run into Melbourne Water drains. It follows that the effectiveness of a drainage system as a whole is the effectiveness of the local drain (Council) and the main drain (Melbourne Water).

On 4 February 2011 the Glen Eira community faced a major storm that resulted in widespread flooding. Hundreds of properties in Glen Eira were flooded; at least 26 were made uninhabitable.

As a consequence of the flooding, major repairs were necessary to homes and businesses including some homes having to be completely gutted and rebuilt.

The worst of the 2011 flood damage was in areas where Melbourne Water drains have only the capacity to cope with minor storms (see map in Attachment 1). It follows that while Council can help reduce the risk of flood damage, much of the work necessary relies on Melbourne Water improving its drainage system.

4. Issues

Since 2011 the following has been done.

Engineering Works

Table 1 and 2 shows what Council and Melbourne Water have done to improve the drainage system in Glen Eira since 2011 by stormwater catchment. It shows that Council has invested heavily in improving its drainage system while Melbourne Water has yet to undertake any substantive work.

Item 9.7 (cont'd)

Catchment	Size of catchment (hectares)	Council		Melbourne Water	
		Length of new / upgraded drains (m)	Expenditure	Length of new / upgraded drains (m)	Expenditure
Bentleigh	225	2,738	\$ 4,500,000		
Byron	528	3,173	\$ 2,650,000		
Elster Creek	832	1,840	\$ 950,000		
Elsternwick	776	3,981	\$ 2,250,000	#	\$ 15,000
Grange	340	581	\$ 250,000		
Heatherton	331	227	\$ 120,000		
Moorabbin	416	62	\$ 30,000		
Murrumbeena	345	1,957	\$ 1,150,000		
Shakespeare	76	168	\$ 100,000		
Total	3,869	14,726	\$ 12,000,000		\$ 15,000

Table 1: Drainage Improvement works in Glen Eira (2011 – 2014)

Modification to grated pit lid to reduce the risk of blockage.

Diameter (mm)	Length of Council drains (m)	Length of Melbourne Water drains (m)
From 225mm to 450mm	9,610	0
From 525mm to 900mm	2,920	0
From 1050mm to 1800mm	2,200	0
Total	14,730	0

Table 2: Size of new and upgraded drains (2011-2014)

Investigation work*Council initiatives*

Council's Strategic Resource Plan allows \$3.5m per annum to renew and upgrade Council's drainage network. Council has a number of projects in concept and design phases that it will consider funding in future years.

Council has been assisting Melbourne Water to identify ways to improve Melbourne Water's drainage system. This included engaging a consultancy that specialises in flood mitigation to identify opportunities to improve Melbourne Water drainage system in the Elster Creek (in the Cadby Avenue, Ormond area) and Murrumbeena (in the Bute Street, Murrumbeena area) catchments. Council has forwarded the work done by the consultant to Melbourne Water in 2011/12.

Council has also been investigating a possible joint project (between Melbourne Water and Council) in the Elsternwick catchment (in the Larch Street, Caulfield South area). It involves installing a series of under road retention systems to restrict the amount of stormwater entering Council and Melbourne Water drains during moderate size and intensity storms.

Item 9.7 (cont'd)*Melbourne Water*

Melbourne Water commenced investigations into Elster Creek and Murrumbeena Catchments in 2011. It indicated at the time it would consider Council's consultant's report as part of this work.

Melbourne Water has considered several options to improve its drainage system in the Elster Creek catchment. To date it has not been able to identify projects that would reduce flood risk in one area without increasing flood risk downstream. Melbourne Water continues to investigate options for this catchment.

Flood awareness and preparation

The Victoria State Emergency Service (SES) is the coordinating authority in flood emergencies. In 2013 Council assisted the SES to prepare the Glen Eira Flood Emergency Plan. As a supporting document to the Glen Eira City Council Municipal Emergency Management Plan, the document:

- Identifies flood risk in Glen Eira
- Outlines measures to improve community awareness of flood risk
- Details response and recovery arrangements for flood emergencies
- Identifies links between local, regional and state flood emergency management arrangements.

In addition to the usual emergency management planning, the SES has used the document to undertake community awareness programs. This involved identifying properties at flood risk and visiting those properties to provide information about how to prepare for and minimise the risk of flood damage to property.

Changes to the Special Building Overlay in the Glen Eira Planning Scheme

In 2002, Melbourne Water introduced a Special Building Overlay into the Glen Eira Planning Scheme that set minimum floor levels in areas subject to flooding. Its purpose was to ensure that new buildings were built above likely maximum flood levels relating to Melbourne Water drainage system.

In a joint project in 2007/08, initiated by Council, a number of authorities including Melbourne Water funded a more accurate survey of Glen Eira's terrain to allow more accurate flood modelling. Melbourne Water has used this data to more accurately map flood extents and now proposes to amend the Planning Scheme to update the Overlay to better reflect where flooding is likely to occur.

It is also proposed that Council also map flood extents associated with its drainage system as part of this amendment.

Timing of the proposed amendment is dependent on Melbourne Water. Melbourne Water has indicated it is likely to lodge an application to amend the planning scheme in 2015.

Item 9.7 (cont'd)**5. Conclusion**

Council has done much to reduce the risk of flood damage in Glen Eira in the last four years.

Melbourne Water has yet to implement any major improvements but has flagged it may implement a large scale project in Cadby Avenue, Ormond area. If it does, it will reduce the risk of flood damage for a large number of properties in this area.

Melbourne Water also plans to amend the Special Building Overlay in the Glen Eira Planning Scheme to more accurately map where new buildings should build above maximum flood levels.

The SES with the assistance of other emergency agencies and Council continue to increase community awareness and preparedness of flood risk in Glen Eira.

6. Recommendation

That Council note the report.

Crs Okotel/Pilling

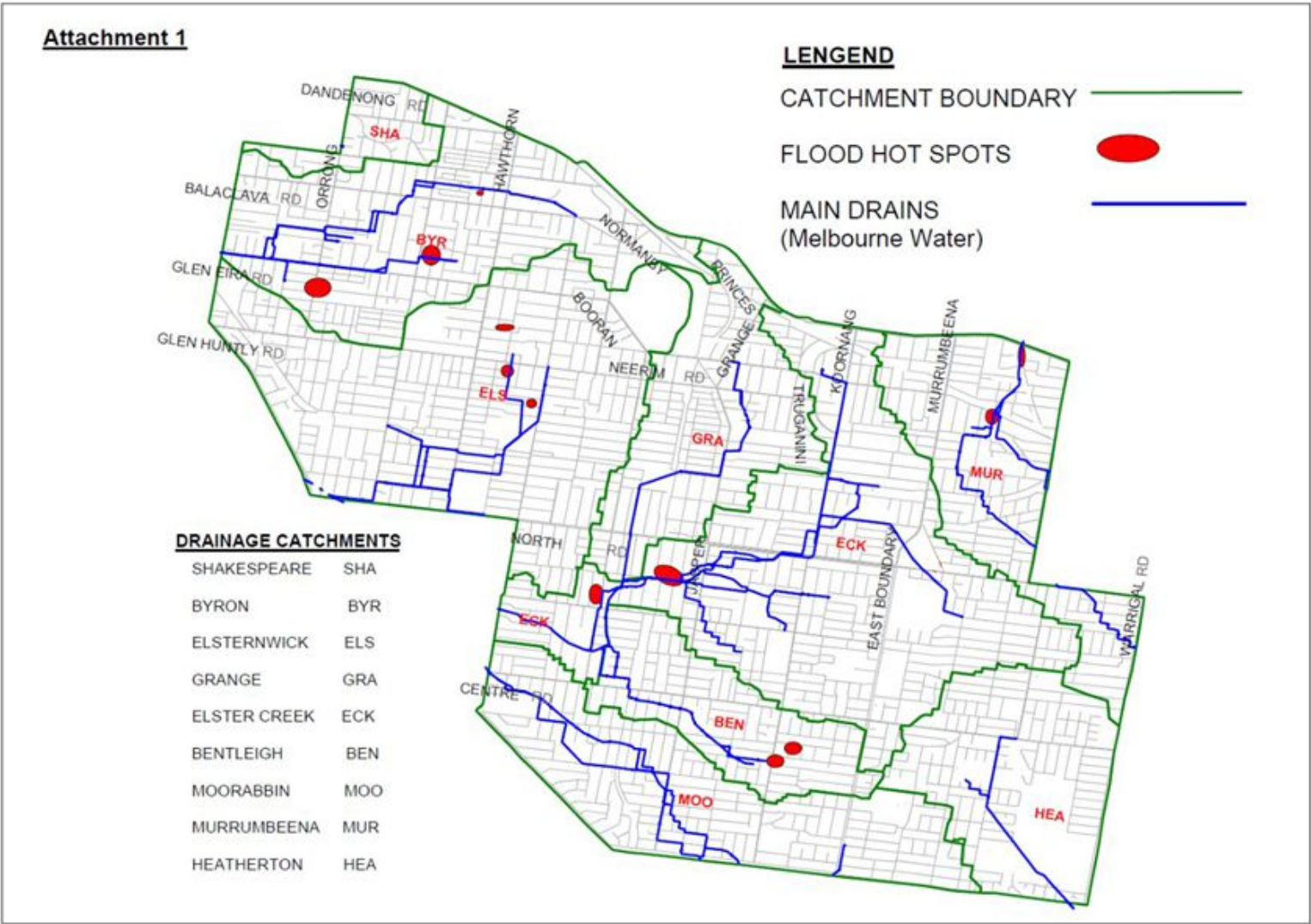
1. That Council note the report.

2. That Council write to the Minister for Water requesting:

- (a) That the Special Building Overlay in the Glen Eira Planning Scheme be amended by Melbourne Water to more accurately map where new buildings should build above maximum flood levels;**
- (b) That flood mitigation measures be commenced by Melbourne Water in flood areas in Glen Eira; and**
- (c) That a response be provided to Council as soon as possible.**

The MOTION was put and CARRIED unanimously.

MAP OF FLOODING HOT SPOTS IN GLEN EIRA



PROCEDURAL MOTION

Crs Lipshutz/Sounness

That an extension of time be granted for tonight's Council Meeting to conclude at 11.00PM.

The PROCEDURAL MOTION was put and CARRIED unanimously.

Item 9.8**GRADE SEPARATION PROJECTS, TIMING**

File No:
Enquiries: Peter Waite
Director Assets & Facilities

1. Purpose

To advise Council of the anticipated timeframe of future Grade Separation Projects within the municipality.

2. Community Plan

To promote the safe movement of pedestrian, bicycle and vehicle traffic in a way that minimises the impact of traffic and parking on the local amenity and physical environment.

3. Background

At the Ordinary Council Meeting of 16 December 2014, Cr Okotel requested:

“That a report be prepared regarding the timeframe for grade separation for level crossings at Murrumbeena, Carnegie, Ormond, McKinnon and Bentleigh Stations.”

This report is in response to that request.

4. Discussion

There are 177 at-grade rail road level crossings in Melbourne’s metropolitan rail network; nine are in Glen Eira. Of the 177, the Victorian Government plans to remove 50 of these through its *Level Crossing Removal Program*¹.

To date Government has committed to removing three level crossings in Glen Eira and propose the following timeframes (which may be subject to change):

- Ormond Station (North Road, Ormond): Works programmed to commence December 2016.
- Murrumbeena Station² (Murrumbeena Road, Murrumbeena): Works programmed to commence December 2017.
- Carnegie Station² (Koornang Road, Carnegie): Works programmed to commence December 2017.

Also included in Government’s *Level Crossing Removal Program* are:

- Bentleigh Station (Centre Road, Bentleigh)
- McKinnon Station (McKinnon Road, McKinnon)
- Grange Road, Carnegie
- Poath Road, Hughesdale

¹ Media Release from the Office of the Premier of Victoria, 12 December 2014.

² RACV prepared list of top 11 crossing removals based on traffic volumes, train frequency, crashes at the sites and feedback from members.

Item 9.8 (cont'd)

These projects are at various stages of concept and planning. The Government has yet to confirm timeframes for these projects.

The two level crossings in Glen Eira not included in the *Level Crossing Removal Program* are Glen Huntly Road, Glen Huntly and Neerim Road, Caulfield East.

5. Recommendation

That Council notes this report.

Crs Okotel/Esakoff

1. That Council note the report.
2. That Council write to the Minister for Roads and Road Safety:
 - (a) Commending him on his commitment to commencing grade separation at Ormond Station in December 2016 and Carnegie and Murrumbeena Stations in December 2017;
 - (b) Commending the State Government for its commitment to remove level crossings at Bentleigh, McKinnon and Hughesdale stations and at Grange Road and requesting timeframes for these removals to take place; and
 - (c) Requesting that VicRoads continue to work closely with Council in relation to all grade separations in Glen Eira.

The MOTION was put and CARRIED unanimously.

Item 9.9**DOG OFF LEASH MATTERS**

Paul Burke
Director Community Relations

1. Purpose

At the 16 December Ordinary Council Meeting at item 11.1 (b), Council resolved:

“That a report be prepared into what steps Council takes to inform dog owners of their duty which areas in parks are on leash and off leash and off leash, how Council enforces these areas, and what if anything Council do to improve compliance with these provisions.”

2. Corporate Goal

Goal 1: Safeguard and develop community amenity and wellbeing;
Enhance the natural and built environments, whilst protecting the community

3. Recommendation

That Council:

- (a) note this report
- (b) confirm its commitment to an education led approach to animal management
- (c) continue to attain best practice
- (d) note that enforcement action can be undertaken against owners who fail to comply with Council’s dog control order under the *Domestic Animals Act 1994*.

4. Background

There are currently:

- 12,300 dogs registered with Council
- 24 off leash areas

5. Comment

Council utilises a variety of different mediums to inform dog owners of their duty whilst out and about in Council parks including:

- Regular articles in Glen Eira News that provide information to dog owner’s and residents
- Promotion through Council’s website
- Distribution of brochures, postcards and flyers by Animal Management officers during park patrols – example at Attachment 1.
- Park signage
- General information included with Council’s animal registration form

Item 9.9 (cont'd)

Council's animal management officers enforce on leash and off leash zoning when undertaking site visits to Parks. There are currently three dedicated animal management officers employed by Council. These officers are assisted by Council's four Local Laws officers where required (such as on weekends etc). Animal management officers conduct daily patrols of Council's open space reserves including the off-leash areas. The patrols are a vital tool to encourage responsible pet ownership. Officers have undertaken in excess of 1390 patrols to date to encourage responsible pet ownership (*Community Plan – 2014/2015*)

As required by legislation, Council also annually reviews its Domestic Animal Management Plan (DAMP) to ensure that it is meeting the needs of the community.

6. Conclusion

Council's management of dog off leash areas is of current best practice. Owners who fail to comply with Council's dog control order under the *Domestic Animals Act*, and the provisions relating to dogs in parks and recreational areas, can be subject to fines and/or court action.

Crs Lobo/Hyams

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

ATTACHMENT 1: On and Off-leash guide in the City of Glen Eira



Your guide to
on and off-leash
locations.

PARKS IN THE CITY OF GLEN EIRA

Dog off-leash areas

Dogs make wonderful companions to people of all ages. Owning a dog can help boost self-esteem, provide stress relief and improve health. They can provide hours of fun, relaxation, happiness and unconditional love. However, along with these benefits comes certain responsibilities to our pets and the community.

Where to exercise your dog

The City of Glen Eira recognises that dog off-leash areas are beneficial for the health and wellbeing of dogs. With this in mind many parks have designated dog off-leash areas. Please see the table on the reverse of this page for a dog off-leash area near you.

Dog owners' obligations in off-leash areas

All dogs must be properly restrained by way of a chain, cord or leash, whenever they are in public places in the City of Glen Eira. This includes roads, streets, footpaths, car parks or any parks or reserves. The exception is if you are within a designated off-leash area.

Dogs must also be under effective voice control at all times and kept on a leash that does not exceed 1.5 metres in length.

Dogs must not be off-leash when within 20 metres of barbecues and picnic areas; children's playgrounds; the Duncan Mackinnon athletics track and netball facilities; Packer Park velodrome; sporting events; sportsground preparation; and organised public meetings.

Council's animal management officers regularly patrol parks and reserves during the day, evening and at weekends.

Owners who fail to comply with Council's order under the Domestic Animals Act, and the provisions relating to dogs in parks and recreational areas, can be subject to fines and/or court action.

Cleaning up after your dog

It is your responsibility to clean up after your dog at all times. You can do this by using a bag or a pooper scooper. Please don't inconvenience others by leaving your dog droppings behind.

To assist dog owners, Council has installed bag dispensers in many parks. However, be sure to take a bag with you whenever you exercise your dog, in case there is no dispenser handy.

Consider other park users

Off-leash areas are still public areas, which means they are open for all to enjoy, not just dog owners. Not all people like dogs and some people can be intimidated by even small dogs running up to them, so never let your dog jump up on people.

If your dog does not return to you when you call it or you have difficulty controlling your dog's behaviour, you should never let your dog off its leash. Remember you must have effective control of your dog when it is off-leash.

Leash requirements

Dogs must be kept on a leash that does not exceed 1.5 metres in length.

Great
spaces
for all to
share and
enjoy.



GLEN EIR
CITY COUNCIL



For further information about Council's range of pet friendly facilities, call 9524 3333.

www.gleneira.vic.gov.au



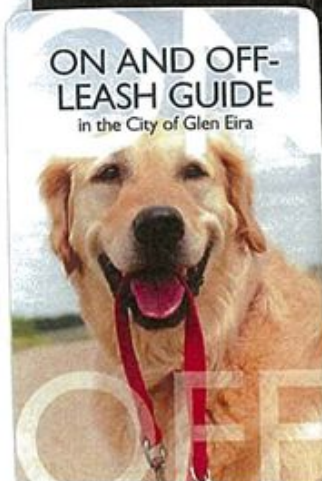
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There's a park for everyone.

Bentleigh | Bentleigh East | Carnegie | Caulfield | Elsternwick | Gardenvale | Glen Huntly | McKinnon | Murrumbeena | Ormond | St Kilda East





Item 9.10**CAULFIELD PARK SPORTS CLUB**

Paul Burke
Director Community Relations

1. Purpose

At the 25 November 2014 Council Meeting at item 11.1 (a) Council resolved:

“That a report be prepared detailing the current arrangement between the Caulfield Park Sports Club, the council and the provider of the small sided soccer games and other ancillary uses in Caulfield Park. This report examines the arrangements using the framework of current council policies.”

2. Corporate Goal

Theme 4: Governance: To deliver strong local leadership and Governance in an open and responsible manner in the best interests of the community.

3. Recommendation

That Council note the report.

4. Background

The Caulfield Park Sports Club (the Club) is located in the southern/central part of Caulfield Park off Balaclava Road. It is situated on Crown Land for which Glen Eira City Council is the Committee of Management.

The Club comprises 1 grass bowling green (due to be replaced with synthetic grass shortly), 1 existing synthetic green, 2 croquet greens, 1 small sided synthetic soccer pitch, main club house and a secondary club building which also houses the Glen Eira Band

The Club has a 9 year ‘Section 16(2) Crown Land (Reserves) Act 1978 lease with Council. The rental per annum is \$4,175.30. This lease expires on 31 October 2016.

5. Comment

In October 2011 officers granted consent for the relaying of the artificial surface at the small sided soccer area and associated floodlighting on the understanding that this was an in-house facility. (Council’s letter and preceding advice to Councillors is attached). It was not until later early 2013 that officers were aware this was operated by a third party commercial company, Powerleague Pty Ltd. It was March 2014 when officers were aware that a licence agreement between those two parties existed.

The licence agreement provides for unspecified tenure between Powerleague Pty Ltd and the Club, with a four year option. An annual commercial rental is paid to the Club, which this year equates to approximately \$13,100.00.

The director of Powerleague Pty Ltd is a board member of the Club and President of the small sided soccer division.

Item 9.10 (cont'd)**6. Issues**

Clause 10 of the lease states the Club may grant a licence to an individual or organisation for 'related community purposes' but must first obtain Council's prior written consent and comply with other risk-related matters set out in additional clause 10. Such consent was neither sought nor obtained.

Clause 8 of the lease states that the tenant must not undertake any activity or permit anything to be done which may cause it to cease being exempt from Commonwealth income tax without the prior written consent of Council, where the tenant was exempt at the commencement of the lease. As such clause 8 prohibits the club from granting a licence to any entity which is subject to Commonwealth income tax.

Resolving these matters is outside the scope of this request for a report. Officers can provide further advice to Councillors on this matter.

Crs Lipshutz/Okotel

- 1. That the Council write to the Caulfield Park Sports Club to inform that the Club is in breach of clause 10 and possibly clause 8 of the Lease, giving particulars of the breach and to require the club within 21 days to either rectify the breach or to make application to the Council seeking consent in accordance with clause 10 of the lease.**
- 2. That any application by the Caulfield Sports Club as aforesaid be submitted for decision by the Councillors at the next Council Meeting after receipt of such application.**

The MOTION was put and CARRIED.

CURRENT ISSUE

CAULFIELD PARK SPORTS CLUB

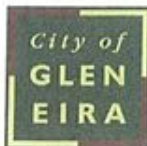
Peter Waite (Ext 418)
Director Assets and Facilities
Fergus Chisholm
Manager Buildings and Properties
6 October 2011

Caulfield Park Sports Club seek landlord consent for various works

In accordance with their lease agreement Caulfield Park Sports Club Inc are seeking landlord consent for works including:

1. Relaying an artificial surface to convert their rear bowling green into a small sided soccer pitch; and
2. The installation of lighting to both the grass green and the synthetic surface. The club already has some lighting.

Officers propose to grant landlord consent and will advise the Club to contact Council's Planning and Building Departments regarding permit requirements.



Reference No: 2704000034A
 Enquiries: Amanda Mills
 Telephone: 9524 3401
 Facsimile: 9524 3397

Glen Eira City Council

80 MCKs of parklands
 enough footpaths to reach Sydney
 enough drains to reach Mildura
 enough roads to reach South Australia
 \$170m of town planning projects
 2,000 food safety inspections
 3,400 off-street car spaces
 11,000 tonnes of recycling
 40,000 tonnes of waste
 one million library loans
 care for 4,800 elderly
 services for 5,000 children
 6,200 immunisations
 44 school crossings
 46,000 street trees
 8,500 street lights
 45 sportgrounds
 45 playgrounds
 and much more

20 October 2011

Mr. J. Aarons
 Chairman
 Caulfield Park Sports Club Inc.
 1 Forrest Court
 Toorak VIC 3142

Dear Joe,

Caulfield Park Sports Club – landlord consent various works

Thank you for your email of 26 September 2011 requesting landlord consent for the following works:

- to relay the artificial surface at the small sided soccer area; and
- the installation of lighting for both the "Eric Parton" grass green and the synthetic surface

We hereby provide in principle landlord consent for the works in accordance with the details provided in your email.

Please ensure that prior to commencement of the works your contractors have suitable insurances in place for the works (public liability & professional indemnity) and are suitably licensed to conduct these works.

Should you wish to discuss in more detail please do not hesitate to contact me on direct line 9524 3208 or by e-mail fchisholm@gleneira.vic.gov.au.

With many thanks,

Yours sincerely,

FERGUS CHISHOLM
 MANAGER BUILDINGS AND PROPERTIES

cc: Amanda Mills, Property Coordinator

Glen Eira City Council
 Corner Glen Eira and Hawthorn Roads,
 Caulfield, Victoria
 PO Box 42 Caulfield South 3162
 ABN 65 952 882 314

Telephone 03 9524 3333
 TTY 03 9524 3496
 Facsimile 03 9523 0339
 Email mail@gleneira.vic.gov.au
 Website www.gleneira.vic.gov.au

*Bentleigh • Bentleigh East • Carnegie
 Caulfield • Elsternwick • Glenormlie • Glen Huntly
 McKinnon • Murrumbeena • Ormond • St Kilda East*

Item 9.11**NORTH ROAD SHOPPING CENTRE, ORMOND
OPPORTUNITIES FOR TREE PLANTING**

File No:
Enquiries: Peter Waite
Director Assets and Facilities

1. Purpose

At its 16 December 2014 meeting Council resolved:

“That Council provide a report outlining options for increasing planting of trees and/or flowers along the North Road, Ormond shopping strip.”

This report is in response to the resolution.

2. Community Plan

Strategy: Enhance leafy green streetscapes, road reserves and public places that are clean, attractive and improve public safety.

3. Background

The Ormond shopping centre extends from Fraser Street to Grange Road on North Road. A road rail level crossing divides the centre.

The Victorian Government plans to remove the level crossing by lowering the railway corridor and building a new road bridge over the top. The Government plans to undertake on-ground works from late 2016 through to mid to late 2017. The design for this project is currently being finalised.

VicRoads is responsible for North Road. Council requires VicRoads approval to undertake works within the road reserve.

Council maintains the footpath, street trees, garden beds and street furniture (such as litter bins and seat benches) in the shopping centre.

4. Issues

The Government's grade separation project will require extensive works on North Road either side of the railway corridor. VicRoads has indicated it may also reduce the number of through traffic lanes along North Road within the shopping centre as part of the project¹. Reducing the number of lanes may allow for wider footpaths and centre median. Such changes may provide greater opportunities for extra tree planting and additional/wider garden beds.

Any work Council may undertake to plant more trees and flowers in North Road now may well be impacted by the grade separation project when it occurs. Further, VicRoads is unlikely to approve any substantive work in this regard until it knows whether such work will impact on the grade separation project. VicRoads will only know this when the design for the project is completed later this year.

¹ North Road currently has extra lanes at the railway crossing to allow space for vehicles to queue. With the crossing removed the extra lanes may no longer be necessary.

Item 9.11 (cont'd)

A better time to consider options to increase the number of trees and/or flowers in the shopping centre is when the extent of work for the grade separation project is known.

Officers are already consulting with VicRoads about opportunities for the grade separation project to improve the streetscape in the shopping centre.

5. Recommendation

That Council consider a further report on this matter when the design for the level crossing project and associated works on North Road is finalised.

Crs Okotel/Pilling

1. That Council note the report.
2. That Council communicate with VicRoads seeking that they include the greening of the North Road, Ormond shopping strip as part of their implementation plans for grade separation at Ormond Station.

The MOTION was put and CARRIED unanimously.

Item 9.12**TRANSFER OF LAND – LANEWAY OFF MORTON STREET ELSTERNWICK**

File No: 14/29283
Enquiries: Noel Kiernan
Manager Buildings & Properties

1. Purpose

To consider transferring title of the laneway off Morton Street, Elsternwick to Council

2. Community Plan

Advance the public interest by good governance and responsible management of community assets and finances and risks.

3. Background

Equity Trustees Limited is the registered owner of part of a laneway off Morton Street Elsternwick. The Trustees propose to transfer ownership of the section of laneway.

The laneway was created many years ago when the surrounding land was subdivided. As was common at the time, ownership of the laneway remained with the original owner of the land. Equity Trustees Limited manages deceased estates and would have come into possession of the section of laneway as a result of there being no beneficiary for the estate relating to the laneway.

The section of laneway has no value to the Trustees which is why it now wants to transfer title to Council.

The laneway provides access to only abutting properties. The surface is not made to Council standards and is in poor condition. In accordance with Council policy, Council does not manage the laneway so it is not on Council's *Register of Public Roads*.

4. Issues

Under provisions of the Road Management Act, if the laneway is a public highway at common law it already vest in Council (ie Council may already "own" the laneway even if it is not the register owner on title). To know for sure would require a decision of the Supreme Court.

Transferring the section of laneway to Council provides no material benefit to Council save clarifying ownership. Having Council nominated as the owner on title makes any future land dealings associated with the section of laneway simpler.

Having regard to the above, officers do not object to the Trustees' proposal.

Item 9.12 (cont'd)**5. Recommendation**

That:

- i. Council supports the transfer of land for the parcel of land associated with Certificate of Title Volume 8049, Folio 429 to Glen Eira City Council; and
- ii. Council authorises the Chief Executive Officer to sign on Council's behalf all documentation associated with the transfer of the land into Council ownership including Notice pursuant to 7(1)(b) of the *Land Acquisition and Compensation Act 1986*, a Deed of Release and Transfer of Land.

Crs Lipshutz/Hyams

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

ATTACHMENT 1

RIGHT OF WAY ABUTTING MORTON STREET, ELSTERNWICK



Item 9.13**CHANGES TO CCTV POLICY**

File No:
Enquiries: Robyn Taft
Corporate Counsel

1. Purpose

To amend the Closed Circuit Television (“CCTV”) policy.

2. Community Plan

Governance – to deliver strong local leadership and governance in an open and responsible manner in the best interest of the community.

3. Background

3.1 Since the adoption of Council's CCTV policy on 22 July 2014, a few minor updates are required to ensure that it continues to correctly reflect Council's processes, signage and applicable legislation. No substantive changes have been made.

3.2 A copy of the policy with changes shown in track is attached and marked ‘1’.

4. Recommendation

It is recommended that:

Council approve and adopt the revised CCTV policy attached and marked “2”.

Crs Lipshutz/Sounness

That the recommendation in the report be adopted but that on page 1 of the policies the Amended and Adopted date be amended to read: “3 February 2015” and the Next review date be amended to read: “February 2017”.

The MOTION was put and CARRIED.

“1”

Policy ID Number: 3.5

Closed Circuit Television Policy

Date first adopted: 22 July 2014 <u>Amended and adopted:</u> <u>3 February 2015</u>	Version: 2 4 Next review date: <u>February</u> July 2017 6	Status: Reviewed
Position Title of Responsible Business Unit Manager/other:	Director Assets & Facilities	

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1. TITLE

Closed Circuit Television Policy

2. PURPOSE

To set out the principles for the installation, use of and access to closed circuit television (CCTV) systems and associated data, in Council owned facilities.

3. OBJECTIVE

- 3.1 To comply with Australian Standard AS4806.1-2006 *Closed Circuit Television (CCTV) Management and Operation*, ~~and~~ the Victorian Ombudsman's Closed Circuit Television in Public Places Guidelines (November 2012) and relevant legislation.
- 3.2 To establish a Code of Practice within Glen Eira City Council for the collection, access, storage and disposal of CCTV Data.

4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
CCTV	Closed Circuit Television
System/Systems	Council's owned and/or operated CCTV systems individually and collectively including Data obtained from the systems
Data	Data obtained by Council from the System including film footage, recordings and still photographs generated by the System

5. POLICY

- 5.1 Council owns and/or operates CCTV Systems installed at fixed locations on land and buildings which are owned or controlled by Council. This policy applies to Council owned and operated CCTV Systems.
- 5.2 Council operates CCTV systems to support the provision and management of Council services, assets and facilities.
- 5.3 Council will not operate CCTV where the primary purpose is enforcement of the criminal law. Enforcement of the criminal law is the responsibility of law enforcement agencies. If such agencies wish to install and operate CCTV systems on Council property, Council will not unreasonably withhold consent.

6. COMPLIANCE

- 6.1 The System will be operated in accordance with all applicable laws.
- 6.2 Data will only be collected, stored, accessed and disclosed in accordance with this Policy and:

- *Surveillance Devices Act 1999 (Vic)*
- ~~Information Privacy~~ and Data Protection Act 2014 (Vic)
- *Public Records Act 1973 (Vic)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*

and any other applicable legislation in force from time to time.

7. SYSTEM OPERATION

7.1 Signs advising that CCTV cameras are in operation will be displayed at the perimeter of the area covered by the System and at other key points as determined by Council. These signs will:-

- ~~advise that:~~
~~“Council CCTV cameras are in operation in this area vicinity~~
~~You may be recorded in and around this facility”;~~
- ~~advise that the System is operated 24 hours a day, 7 days a week~~
- identify Council as the owner of the System; and
- provide a contact telephone number for inquiries in relation to the Systems.

7.2 Information about the location and operation of the Systems will be provided upon request.

7.3 All cameras send Data back to ~~a central location~~ Council's networked Digital Video Recorders at Council where it is securely stored for a period of 90 days before it is automatically erased unless a request for access to Data is received, or as otherwise determined in accordance with this Policy.

7.4 ~~Data will be recorded to Council's networked Digital Video Recorders which securely store the Data. Data will be transferred to a dedicated file folder on the Council network with restricted access rights to authorised personnel for a maximum of 90 days from the date of transfer. If a request for access to Data is not made within the 90 day period, the Data will automatically be erased.~~

7.5 Data which forms part of an investigation by a law enforcement agency or other government authority notified to Council within the maximum 90 day time period, will not be erased or destroyed, provided that Council is advised in writing of the investigation prior to routine erasure of the Data. ~~The Data~~ saved and/or searched for any requested purpose will subsequently be retained in a dedicated folder on the Council network with restricted access rights to authorised personnel, in accordance with Council's records management obligations.

8. REQUESTS TO ACCESS TO DATA

All requests to access Data must be submitted in writing on the form attached as Annexure 1 to this Policy. Data may be provided under any conditions which safeguard both Council and the applicant's interests and the interests of any other party.

9. INAPPROPRIATE USE AND BREACH OF POLICY

Any inappropriate use of the CCTV System and other breaches of this Policy will be investigated by Council.

10. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

11. ASSOCIATED LEGISLATION AND DOCUMENTS

Charter of Human Rights and Responsibilities Act 2006

Evidence Act 2008

Freedom of Information Act 1982

~~Information Privacy~~ and Data Protection Act 2014~~00~~

~~Information Privacy~~ Policy (GECC)

Public Records Act 1973

Records Management Policy (GECC)

Surveillance Devices Act 1999

12. REFERENCES/RESOURCES

Glen Eira Community Plan (Themes 1, 4, 5, 7 and 8)

Victorian Ombudsman's Closed Circuit Television in Public Places Guidelines (November 2012)

Australian Standard AS4806.1-2006 Closed Circuit Television (CCTV) Management and Operation

ANNEXURE 1

Request for data from Council's CCTV

Request to obtain a copy of CCTV recording of an incident or to view a recording or an image from CCTV Systems located at Council Buildings

Council's Closed Circuit Television Policy (Policy) applies to any requests for data from Council's CCTV Systems. This has the effect of:

- ensuring the privacy of individuals is protected,
- ensuring the CCTV is used for its designated purpose only, and
- data obtained from the CCTV is provided in accordance with the Policy, standards and the law.

Requests to obtain or view a CCTV recording must be addressed to:

Legal ~~and~~ Compliance Officer

Corporate Counsel

Glen Eira City Council

PO Box 42

Caulfield South VIC 3162

Or by email to: cctv@gleneira.vic.gov.au

The decision to release CCTV Data will be made in accordance with the Policy.

REQUEST FORM

Name of Applicant:

Contact details:

Organisation/Company (where relevant):

Address:

Incident Date (*from and to*):

Incident Time (*from and to*):

Location:

Description of Incident believed to be recorded (*please include as much information as possible*)

Reason for request for data (~~if applicable~~):

Does Applicant have a court order or statutory right to the data? Please attach any relevant documentation.

Signature..... Date.....

“2”

Policy ID Number: 3.5

Closed Circuit Television Policy

Date first adopted: 22 July 2014 Amended and adopted: 3 February 2015	Version: 2 Next review date: February 2017	Status: Reviewed
Position Title of Responsible Business Unit Manager/other:	Director Assets & Facilities	

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1. TITLE

Closed Circuit Television Policy

2. PURPOSE

To set out the principles for the installation, use of and access to closed circuit television (CCTV) systems and associated data, in Council owned facilities.

3. OBJECTIVE

- 3.1 To comply with Australian Standard AS4806.1-2006 *Closed Circuit Television (CCTV) Management and Operation*, the Victorian Ombudsman's Closed Circuit Television in Public Places Guidelines (November 2012) and relevant legislation.
- 3.2 To establish a Code of Practice within Glen Eira City Council for the collection, access, storage and disposal of CCTV Data.

4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
CCTV	Closed Circuit Television
System/Systems	Council's owned and/or operated CCTV systems individually and collectively including Data obtained from the systems
Data	Data obtained by Council from the System including film footage, recordings and still photographs generated by the System

5. POLICY

- 5.1 Council owns and/or operates CCTV Systems installed at fixed locations on land and buildings which are owned or controlled by Council. This policy applies to Council owned and operated CCTV Systems.
- 5.2 Council operates CCTV systems to support the provision and management of Council services, assets and facilities.
- 5.3 Council will not operate CCTV where the primary purpose is enforcement of the criminal law. Enforcement of the criminal law is the responsibility of law enforcement agencies. If such agencies wish to install and operate CCTV systems on Council property, Council will not unreasonably withhold consent.

6. COMPLIANCE

- 6.1 The System will be operated in accordance with all applicable laws.
- 6.2 Data will only be collected, stored, accessed and disclosed in accordance with this Policy and:

- *Surveillance Devices Act 1999 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Public Records Act 1973 (Vic)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*

and any other applicable legislation in force from time to time.

7. SYSTEM OPERATION

7.1 Signs advising that CCTV cameras are in operation will be displayed at the perimeter of the area covered by the System and at other key points as determined by Council. These signs will:

- advise that:
“Council CCTV cameras operate in this area
You may be recorded in and around this facility”;
- identify Council as the owner of the System; and

provide a contact telephone number for inquiries in relation to the Systems.

7.2 Information about the location and operation of the Systems will be provided upon request.

7.3 All cameras send Data back to Council’s networked Digital Video Recorders where it is securely stored for a period of 90 days before it is automatically erased unless a request for access to Data is received, or as otherwise determined in accordance with this Policy.

7.4

7.5 Data which forms part of an investigation by a law enforcement agency or other government authority notified to Council within the maximum 90 day time period, will not be erased or destroyed, provided that Council is advised in writing of the investigation prior to routine erasure of the Data. Data saved and/or searched for any requested purpose will subsequently be retained in a dedicated folder on the Council network with restricted access rights to authorised personnel, in accordance with Council’s records management obligations.

8. REQUESTS TO ACCESS TO DATA

All requests to access Data must be submitted in writing on the form attached as Annexure 1 to this Policy. Data may be provided under any conditions which safeguard both Council and the applicant’s interests and the interests of any other party.

9. INAPPROPRIATE USE AND BREACH OF POLICY

Any inappropriate use of the CCTV System and other breaches of this Policy will be investigated by Council.

10. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

11. ASSOCIATED LEGISLATION AND DOCUMENTS

Charter of Human Rights and Responsibilities Act 2006
Evidence Act 2008
Freedom of Information Act 1982
Privacy and Data Protection Act 2014
Privacy Policy (GECC)
Public Records Act 1973
Records Management Policy (GECC)
Surveillance Devices Act 1999

12. REFERENCES/RESOURCES

Glen Eira Community Plan (Themes 1, 4, 5, 7 and 8)
Victorian Ombudsman's Closed Circuit Television in Public Places Guidelines (November 2012)
Australian Standard AS4806.1-2006 Closed Circuit Television (CCTV) Management and Operation

ANNEXURE 1

Request for data from Council's CCTV

Request to obtain a copy of CCTV recording of an incident or to view a recording or an image from CCTV Systems located at Council Buildings

Council's Closed Circuit Television Policy (Policy) applies to any requests for data from Council's CCTV Systems. This has the effect of:

- ensuring the privacy of individuals is protected,
- ensuring the CCTV is used for its designated purpose only, and
- data obtained from the CCTV is provided in accordance with the Policy, standards and the law.

Requests to obtain or view a CCTV recording must be addressed to:

Legal Compliance Officer

Corporate Counsel
Glen Eira City Council
PO Box 42
Caulfield South VIC 3162

Or by email to: cctv@gleneira.vic.gov.au

The decision to release CCTV Data will be made in accordance with the Policy.

REQUEST FORM

Name of Applicant:

Contact details:

Organisation/Company (where relevant):

Address:

Incident Date (*from and to*):

Incident Time (*from and to*):

Location:

Description of Incident believed to be recorded (*please include as much information as possible*)

Reason for request for data

Does Applicant have a court order or statutory right to the data? Please attach any relevant documentation.

Signature..... Date.....

Item 9.14**GRAFFITI AND MOBILE GARBAGE BIN POLICIES
- UPDATE**

File No:
Enquiries: Peter Waite
Director Assets and Facilities

1. Purpose

To amend the Mobile Garbage, Recycling and Organics Bins Policy and the Graffiti Management Policy.

2. Community Plan

Strategic Objective: To maintain a safe, clean and attractive City.

3. Background

Council's Corporate Counsel is conducting a review of all Council adopted policies for legislative accuracy, style and consistency; and for compatibility with the *Charter of Human Rights and Responsibilities Act 2006*.

Corporate Counsel has now completed a review of the two policies above and recommends a number of changes. In addition other changes are proposed.

4. IssuesMobile Garbage, Recycling and Organics Bins Policy

Council now offers green waste bins as part of its standard waste collection service. It is proposed that Council amend the policy to reflect the change.

Graffiti Management Policy*Removal of graffiti from utility and government agency assets*

Council recently moved graffiti removal services in-house and this is now delivered through Council's Works Business Unit.

When time allows, the Works Unit now undertakes a walk-through of shopping centres to remove graffiti from Council and private property rather than just responding to individual requests for removal. This has proven to allow the removal of graffiti more quickly and efficiently as it allows multiple incidents of graffiti to be removed at the same time.

In shopping centres, a concern of the community is the accumulation of graffiti on utility and government agency assets (power poles, junction boxes, mail boxes and the like). Utilities and government agencies have always been slow to remove the graffiti and, being in the road reserve, this tends to be highly visible.

As part of the walk-through, the Works Unit has been trialling the removal of minor incidents of graffiti from utility and government agency infrastructure (such as power poles and junction boxes). Feedback from traders about this initiative has been very positive.

Item 9.14 (cont'd)

At present the Policy only provides for Council to remove graffiti from its own property and, in some circumstances, private property. To continue with the removal of minor incidents of graffiti from utility and government agency infrastructure it is proposed that Council amend the Policy to accommodate.

Like with private property, it is proposed that Council continue to advocate for utilities and government agencies to remove graffiti from their infrastructure promptly.

Supporting others to remove graffiti

Council currently supports the Department of Justice's (DOJ's) *Graffiti Removal Program* in Glen Eira by providing paint. Supporting DOJ helps remove much more graffiti than Council's Graffiti removal program can achieve alone.

Council has occasionally been approached by other community organisations (like schools and service clubs) interested in assisting with graffiti removal in the City.

To recognise the work of DOJ in removing graffiti in Glen Eira and to support other community organisations who would like to do this, it is proposed Council amend the Policy to reflect Council's support for such organisations.

Copies of the old policies are attached and marked 1 and 2. The proposed new policies are also attached and marked 3 and 4.

5. Resources

The proposed changes to the Policies do not have resource implications for Council and they can be accommodated within existing budgets.

6. Recommendation

That Council approve and adopt the amended policies attached and marked '3' and '4'.

Crs Hyams/Pilling

That the recommendation in the report be adopted but that on page 1 of the policies the Amended and Adopted date be amended to read: "3 February 2015" and the Next review date be amended to read: "February 2017".

The MOTION was put and CARRIED unanimously.

ATTACHMENTS 1 – 4

“1”

❖	POLICY NUMBER:	8.6
❖	TITLE:	MOBILE GARBAGE BINS AND RECYCLING CONTAINERS
❖	ADOPTED BY:	Glen Eira City Council
❖	DATE ADOPTED:	15 December 1998
❖	DATE AMENDED:	24 November 2009
❖	REFERENCE IN LOCAL LAW 2009:	Clause 417

1. Objective

The objective of the policy is to:

- 1.1 enhance the streetscape by limiting the times for which a Mobile Garbage Bin or Recycling Container can remain in the street;
- 1.2 reduce litter caused by poor presentation of a Mobile Garbage Bin or Recycling Container, or its contents;
- 1.3 prevent damage to a Mobile Garbage Bin or Recycling Container or the collection equipment;
- 1.4 define what materials may be placed in a Mobile Garbage Bin or Recycling Container for collection; and
- 1.5 define an Owner's responsibilities in respect of Mobile Garbage Bins and Recycling Containers.

2. Policy**2.1 Definitions**

- 2.1.1 Mobile Garbage Bin (MGB): The receptacle provided by Council or private collection agency for the storage and collection of garbage.
- 2.1.2 Recycling Container: The receptacle provided by Council or private collection agency for the storage and collection of recyclables.
- 2.1.3 Garbage: Any refuse that would usually accumulate during the period of one week in or about tenements within the municipality which is not prohibited waste.
- 2.1.4 Recyclables: Any material deemed by Council as being suitable for its kerbside recyclables collection.
- 2.1.5 Prohibited Waste:

- Building rubble;
- mechanical parts;
- liquid waste;
- any waste listed in schedule 1 of the Environment Protection Authority (Prescribed Waste) Regulations 1998, including sewerage, paint, oil or hazardous chemicals; and
- any other material likely to damage the MGB or collection equipment.

2.2 Requirements

- 2.2.1 It is the responsibility of the Owner of Premises to ensure that the requirements of this policy are complied with.
- 2.2.2 Only garbage shall be placed in the MGB for collection.
- 2.2.3 Only recyclables shall be placed in a Recycling Container.
- 2.2.4 The total weight of garbage and Council MGB shall not exceed 75 kgm.
- 2.2.5 Moist waste, ashes, dust or other light material must be securely wrapped to prevent litter during the collection process.
- 2.2.6 When placed out for collection the lid of the MGB must be completely closed.
- 2.2.7 When placed out for collection the MGB should be as near as practicable to the kerb, with the wheels facing the property and have at least 0.5 metres clearance from any obstruction, overhanging tree, other MGB or recycling crate.
- 2.2.8 MGB's and recycling containers must be placed out for collection, no earlier than 4:00 PM on the day before, and no later than 6:00AM on the day of, the scheduled collection day.
- 2.2.9 After collection MGB's and Recycling Containers from residential properties must be returned to the property on the day of the collection.
- 2.2.10 After collection MGB's and recycling containers from commercial properties must be returned to the property before 12:00 noon on the day of the collection.
- 2.2.11 A MGB should not be used for any other purpose than for the storage and collection of garbage.
- 2.2.12 A Recycling Container should not be used for any other purpose than for the storage and collection of Recyclables.
- 2.2.13 MGB's and Recycling Containers must be maintained in a clean and sanitary condition.

“2”

Graffiti Management Policy

★ POLICY NUMBER:	8.19
★ TITLE:	Graffiti Management Policy
★ ADOPTED BY:	Glen Eira City Council
★ DATE ADOPTED:	30 June 2009

1. Background

Council removes graffiti from its property promptly and encourages others to do the same. It is the most effective means of deterring graffiti vandals.

Section of 18 of the Graffiti Prevention Act 2007 states:

- (1) *A Council may, in accordance with this section, take any action necessary to remove or obliterate graffiti on private property if the graffiti is visible from a public place.*
- (2) *A Council may enter private property for the purposes of subsection (1) if— ...”*

Section 22 states:

“Nothing in this Part imposes a duty on a Council to remove or obliterate graffiti from private property.”

2. Objective

To reduce the incidence of graffiti in the City.

3. Policy

Council Property

- i. Council will remove graffiti from Council owned or managed property. Council aims to remove offensive graffiti within 24 hours and other graffiti within 7 days of being reported.

Government and Utilities Property

- ii. Council will not remove graffiti from government and utilities’ properties.
- iii. Where Council is aware of graffiti on government and utilities property it will report and encourage the relevant government agency or utility to promptly remove the graffiti.

Private Property

- iv. Council may remove graffiti on the boundary of private property zoned residential, business and industrial where the graffiti is visible from a public road, footpath, reserve or park.
 - v. Council will not remove graffiti from private property where the owner or occupier objects to the removal.
 - vi. Council will not enter private property or railway reserve land to remove graffiti.
 - vii. Council will only remove graffiti from private property where safe to do so.
-

- ★ Relevant Legislation: Graffiti Prevention Act 2007
- ★ Cross References to other Policies / Documents: Graffiti Management Plan
- ★ Responsible Officer(s): Director Assets & Facilities

“3”

Policy ID Number: 5.3

Mobile Garbage Bins and Recycling Containers Policy

Date first adopted: 15 December 1998 24 November 2009 Amended and adopted: 3 February 2015	Version: 3 Next review date: February 2017	Status: Reviewed
Position Title of Responsible Business Unit Manager:	Manager Sustainability	

Mobile Garbage, Recycling and Organics Bins

Glen Eira City Council

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1. TITLE

Mobile Garbage Bins and Recycling Containers Policy

2. OBJECTIVE

- 2.1 to enhance the streetscape by limiting the times a mobile bin may remain in the street;
- 2.2 to reduce litter caused by the poor presentation of a mobile bin or the spilling of its contents;
- 2.3 to prevent damage to mobile bins and any equipment or vehicles used to empty them;
- 2.4 to define the materials that may be placed in a mobile bin; and
- 2.5 to define owners' responsibilities in relation to mobile bins.

3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
'Garbage'	Any refuse that would usually accumulate during the period of one week in or about premises within the municipality which is not prohibited waste.
'Mobile bin'	The receptacle provided by Council or a private collection agency for the storage and collection of garbage, recycling or organics.
'Mobile garbage bin'	The receptacle provided by Council or a private collection agency for the storage and collection of garbage.
'Mobile recycling bin'	The receptacle provided by Council or a private collection agency for the storage and collection of mixed recyclables.
'Mobile organics bin'	The receptacle provided by Council or a private collection agency for the storage and collection of recyclable organic material including green waste.
'Mixed recyclables'	Any material deemed by Council as being suitable for its kerbside recyclables collection.
'Organic recyclables'	Any material deemed by Council as being suitable for its kerbside organics collection including green waste.
'Prohibited waste'	Building rubble; mechanical parts; liquid waste; any waste listed in Schedule 1 of the Environment Protection Authority (Prescribed Waste) Regulations 1998, including sewerage, paint, oil, or hazardous chemicals; and any other material likely to damage a mobile bin or collection equipment.
'Recycling container'	Includes mobile recycling bins and mobile organics bins.

4. BACKGROUND

- 4.1 Council's Local Law (item 417, Abuse and misuse of mobile garbage bins and containers for recyclables) states *"The Council policy for the use of mobile garbage bins and recycling containers, as adopted from time to time is incorporated into this Local Law by reference and must be read as part of this Local Law"*

Mobile Garbage Bins and Recycling Containers

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Glen Eira City Council

5. POLICY**5.1 Requirements**

- 4.1.1 Only garbage may be placed in a mobile garbage bin for collection.
- 4.1.2 Only mixed recyclables may be placed in a mobile recycling bin for collection.
- 4.1.3 Only organic recyclables may be placed in a mobile organics bin for collection.
- 4.1.4 Moist waste, ashes, dust or other light material must be securely wrapped to prevent littering during the collection process.
- 4.1.5 A mobile garbage bin must be placed out for collection as near as is practicable to the kerb, with the wheels facing the premises and, where possible, with at least 0.5 metres clearance from any obstruction, overhanging tree or other mobile bin.
- 4.1.6 Mobile bins must be placed out for collection, no earlier than 4pm on the day before a scheduled collection, and no later than 6am on a scheduled collection day.
- 4.1.7 Following collection, residential mobile bins must be returned to the residential premises on the scheduled collection day.
- 4.1.8 Following collection, commercial mobile bins must be returned to the commercial premises by 12 Noon on the scheduled collection day.
- 4.1.9 Mobile bins must be maintained in a clean and sanitary condition.
- 4.1.10 All lids of mobile bins placed out for collection must be completely closed.
- 4.1.11 The total weight of a mobile bin including its contents must not exceed 75 kg.

6. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

7. ASSOCIATED DOCUMENTS

Glen Eira City Council Local Law 2009

8. REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006
Environment Protection Authority (Prescribed Waste) Regulations 1998

Mobile Garbage Bins and Recycling Containers

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Glen Eira City Council

“4”

Policy ID Number: 5.4

Graffiti Management Policy

Date first adopted: 30 June 2009	Version: 3	Status: Reviewed
Amended and adopted: 3 February 2015	Next review date: February 2017	
Position Title of Responsible Business Unit Manager:	Manager Sustainability	

Graffiti Management

Glen Eira City Council

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1. TITLE

Graffiti Management Policy

2. OBJECTIVE

To reduce the incidence of graffiti in the municipality.

3. BACKGROUND

- 3.1 Graffiti is a burden for the community, property owners and Council. Prompt removal of graffiti can deter future vandalism. Owners, residents, traders and agencies can assist by promptly removing and reporting graffiti. The use of green walls, beautification of areas and wire fencing can all reduce the incidence of graffiti.
- 3.2 The *Graffiti Prevention Act 2007* gives Council the power (but does not impose a duty) to take any action necessary to remove or obliterate graffiti on private property where the graffiti is visible from a public place.

4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
'Offensive graffiti'	Images or words that may be deemed frightening or distressing to children; and images or words that may be offensive to an individual or group of individuals on the basis of ethnicity, nationality, race, religion, gender, sexual preference, age or mental or physical disability.

5. POLICY**5.1 Council property**

Council will remove graffiti from Council-owned or managed property. Council aims to remove offensive graffiti within 24 hours of it being reported and non-offensive graffiti within ten days of it being reported.

5.2 State and federal government and utilities property

- 5.2.1 It is the responsibility of state and federal government and utilities to remove graffiti from their own assets. Council will encourage agencies to promptly remove graffiti.
- 5.2.2 Council may, however, remove graffiti from assets belonging to utilities and government (subject to their consent) if the graffiti is within public places or on the boundary of public places, in circumstances where Council is removing other graffiti.

5.3 Private property

- 5.3.1 Owners are responsible for maintaining their properties in a sightly manner pursuant to Council's Local Law. Subject to available resources, Council will provide assistance to remove graffiti from private property in the circumstances set out below:
- (a) Council will remove graffiti from the exterior boundary of private property that is zoned residential, business or industrial where the graffiti is visible from a public place.
 - (b) Council will not remove graffiti from the exterior boundary of private property where the owner or occupier objects to the removal.
 - (c) Council will not enter private property, including railway reserves, to remove graffiti.
 - (d) Council will only remove graffiti from private property where it is safe to do so and where it does not require working at heights. Generally, this means that graffiti of up to two metres high can be removed, but this will be assessed on a case by case basis.
- 5.3.2 Requests for assistance with graffiti removal will be assessed as to priority depending on:
- (a) the impact of the graffiti on the visual amenity of the municipality;
 - (b) any previous assistance provided at a property; and
 - (c) any special circumstances.
- 5.3.3 If a property is unsightly AND Council is unable to assist with graffiti removal OR the owner or occupier has objected to its removal, Council may require the owner or occupier to remove the graffiti in accordance with the Local Law 2009.

5.4 Other assistance

- 5.3.4 Council may support community organisations and government agencies to remove or obliterate graffiti visible from public places by providing paint and other materials.
- 5.3.5 Council's Director Assets and Facilities may approve providing paint and other materials to such organisations where:
- (a) the organisation proposes to use the materials generally in accordance with this Policy; and
 - (b) the paint and materials is not for work on the organisation's own assets.

6. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

7. ASSOCIATED DOCUMENTS

N/a

8. REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006
Graffiti Prevention Act 2007
Local Law 2009

Item 9.15**CHANGES TO DELEGATIONS FROM COUNCIL TO MEMBERS OF STAFF AND DELEGATED PLANNING COMMITTEE**

File No:
Enquiries: Diana Vaynrib
Legal Compliance Officer

1. Purpose

To revoke and replace specified existing delegations and create new delegations of certain powers, duties and functions of Council to Council staff.

2. Community Plan

Governance – to deliver strong local leadership and governance in an open and responsible manner in the best interests of the community.

3. Background

Changes to four of the existing delegations are required as a result of amendments to legislation, the repeal of legislation, changes to the organisational structure within Council and to improve the administration of Council functions.

There are no changes to the Instrument of Delegation – Council to staff – *Food Act* 1984.

3.1 Instrument of Delegation – Council to members of staff - *Planning and Environment Act* 1987 ('PEA')

Amendments are shown in WORD track changes at attachment 'A'.

The insertion of a new section 96(Z)

A new duty, which will commence on 1 July 2015, has been inserted to keep levy certificates under sub-section 47 or 96A for no less than 5 years from receipt of the certificate.

Regulations

The *Planning and Environment (Fees) Interim Regulations* 2013 have been revoked and replaced with the *Planning and Environment (Fees) Interim Regulations* 2014. Council's powers and duties under these Regulations remain the same. These Regulations will expire on 16 October 2015.

3.2 Instrument of Delegation – Council to members of staff – other legislation

Amendments are shown in WORD track changes at attachment 'B'.

Item 9.15 (cont'd)

The *Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010* have been amended. A new regulation 13(2) has been inserted into the Instrument which provides the power to refuse to renew the registration if Council is not satisfied that the caravan park complies with these regulations.

3.3 Instrument of Delegation – Council to members of staff – Road Management Act 2004

Amendments are shown in WORD track changes at attachment 'C' and reflect changes to the organisational structure within Council.

3.4 Instrument of Delegation – Council to the Delegated Planning Committee ('DPC')

Amendments are shown in WORD track changes at attachment 'D' and reflect changes to organisational structure within Council.

4. Recommendation

4.1 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and under section 188 of the *Planning and Environment Act 1987*, Council resolves:

- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in subparagraph 4.1(b) coming into effect;
- (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'A';
- (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed;
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

4.2 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* Council resolves:

- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in subparagraph 4.2(b) coming into effect;

Item 9.15 (cont'd)

- (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'B';
- (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed;
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

4.3 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* Council resolves:

- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 4.3(b) coming into effect;
- (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'C';
- (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed;
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

4.4 In exercise of the powers conferred by 188 of the *Planning and Environment Act 1987* and sections 86 and 87 of the *Local Government Act 1989*, Council resolves:

- (a) that the existing Instrument of Delegation from Council to the DPC be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 4.4(b) coming into effect;

Item 9.15 (cont'd)

- (b) that there be delegated to the DPC the powers and functions set out in the attached Instrument of Delegation (as amended) marked 'D'.
- (c) the powers, discretions and authorities conferred on the DPC by the Instrument of Delegation must be exercised in accordance with the purpose, exceptions, conditions and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
- (d) that the Instrument of Delegation be sealed; and
- (e) that the Instrument of Delegation:
 - (i) comes into force immediately the common seal of Council is affixed to it; and
 - (ii) remains in force until Council determines to vary or revoke it.

Crs Hyams/Okotel

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

“A”

Glen Eira City Council

S6 Instrument of Delegation

to

Members of Council Staff – *Planning and Environment Act 1987*

Glen Eira City Council

INSTRUMENT OF DELEGATION

Members of Council Staff

In exercise of the powers conferred by section 188 of the *Planning and Environment Act* 1987 and section 98(1) of the *Local Government Act* 1989, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that a reference in the Schedule to:

‘CStatP’ means Coordinator Statutory Planning;

‘CStratP’ means Coordinator Strategic Planning;

‘DAF’ means Director Assets and Facilities;

‘~~DPT~~ ~~CD~~’ means Director ~~City Development Planning and Transport~~;

‘ESC’ means Engineering Services Coordinator;

‘MBCC’ means Manager Building & Civic Compliance;

‘MIA’ means Manager Infrastructure Assets;

‘MOCC’ means Manager Operations Civic Compliance;

‘MStatP’ means Manager Statutory Planning;

~~‘MTP’ means Manager Town Planning & Transport;~~

‘PSO’ means Planning Support Officer;

‘PTO’ means Planning Technical Officer;

‘PTP’ means Principal Town Planner;

‘SP’ means Subdivision Planner;

‘Specific Planning Officers’ means ~~DPTCD~~, CStatP, CStratP,

MBCC, MOCC, MStatP, ~~MTP~~, PTO, PTP, SP, STP, SupP and TP;

‘STP’ means Senior Town Planner;

‘StratP’ means Strategic Planner;

‘SupP’ means Supervising Planner; and

‘TP’ means Town Planner.

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~4~~ 3 February 201~~5~~ 4; and

- 3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy adopted by Council; or:

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful decision, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
Council was affixed hereto in)
the presence of:)

.....Councillor

.....Chief Executive Officer

1
SCHEDULE

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	Power to prepare an amendment to the Victoria Planning Provisions.	Specific Planning Officers	If authorised by the Minister.
s.4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister.	Specific Planning Officers	
s.4H	Duty to make amendment to Victoria Planning Provisions available.	Specific Planning Officers	
s.4I	Duty to keep Victoria Planning Provisions and other documents available.	Specific Planning Officers	
s.8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s.8A.	Specific Planning Officers	
s.8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme.	Not delegated	
s.8A(5)	Function of receiving notice of the Minister's decision.	Specific Planning Officers	
s.8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days.	D PTCD MTP MStatP	
s.8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district.	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons.	Specific Planning Officers	
s.12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s.19 of the <i>Planning and Environment (Planning Schemes) Act</i> 1996).	Specific Planning Officers	
s.12B(1)	Duty to review planning scheme.	D PT CD MTP MStatP	
s.12B(2)	Duty to review planning scheme at direction of Minister.	D PT CD MTP MStatP	
s.12B(5)	Duty to report findings of review of planning scheme to Minister without delay.	D PT CD MTP MStatP	
s.14	Carry out duties of the Responsible Authority as set out in subsections (a) to (d).	Specific Planning Officers	
s.17(1)	Duty of giving copy amendment to the planning scheme.	Specific Planning Officers	
s.17(2)	Duty of giving copy s.173 agreement.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days.	Specific Planning Officers	
s.18	Duty to make amendment etc available.	Specific Planning Officers	
s.19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to take any other steps necessary to tell anyone who may be affected by the amendment about its preparation.	DPTCD MTP <u>MStatP</u>	
s.19	Function of receiving notice of preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	Power to apply to Minister for exemption from the requirements of s.19.	Specific Planning Officers	
s.21(2)	Duty to make submissions available.	Specific Planning Officers	
s.21A(4)	Duty to publish notice in accordance with section.	Specific Planning Officers	
s.22	Duty to consider all submissions.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.23(1)	After considering submissions, change amendment, refer to a panel or abandon amendment.	Not delegated	
s.23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel.	Specific Planning Officers	
s.23(2)	Power to refer to a panel submissions which do not require a change to the amendments.	Not delegated	
s.24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s.96D).	Specific Planning Officers	
s.26(1)	Power to make report available for inspection.	Specific Planning Officers	
s.26(2)	Duty to keep report of panel available for inspection.	Specific Planning Officers	
s.27(1)	Duty to consider panel's report.	Not delegated	
s.27(2)	Power to apply for exemption if panel's report not received.	Not delegated	
s.28	Duty to advise the Minister if abandoning an amendment.	Specific Planning Officers	The power to make a decision to abandon an amendment cannot be delegated.
s.29	Power to adopt amendment	Not delegated	
s.30(4)(a)	Duty to say if amendment has lapsed.	Specific Planning Officers	
s.30(4)(b)	Duty to provide information in writing upon request.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.32(2)	Duty to give more notice if required.	Specific Planning Officers	
s.33(1)	Duty to give more notice of changes to an amendment.	Specific Planning Officers	
s.36(2)	Duty to give notice of approval of amendment.	Specific Planning Officers	
s.38(5)	Duty to give notice of revocation of an amendment.	Specific Planning Officers	
s.39	Function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT.	Specific Planning Officers	
s.40(1)	Function of lodging copy of approved amendment.	Specific Planning Officers	
s.41	Duty to make approved amendment available.	Specific Planning Officers	
s.42	Duty to make copy of planning scheme available.	Specific Planning Officers	
s.46AS(ac)	Power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria.	Not delegated	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy.	Specific Planning Officers	
s.46N(2)(c)	Function of determining time and manner for receipt of development contributions levy.	Specific Planning Officers	
s.46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy.	Specific Planning Officers	Power to reduce or waive infrastructure levy is limited to DAF, DPTGD , and MStatP and MTP .
s.46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid or agreement is in place, prior to issuing building permit.	Specific Planning Officers	
s.46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy.	Specific Planning Officers	
s.46P(1)	Power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured.	Specific Planning Officers	
s.46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable.	DAF DPTGD MIA MStatP MTP	
s.46Q(1)	Duty to keep proper accounts of levies paid.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services or facilities.	Specific Planning Officers	
s.46Q(2)	Duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	Specific Planning Officers	
s.46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed.	DAF DPIGD MStatP MTP	Only applies when levy is paid to Council as a 'development agency.'
s.46Q(4)(c)	Duty to pay amount to current owners of land in the area.	DPIGD MStatP MTP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.
s.46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan.	Specific Planning Officers	Must be done in accordance with Part 3.
s.46Q(4)(e)	Duty to expend that amount on other works etc.	DPIGD	With the consent of, and in the manner approved by, the Minister.
s.46QC	Power to recover any amount of levy payable under Part 3B.	Specific Planning Officers	
s.49(1)	Duty to keep a register of all applications for permits and determinations relating to permits.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(2)	Duty to make register available for inspection.	PSO Specific Planning Officers	
s.50(4)	Duty to amend application.	Specific Planning Officers	
s.50(5)	Power to refuse to amend application.	Specific Planning Officers	
s.50(6)	Duty to make note of amendment to application in register.	PSO Specific Planning Officers	
s.50A(1)	Power to make amendment to application.	PSO Specific Planning Officers	
s.50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given.	Specific Planning Officers	
s.50A(4)	Duty to note amendment to application in register.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.51	Duty to make copy of application available for inspection.	Specific Planning Officers	
s.52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person.	Specific Planning Officers	
s.52(1)(b)	Duty to give notice of the application to other municipal councils where appropriate.	Specific Planning Officers	
s.52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme.	Specific Planning Officers	
s.52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant.	Specific Planning Officers	
s.52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant.	Specific Planning Officers	
s.52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected.	Specific Planning Officers	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant.	Specific Planning Officers	
s.52(3)	Power to give any further notice of an application where appropriate.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it.	Specific Planning Officers	
s.53(1A)	Power to require the applicant to give the notice under section 52(1AA).	Specific Planning Officers	
s.54(1)	Power to require the applicant to provide more information.	Specific Planning Officers	
s.54(1A)	Duty to give notice in writing of information required under s.54(1).	Specific Planning Officers	
s.54(1B)	Duty to specify the lapse date for an application.	Specific Planning Officers	
s.54A(3)	Power to decide to extend time or refuse to extend time to give required information.	Specific Planning Officers	
s.54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s.54A(3).	Specific Planning Officers	
s.55(1)	Duty to give copy application, together with the prescribed information to every referral authority specified in the planning scheme.	Specific Planning Officers	
s.57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector.	DPICB MStatP MTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(3)	Function of receiving name and address of persons to who notice of decision is to go.	Specific Planning Officers	
s.57(5)	Duty to make available for inspection copy of all objections.	Specific Planning Officers	
s.57A(4)	Duty to amend application in accordance with applicant's request, subject to s.57A(5).	Specific Planning Officers	
s.57A(5)	Power to refuse to amend application.	Specific Planning Officers	
s.57A(6)	Duty to note amendments to application in register.	PSO Specific Planning Officers	
s.57B(1)	Duty to determine whether and to whom notice should be given.	Specific Planning Officers	
s.57B(2)	Duty to consider certain matters in determining whether notice should be given.	Specific Planning Officers	
s.57C(1)	Duty to give copy of amended application to referral authority.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.58	Duty to consider every application for a permit.	Specific Planning Officers	
s.58A	Power to request advice from the Planning Application Committee.	DPTGD MTP <u>MStatP</u>	
s.60	Duty to consider certain matters.	Specific Planning Officers	
s.60(1A)	Power to consider certain matters before deciding an application.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application.	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> i) there has been no objections lodged; and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application has not been referred to the Council or the Delegated Planning Committee (DPC) for determination. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> i) an application is for use of land for a brothel or a Sexually Explicit Adult Entertainment Venue; or ii) an application is for use of land for gaming machines; or iii) an application is for extension of time for tennis court illumination beyond 10.00pm; or iv) a proposal involves dwellings exceeding one level, except where the delegate is DPTCD, or MStatP or MTP who may grant a permit allowing a double storey development. <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> a) the application is contrary to law; or b) the application is inconsistent with policy; or c) a referral or authority has directed refusal; or <p>the applicant has failed to carry out a direction pursuant to the Planning Scheme or Act.</p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit.	Specific Planning Officers	
s.61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to grant of permit.	Specific Planning Officers	
s.61(3)(b)	Duty to refuse to grant the permit without the Minister's consent.	Specific Planning Officers	
s.61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant.	Specific Planning Officers	
s.62(1)	Duty to include certain conditions in deciding to grant a permit.	Specific Planning Officers	
s.62(2)	Power to include other conditions.	Specific Planning Officers	
s.62(4)	Duty to ensure conditions are consistent with subsections (a), (b) and (c).	Specific Planning Officers	
s.62(5)(a)	Power to include a permit condition to implement an approved development contributions plan.	Specific Planning Officers	
s.62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant.	Specific Planning Officers	
s.62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with s.62(5) or s.46N.	Specific Planning Officers	
s.62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a).	Specific Planning Officers	
s.63	Duty to issue the permit where made a decision in favour of the application (if no one has objected).	Specific Planning Officers	
s.64(1)	Duty to give notice of decision to grant a permit to applicant and objectors.	Specific Planning Officers	
s.64(3)	Duty not to issue a permit until after the specified period.	Specific Planning Officers	
s.64(5)	Duty to give copy of decision on an application that is exempt under planning scheme from the requirements of s.64(1), s.64(2) and s.64(3) to objectors.	Specific Planning Officers	
s.64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit.	Specific Planning Officers	This provision applies also to a decision to grant an amendment to a permit – see section 75A.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s.57.	Specific Planning Officers	
s.66(1)	Duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities.	Specific Planning Officers	
s.66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit.	Specific Planning Officers	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority.
s.66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	Specific Planning Officers	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit.
s.66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s.64 or s.65.	Specific Planning Officers	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included in the permit.
s.69(1)	Function of receiving application for extension of time of permit.	Specific Planning Officers	
s.69(1A)	Function of receiving application for extension of time to complete development.	Specific Planning Officers	
s.69(2)	Power to extend time.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.70	Duty to make copy permit available for inspection.	PSO Specific Planning Officers	
s.71(1)	Power to correct certain mistakes.	Specific Planning Officers	
s.71(2)	Duty to note corrections in register.	PSO Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	Power to decide to grant amendment subject to conditions.	Specific Planning Officers	<p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> i) there has been no objections lodged; and ii) the application/amending plan is generally in compliance with existing policy or guidelines; and iii) the application has not been referred to the Council or the Delegated Planning Committee (DPC) for determination. <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> i) an application is for use of land for a brothel or a Sexually Explicit Adult Entertainment Venue; or ii) an application is for use of land for gaming machines; or iii) an application is for extension of time for tennis court illumination beyond 10.00pm; or iv) a proposal involves dwellings exceeding one level, except where the delegate is <u>DPTCD, or</u> MStatP or MTP who may grant a permit allowing a double storey development.
s.74	Duty to issue amended permit to applicant if no objectors.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit.	Specific Planning Officers	
s.76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice.	PSO Specific Planning Officers	
s.76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit.	Specific Planning Officers	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority.
s.76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit.	Specific Planning Officers	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit.
s.76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s.64 or s.76.	Specific Planning Officers	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit.
s.76D	Duty to comply with direction of Minister to issue amended permit.	Specific Planning Officers	
s.83	Function of being respondent to an appeal.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83B	Duty to give or publish notice of application for review.	Specific Planning Officers	
s.84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit.	CSstratP DPTCD MStatP MTP	The power may only be exercised by the delegate where: i) no objections have been lodged; and ii) the application is generally in compliance with existing policy or guidelines.
s.84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit.	Specific Planning Officers	
s.84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit.	Specific Planning Officers	
s.84(6)	Duty to issue permit on receipt of advice within 3 working days.	Specific Planning Officers	
s.86	Duty to issue a permit at order of VCAT within 3 working days.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(3)	Power to apply to VCAT for the cancellation or amendment of a permit.	CStratP DPTCD MBCC MOCC MStatP MTP SupP	
s.90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit.	Specific Planning Officers	
s.91(2)	Duty to comply with the directions of the VCAT.	Specific Planning Officers	
s.91(2A)	Duty to issue amended permit to owner if VCAT so directs.	Specific Planning Officers	
s.92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90.	Specific Planning Officers	
s.93(2)	Duty to give notice of VCAT order to stop development.	Specific Planning Officers	
s.95(3)	Function of referring certain applications to the Minister.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.95(4)	Duty to comply with an order or direction.	Specific Planning Officers	
s.96(1)	Duty to obtain a permit from the Minister to use and develop its land.	Specific Planning Officers	
s.96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land.	DPTCD	
s.96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment.	Specific Planning Officers	
s.96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s.96C.	Specific Planning Officers	
s.96F	Duty to consider panel's report under s.96E.	Not delegated	
s.96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s.23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>).	Specific Planning Officers	
s.96H(3)	Power to give notice in compliance with Minister's direction.	Specific Planning Officers	
s.96J	Power to issue permit as directed by the Minister.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96K	Duty to comply with direction of the Minister to give notice of refusal.	Specific Planning Officers	
<u>s. 96Z</u>	<u>Duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate.</u>	<u>Specific Planning Officers</u>	<u>Note: this provision is not yet in force and will commence on 1 July 2015</u>
s.97C	Power to request Minister to decide the application.	Not delegated	
s.97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application.	Specific Planning Officers	
s.97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister.	Specific Planning Officers	
s.97G(6)	Duty to make a copy of permits issued under s.97F available for inspection.	Specific Planning Officers	
s.97L	Duty to include Ministerial decisions in a register kept under s.49.	Specific Planning Officers	
s.97MH	Duty to provide information or assistance to the Planning Application Committee.	DPICD MStatP MTP	
s.97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee.	DPICD MStatP MTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97O	Duty to consider application and issue or refuse to issue certificate of compliance.	Specific Planning Officers	
s.97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate.	Specific Planning Officers	
s.97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate.	Specific Planning Officers	
s.97Q(4)	Duty to comply with directions of VCAT.	Specific Planning Officers	
s.97R	Duty to keep register of all applications for certificate of compliance and related decisions.	Specific Planning Officers	
s.98(1)&(2)	Function of receiving claim for compensation in certain circumstances.	Specific Planning Officers	
s.98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed.	Specific Planning Officers	
s.101	Function of receiving claim for expenses in conjunction with claim.	Specific Planning Officers	
s.103	Power to reject a claim for compensation in certain circumstances.	DELEG	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.107(1)	Function of receiving claim for compensation.	Specific Planning Officers	
s.107(3)	Power to agree to extend time for making a claim.	DPTGD	
s.114(1)	Power to apply to VCAT for an enforcement order.	DPTGD MBCC MOCC MStatP MTP SupP	
s.117(1)(a)	Function of making a submission to VCAT where objections are received.	Specific Planning Officers	
s.120(1)	Power to apply for an interim enforcement order where s.114 application has been made.	DPTGD MBCC MOCC MStatP MTP SupP	
s.123(1)	Power to carry out work required by enforcement order and recover costs.	DPTGD	
s.123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s.123(1).	DPTGD	Except Crown land.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.129	Function of recovering penalties.	DPTCD MBCC MOCC MStatP MTP	
s.130(5)	Power to allow person served with an infringement notice further time.	DPTCD MStatP MTP	
s.133	Power to appoint authorised officer to enter land to carry out specific functions.	DPTCD	
s.149A(1)	Power to refer a matter to VCAT for determination.	CStatP DCDPI MBCC MOCC MStatP MTP SupP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement.	CStratP D PI CD MStatP MTP PTP SupP	
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement incurred by the panel in carrying out its function unless the Minister directors otherwise under subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4).	D PI CD MTP <u>MStatP</u>	
s.171(2)(f)	Power to carry out studies and commission reports.	D PI CD	
s.171(2)(g)	Power to grant and reserve easements.	D PI CD	
s.173	Power to enter into agreement covering matters set out in s.174	DAF D PI CD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires something to be to the satisfaction of Council or Responsible Authority.	DAF DPTCD ESC MBCC MIA MOCC MStatP MTP	
---	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or the Responsible Authority.	DAF DPTCD ESC MIA MBCC MOCC MStatP MTP	
s.177(2)	Power to end a s.173 with the agreement of all those bound by an covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DAF DAF MBCC MOCC MStatP MTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178	Power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DAF DPTCD	
s.178A(1)	Function of receiving application to amend or end an agreement.	Specific Planning Officers	
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1).	CStatP DPTCD MStatP MTP PTP SupP	
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	CStatP DPTCD MStatP MTP PTP SupP	
s.178A(5)	Power to propose to amend or end an agreement.	DPTCD	
s.178B(1)	Duty to consider certain matters when considering proposal to amend an agreement.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	Specific Planning Officers	
s.178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end.	Specific Planning Officers	
s.178C(4)	Function of determining how to give notice under s.178C(2).	Specific Planning Officers	
s.178E(1)	Duty not to make decision until after 14 days after notice has been given.	Specific Planning Officers	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal.	CStatP DPTCD MStatP MTP PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different to the proposal.	CStatP DPTCD MStatP MTP PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(c)	Power to refuse to amend or end the agreement.	CStatP D PTCD MStatP MTP PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(3)(a)	Power to amend or end the agreement in accordance with the proposal.	CStatP D PTCD MStatP MTP PTP SupP	After considering objections, submissions and matters in s.148B.
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	CStatP D PTCD MStatP MTP PTP SupP	After considering objections, submissions and matters in s.148B.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal.	CStatP DPTCD MStatP MTP PTP SupP	After considering objections, submissions and matters in s.148B.
s.178E(3)(d)	Power to refuse to amend or end the agreement.	CStatP DPTCD MStatP MTP PTP SupP	After considering objections, submissions and matters in s.148B.
s.178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b).	Specific Planning Officers	
s.178F(2)	Duty to give notice of its decision under s.178E(2)(c) or 3(d.)	Specific Planning Officers	
s.178F(4)	Duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to VCAT has been determined or withdrawn.	Specific Planning Officers	
s.178G	Duty to sign amended agreement and give copy to each party to the agreement.	DPTCD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement.	D PT CD	
s.178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land.	D PT CD MTP MStatP	
s.179(2)	Duty to make available for inspection copy agreement.	DAF MIA Specific Planning Officers	
s.181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General.	DAF D PT CD MStatP MTP	
s.181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement.	D PT CD MStatP MTP	
s.181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement.	D PT CD MStatP MTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.182	Power to enforce an agreement.	DAF DPTCD MBCC MOCC MStatP MTP	
s.183	Duty to tell Registrar of Titles of ending/amendment of agreement.	DAF Specific Planning Officers	
s.184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision.	DPTCD MStatP MTP	
s.184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application has been made to VCAT for review of a failure to amend or end an agreement.	DPTCD MStatP MTP	
s.184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement.	DPTCD MStatP MTP	
s.184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision.	DPTCD MStatP MTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.184G(2)	Duty to comply with a direction of VCAT.	Specific Planning Officers	
s.184G(3)	Duty to give notice as directed by VCAT.	Specific planning Officers	
s.198(1)	Function to receive application for planning certificate.	Specific Planning Officers	
s.199(1)	Duty to give planning certificate to applicant.	Specific Planning Officers	
s.201(1)	Function of receiving application for declaration of underlying zoning.	Specific Planning Officers	
s.201(3)	Duty to make declaration.	Specific Planning Officers	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to make a decision relating to the conduct of a mediation before VCAT, including a decision to settle the mediation.	Specific Planning Officers	<ol style="list-style-type: none"> 1. Where Council is a party to a mediation before VCAT. 2. If the matter has previously been subject to a determination by Council or Delegated Planning Committee, can only be exercised if, in the opinion of DPIGD, MStatP, MTP or SupP the matter being mediated is of a minor nature and the intent of the Council's or Delegated Planning Committee's decision is not compromised; or 3. If the matter has previously subject to a determination by a planning officer under delegation from Council, can only be exercised under direction of DPIGD, MStatP, MTP or SupP if the decision to settle the mediation involves a power, duty or function under the <i>Planning and Environment Act 1987</i> that has not been delegated to the delegate.
-	Determine that a matter be considered at a mediation before VCAT.	CStratP DPIGD MStatP MTP SupP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to decide, in relation to any planning scheme or permit that a specified thing has or has not been done to the satisfaction of Council.	Specific Planning Officers	
-	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of consent.	Specific Planning Officers	
-	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit.	Specific Planning Officers	
-	Power to give written authorisation in accordance with a provision of a planning scheme.	Specific Planning Officers	
s.201UAB(1)	Function of providing the Growth Areas Authority with information relating to any land within municipal district.	D PTCD MTP MStatP SupP	
s.201UAB(2)	Function to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible.	D PTCD MTP MStatP SupP	

PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.6	Duty of responsible authority to provide copy of matter considered under s.60(1A)(g) for inspection free of charge.	Specific Planning Officers	
r. 8	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.22	Power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under s.54 of the Act.	Specific Planning Officers	
r.40	Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.55	Duty of responsible authority to tell Registrar of Titles under s.183 of the Act of the cancellation or amendment of an agreement.	Specific Planning Officers	

PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2013 (THESE REGULATIONS EXPIRE ON 18 OCTOBER 2014).			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	— CStatP — DCD — MStatP MTP	
r.17	Power to waive or rebate a fee relating to an amendment of a planning scheme.	— CStatP — DCD — MStatP MTP	
r.18	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or r.17.	— CStatP — DCD — MStatP MTP	

<u>PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014</u>			
<u>(THESE REGULATIONS EXPIRE ON 16 OCTOBER 2015)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS AND LIMITATIONS</u>
<u>r.16</u>	<u>Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.</u>	<u>CStatP</u> <u>DPT</u> <u>MStatP</u>	
<u>r.17</u>	<u>Power to waive or rebate a fee relating to an amendment of a planning scheme.</u>	<u>CStatP</u> <u>DPT</u> <u>MStatP</u>	
<u>r.18</u>	<u>Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or r.17.</u>	<u>CStatP</u> <u>DPT</u> <u>MStatP</u>	

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
13 – 19.03, 21-22.04-4, 31 - 37, 41, 42.02, 42.03, 43.01, 45.01, 45.03, 45.06, 51, 52.04, 52.05, 52.06-2 – 52.06-5, 52.07-52.27, 52.29-52.30, 54-55, 61-64, 67	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
43.04-3	<ul style="list-style-type: none"> Power to allow a Development Plan to be prepared and implemented in stages. Power to amend a Development Plan. 	Not delegated	Power can only be exercised by Delegated Planning Committee or Council.
52.01 – 52.02, 56, 65, 66	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions.	Specific Planning Officers	Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the <i>Planning and Environment Act</i> 1987 or regulations under that Act.
52.06-1	<ul style="list-style-type: none"> Power to reduce or waive car parking. Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at Clause 52.06-5. 	Specific Planning Officers	<p>The power to reduce or waive car parking specified in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.</p> <p>An application involving a reduction of more than ten car spaces may only be determined by DPTCD, or MStatP or MTP.</p>
52.28	Power to grant permit for gaming machines.	Not delegated	Can only be exercised by Delegated Planning Committee or Council

GLEN EIRA PLANNING SCHEME			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
19.04, 43.04-1, 52.03	Exercise Council's powers, discretions and authorities, carry out Council's duties and perform Council's functions in relation to brothel and Sexually Explicit Adult Entertainment Venue applications, development plan approvals, specific sites and exclusions.	Not delegated	Can only be exercised by Delegated Planning Committee or Council

“B”

Glen Eira City Council

S6 Instrument of Delegation

to

Members of Council Staff –

Domestic Animals Act 1994, Heritage Act 1995, Rail Safety Act 2006, Residential Tenancies Act 1997, Environment Protection Act 1970 and Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010

Glen Eira City Council

INSTRUMENT OF DELEGATION

Members of Council Staff

In exercise of the power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that a reference in the Schedule to:

'DAF' means Director Assets and Facilities;
 'DCDPT' means Director ~~City Development~~ Planning and Transport;
 'EHO' means Environmental Health Officer;
 'MBP' means Manager Buildings & Properties;
 'MBCC' means Manager Building & Civic Compliance;
 'MIA' means Manager Infrastructure Assets;
 'MOCC' means Manager Operations, Civic Compliance;
 'MPH' means Manager Public Health;
~~'MTP' means Manager Town Planning and Transport;~~
~~'MStatP' means Manager Statutory Planning;~~
 'SEHO' means Senior Environmental Health Officer; and
 'TLEH' means Team Leader Environmental Health.

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~4~~3 February 201~~5~~4; and

- 3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is
 affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy adopted by Council; or:

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
Council was affixed hereto in)
the presence of:)

.....Councillor

.....Chief Executive Officer

1
SCHEDULE

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41A(1)	Power to declare a dog to be a menacing dog.	MBCC MOCC	Council may delegate this power to an authorised officer.

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.53M(3)	Power to require further information.	EHO MPH SEHO TLEH	
s.53M(4)	Duty to advise applicant that application is not to be dealt with.	EHO MPH SEHO TLEH	
s.53M(5)	Duty to approve plans, issue permit or refuse permit.	EHO MPH SEHO TLEH	Refusal must be ratified by Council or it is of no effect.
s.53M(6)	Power to refuse to issue septic tank permit.	EHO MPH SEHO TLEH	Refusal must be ratified by Council or it is of no effect.

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c).	MPH SEHO TLEH	Refusal must be ratified by Council or it is of no effect.

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	Power to sub-delegate Executive Director's functions.	DPTCD	Must obtain Executive Director's written consent first.

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	Duty to comply with a direction of the Safety Director under this section.	DAF MIA	Duty of Council as a utility under s.3.
s.33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section.	DAF MIA	Duty of Council as a road authority under the <i>Road Management Act 2004</i> .
s.34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1).	DAF MIA	Duty of Council as a utility under s.3.
s.34C(2)	Function of entering into safety interface agreements with rail infrastructure manager.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34D(2)	Function of receiving written notice of opinion.	DAF MIA	Where Council is the relevant road authority.

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34D(4)	Function of entering into safety interface agreement with infrastructure manager.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34E(1)(a)	Duty to identify and assess risks to safety.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in section.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s.34D(2)(a).	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s.34D(2)(a).	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34H	Power to identify and assess risks to safety as required under s.34B, s.34C, s.34D, s.34E or s.34F in accordance with subsections (a)-(c)	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34I	Function of entering into safety interface agreements.	DAF MIA MTP <u>MStatP</u>	Where Council is the relevant road authority.
s.34J(2)	Function of receiving notice from Safety Director.	DAF MIA	Where Council is the relevant road authority.
s.34J(7)	Duty to comply with a direction of the Safety Director given under s.34J(5).	DAF MIA	Where Council is the relevant road authority.

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34K(2)	Duty to maintain a register of items set out in subsections (a)-(b).	DAF MIA	Where Council is the relevant road authority.

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	Function of receiving notice regarding an unregistered rooming house.	EHO MBCC MPH SEHO TLEH	
s.142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district.	EHO MBCC MPH SEHO TLEH	
s.142G(2)	Power to enter certain information in the Rooming House Register.	EHO MBCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142GI(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry.	EHO MBCC MPH SEHO TLEH	
s.252	Power to give tenant a notice to vacate rented premises if subsection (1) applies.	MBP	Where Council is the landlord.
s.262(1)	Power to give tenant a notice to vacate rented premises.	MBP	Where Council is the landlord.
s.262(3)	Power to publish its criteria for eligibility for the provision of housing by Council.	MBP	
s.518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements.	MBCC	
s.522(1)	Power to give a compliance notice to a person.	MBCC	
s.525(2)	Power to authorise an officer to exercise powers in s.526 (either generally or in a particular case).	MBCC	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.525(4)	Duty to issue identity card to authorised officers.	MBCC	
s.526(5)	Duty to keep record of entry by authorised officer under s.526.	MBCC	
s.526A(3)	Function of receiving report of inspection.	MBCC	
s.527	Power to authorise a person to institute proceedings (either generally or in a particular case).	MBCC	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	Function of entering into a written agreement with a caravan park owner.	MBCC MPH SEHO TLEH	
r.11	Function of receiving application for registration.	EHO MBCC MOCC MPH SEHO TLEH	
r.13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations.	EHO MBCC MOCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations.	MBCC MOCC MPH SEHO TLEH	
<u>r.13(2)</u>	<u>Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations</u>	<u>MBCC</u> <u>MOCC</u> <u>MPH</u> <u>SEHO</u> <u>TLEH</u>	
r.13(4) and 13(5)	Duty to issue a certificate of registration.	MBCC MOCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15(1)	Function of receiving notice of transfer of ownership.	EHO MBCC MOCC MPH SEHO TLEH	
r.15(3)	Power to determine where notice of transfer is displayed.	EHO MBCC MOCC MPH SEHO TLEH	
r.16(1)	Duty to transfer registration to new caravan park owner.	EHO MBCC MOCC MPH SEHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		TLEH	
r.16(2)	Duty to issue certificate of transfer of registration.	MBCC MOCC MPH SEHO TLEH	
r.17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration.	EHO MBCC MPH SEHO TLEH	
r.18	Duty to keep register of caravan parks.	MBCC MOCC MPH SEHO TLEH	
r.19(4)	Power to determine where the emergency contact person's details are	EHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	displayed.	MBCC MOCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(6)	Power to determine where certain information is displayed.	EHO MBCC MOCC MPH SEHO TLEH	
r.22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner.	MBCC MOCC	
r.22A(2)	Duty to consult with relevant emergency services agencies.	MBCC MOCC	
r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures.	EHO MBCC MOCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings.	EHO MBCC MOCC MPH SEHO TLEH	
r.25(3)	Duty to consult with relevant floodplain management authority.	EHO MBCC MOCC MPH SEHO TLEH	
r.26	Duty to have regard to any report of the relevant fire authority.	EHO MBCC MOCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a moveable dwelling.	EHO MPH SEHO TLEH	
r.39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe.	EHO MBCC MOCC MPH SEHO TLEH	
r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe.	EHO MBCC MOCC MPH SEHO TLEH	
r.40(4)	Function of receiving installation certificate.	EHO MBCC MOCC MPH SEHO TLEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling.	EHO MBCC MOCC MPH SEHO TLEH	
Schedule 3 Clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling.	EHO MBCC MOCC MPH SEHO TLEH	

“C”

Glen Eira City Council

S6 Instrument of Delegation

to

Members of Council Staff – *Road Management Act 2004*

Glen Eira City Council

INSTRUMENT OF DELEGATION

Members of Council Staff

In exercise of the powers conferred by section 118(1) of the *Road Management Act* 2004 and section 98(1) of the *Local Government Act* 1989, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:
 - 'DAF' means Director Assets and Facilities;
 - '~~DPT CD~~' means Director ~~City Development Planning and Transport~~;
 - 'GMMPIR' means Group Manager Major Projects and Infrastructure Renewal;
 - 'MBCC' means Manager Building and Civic Compliance;
 - 'MOCC' means Manager Operations Civic Compliance
 - 'MW' means Manager Works;
 - 'MS' means Manager Sustainability;
 - 'MIA' means Manager Infrastructure Assets; and
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~3~~⁴ February 201~~5~~⁴; and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy adopted by Council; or:
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise, or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The seal of Glen Eira City)
 Council was affixed hereto in)
 the presence of:)

..... Councillor

..... Chief Executive Officer

SCHEDULE

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(1)	Power to declare a road by publishing a notice in the Government Gazette.	Not delegated	Obtain consent in circumstances specified in section 11(2).
s11(8)	Power to name a road or change the name of a road by publishing a notice in Government Gazette.	Not delegated	
s11(9)(b)	Duty to advise Registrar.	DAF	
s11(10)	Duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DAF	Clause subject to section 11(10A).
s11(10A)	Duty to inform Secretary to Department of Sustainability and Environment or nominated person.	DAF	Duty of coordinating road authority
s12(2)	Power to discontinue road or part of a road.	DAF	Duty of coordinating road authority.
s12(4)	Power to publish, and provide copy, notice of proposed discontinuance.	DAF	Power of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s12(5)	Duty to consider written submissions received within 28 days of notice.	DAF	Duty of coordinating road authority Where it is the discontinuing body. Unless subsection (11) applies.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	Function of hearing a person in support of their written submission.	DAF	Function of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(7)	Duty to fix day, time and place of meeting under subsection (6) and to give notice.	DAF	Duty of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(10)	Duty to notify of decision made.	DAF	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister.
s.13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette.	DAF	Power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate.
s.14(4)	Function of receiving notice from VicRoads.	DAF	
s.14(7)	Power to appeal against decision of VicRoads.	DAF	
s.15(1)	Power to enter into arrangement with another road authority or utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport.	DAF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	DAF	
s.15(2)	Duty to include details of arrangement in public roads register.	DAF MIA	
s.16(7)	Power to enter into an arrangement under s.15.	DAF	
s.16(8)	Duty to enter details of determination in public roads register.	DAF	
s.17(2)	Duty to register public road in public roads register.	DAF MIA	Duty of coordinating road authority.
s.17(3)	Power to decide that a road is reasonably required for general public use.	DAF DCDDPT	Power of coordinating road authority.
s.17(3)	Duty to register a road reasonably required for general public use in public roads register.	DAF MIA	Duty of coordinating road authority.
s.17(4)	Power to decide that a road is no longer reasonably required for general public use.	DAF DCDDPT	Power of coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(4)	Duty to remove road no longer reasonably required for general public use from public roads register.	DAF	Duty of coordinating road authority.
s.18(1)	Power to designate ancillary area.	DAF	Power of coordinating road authority, and obtain consent in circumstances specified in s.18(2).
s.18(3)	Duty to record designation in public roads register.	DAF	Duty of coordinating road authority.
s.19(1)	Duty to keep register of public roads in respect of which Council is the coordinating road authority.	DAF MIA	
s.19(4)	Duty to specify details of discontinuance in public roads register.	DAF	
s.19(5)	Duty to ensure public roads register is available for public inspection.	DAF MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	Function of replying to request for information or advice.	DAF	Obtain consent in circumstances specified in s.11(2).
s.22(2)	Function of commenting on proposed direction.	DAF	
s.22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DAF MIA	
s.22(5)	Duty to give effect to a direction under this section.	DAF MIA	
s.40(1)	Duty to inspect, maintain and repair a public road.	DAF MW	
s.40(5)	Power to inspect, maintain and repair a road which is not a public road.	DAF MW MIA MS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DAF MW GMMPIR MIA	
s.42(1)	Power to declare a public road as a controlled access road.	Not delegated	Power of coordinating road authority and Schedule 2 also applies
s.42(2)	Power to amend or revoke declaration by notice published in Government Gazette.	DAF	Power of coordinating road authority and Schedule 2 also applies.
s.42A(3)	Duty to consult with VicRoads before road is specified.	DAF	Where Council is coordinating road authority. If road is a municipal road or part thereof.
s.42A(4)	Power to approve Minister's decision to specify a road as a specified freight road.	DAF	Where Council is coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road.
s.48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport).	DAF	Where Council is the responsible road authority, infrastructure manager or works manager.
s.48M(3)	Function of consulting with the Secretary for purposes of developing guidelines under s.48M.	DAF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.48N	Duty to notify the Secretary of the location of the bus stopping point and action taken by Council.	DAF MIA	
s.49	Power to develop and publish a road management plan.	DAF	
s.51	Power to determine standards by incorporating the standards in a road management plan.	DAF	
s.53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan.	DAF	
s.54(2)	Duty to give notice of proposal to make a road management plan.	DAF	
s.54(5)	Duty to conduct a review of road management plan at prescribed intervals in accordance with the regulations.	DAF	
s.54(6)	Power to amend road management plan in accordance with the regulations.	DAF	
s.54(7)	Duty to incorporate the amendments into the road management plan.	DAF MIA	
s.55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper.	DAF	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	Power to consent to conduct of works on road.	DAF DCDDPT MIA MBCC MOCC	Where Council is the coordinating road authority.
s.63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency.	DAF DCDDPT MIA MW	Where Council is the infrastructure manager.
s.64(1)	Duty to comply with clause 13 of Schedule 7.	DAF DCDDPT MIA MW	Where Council is the infrastructure manager or works manager.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	Power to consent to structure etc.	DAF DCDDPT MIA MW MBCC MOCC	Where Council is the coordinating road authority.
s.67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill.	DAF DCDDPT MIA MW MBCC MOCC	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.67(3)	Power to request information.	DAF DCDDPT MIA MW MBCC MOCC	Where Council is the coordinating road authority.
s.68(2)	Power to request information.	DAF DCDDPT MIA MW	Where Council is the coordinating road authority.
s.71(3)	Power to appoint an authorised officer.	DAF DCDDPT	
s.72	Duty to issue an identity card to each authorised. officer	DAF DCDDPT	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.85	Function of receiving report from authorised officer.	DAF DCDDPT MIA MW MS	
s.86	Duty to keep register re s.85 matters.	DAF DCDDPT MW MS	
s.87(1)	Function of receiving complaints.	DAF DCDDPT MW MS MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(2)	Duty to investigate complaint and provide report.	DAF DCDDPT MIA MW MS	
s.96(1)	Power to authorise institution of legal proceedings.	DAF DCDDPT MBCC	
s.112(2)	Power to recover damages in court.	DAF DCDDPT	
s.116	Power to cause or carry out inspection.	DAF DCDDPT MW MS	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.119(2)	Function of consulting with VicRoads.	DAF DCDDPT MW MIA	
s.120(1)	Power to exercise road management functions on arterial road (with the consent of VicRoads).	DAF MIA MW GMMPIR	
s.120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s.120(1).	DAF DCDDPT MW	
s.121(1)	Power to enter into an agreement in respect of works.	DAF DCDDPT MW	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.122(1)	Power to charge and recover fees.	DAF DCDDPT MBCC MW MIA	
s.123(1)	Power to charge for any service.	DAF DCDDPT MW	
Schedule 2 Clause 2(1)	Power to make a decision in respect of controlled access roads.	DAF DCDDPT	
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads.	Not delegated	
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	Not delegated	
Schedule 2 Clause 4	Function of receiving details of proposal from VicRoads.	DAF DCDDPT	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 5	Duty to publish notice of declaration.	DAF DCDDPT	
Schedule 7 Clause 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve.	DAF DCDDPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road.	DAF DCDDPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works.	DAF DCDDPT MW	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.
Schedule 7 Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.	DAF DCDDPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7	Where Schedule 7 clause 10(1) applies, duty to, Where	DAF	Where Council is the infrastructure manager or

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 10(2)	possible, conduct appropriate consultation with persons likely to be significantly affected.	DCDDPT MW	works manager.
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works.	DAF DCDDPT MW MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed.	DAF DCDDPT MW MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 12(4)	Duty to ensure that works are conducted by an appropriately qualified person.	DAF DCDDPT MW MIA	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(5)	Power to recover costs.	DAF DCDDPT MW MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2).	DAF DCDDPT MW MIA	Where Council is the works manager.
Schedule 7 Clause 13(2)	Power to vary notice period.	DAF DCDDPT MW	Where Council is the coordinating road authority.
Schedule 7 Clause 13(3)	Duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1).	DAF DCDDPT MW	Where Council is the infrastructure manager.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(1)	Power to consent to proposed works.	DAF DCDDPT MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 16(4)	Duty to consult.	DAF DCDDPT MIA	Where Council is the coordinating road authority, responsible authority or infrastructure manager.
Schedule 7 Clause 16(5)	Power to consent to proposed works.	DAF DCDDPT MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent.	DAF DCDDPT	Where Council is the coordinating road authority.
Schedule 7 Clause 16(8)	Power to include consents and conditions.	DAF DCDDPT	Where Council is the coordinating road authority.
Schedule 7 Clause 17(2)	Power to refuse to give consent and duty to give reasons for refusal.	DAF DCDDPT	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 18(1)	Power to enter into an agreement.	DAF	Where Council is the coordinating road authority.
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works.	DAF DCDDPT	Where Council is the coordinating road authority.
Schedule 7 Clause 19(2) and (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred.	DAF DCDDPT	Where Council is the coordinating road authority.
Schedule 7 Clause 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure.	DAF DCDDPT MIA	Where Council is the coordinating road authority.
Schedule 7A Clause 2	Power to cause street lights to be installed on roads.	DAF DCDDPT MIA	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
Schedule 7A Clause 3(1)(d)	Power to pay installation and operation costs of street lighting – where road is not an arterial road.	DAF MIA	Where Council is the responsible road authority.
Schedule 7A Clause 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.	DAF MIA	Where Council is the responsible road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 3(1)(f)	Duty to pay installation and percentage of operation Costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4.	DAF MIA	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs).

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	Duty to conduct reviews of road management plan.	DAF	
r.302(1)	Duty to ensure that standards and priorities in road management plan are appropriate.	DAF	
r.302(2)	Duty to give public notice of review of road management plan and publish such notice.	DAF	
r.302(5)	Duty to produce a written report on a review and make the report available.	DAF	
r.303	Duty to give notice of an amendment which relates to standard of construction, inspection, maintenance or repair under s.41 of the Act.	DAF	
r.306(2)	Duty to record on its road management plan details of an amendment.	DAF	
r.501(1)	Power to issue permit.	DAF MIA DCDDPT MBCC MOCC	Where Council is the coordinating road authority.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.501(4)	Power to charge fee for issuing a permit under r.501(1).	DAF MIA DCDDPT MBCC MOCC	Where Council is the coordinating road authority.
r.503(1)	Power to give written consent to person to drive on road a vehicle which is likely to cause damage to road.	DAF	Where Council is the coordinating road authority.
r.508(1)	Duty to consider certain matters when considering giving consent to structure, etc. under s.66(1).	DAF DCDDPT MIA MBCC MOCC	
r.508(3)	Power to make submissions to Tribunal.	DCDDPT MBCC	Where Council is the coordinating road authority.
r.509(1)	Power to remove object, refuse, rubbish or other material left on road	DAF DCDDPT	Where Council is the coordinating road authority.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MS MIA MW MBCC MOCC	
r.509(2)	Power to sell or destroy things removed from road or part of road (after first complying with r.509(3).	DAF DCDDPT	Where Council is the coordinating road authority.
r.509(4)	Power to recover in Magistrates' Court expenses incurred from person responsible.	DAF	

ROADS MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	Power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works.	DAF	Where Council is the coordinating road authority and consent given under s.63(1) of the Act.
r.18(2)	Power to waive whole or part of fee in certain circumstances.	DAF	Where Council is the coordinating road authority.

“D”

Glen Eira City Council

INSTRUMENT OF DELEGATION

Delegated Planning Committee (DPC)

Glen Eira City Council (“Council”) delegates to the committee established by resolution of Council passed on 20 September 2011 and known as the **Delegated Planning Committee** (“Committee”), the powers, discretions and authorities set out in the Schedule and declares that:

1. This Instrument of Delegation is authorised by a resolution of Council passed on ~~12 3 August~~ February 201~~5~~4.
2. The delegation:
 - 2.1 comes into force immediately the Common Seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts.
3. The purposes of the Committee are set out in the Schedule.
4. There be delegated to the Committee the powers, duties and functions set out in the attached Schedule.
5. The Committee is required to meet at a time and place determined by it or if not determined by it, as determined by the Chairperson.
6. The Chairperson of the Committee is the person occupying the position of Director ~~of City Planning and Transport Development or Manager Town Planning and Transport~~ or Manager Statutory Planning ~~or in his/her absence~~ the person acting in either of those positions.
7. If the Chairperson nominated in preceding clause 6 is absent from a meeting of the Committee, the members will appoint a Chairperson for that meeting.
8. A quorum of the Committee is two members.
9. All members of the Committee have voting rights.
10. The Committee shall reach all decisions by way of majority of votes in accordance with the following rules:
 - 10.1 each member of the Committee present must vote;
 - 10.2 each member of the Committee is entitled to one vote; and
 - 10.3 if there is an equality of votes the Chairperson shall be entitled to a second vote.

11. Each member must disclose at the commencement of each meeting of the Committee any conflict of interest regarding any items appearing on the agenda.
12. If any member of the Committee has a conflict of interest in any item of business arising before the Committee, that member must, whilst the matter is being considered or any vote is being taken in relation to the matter, leave the room and notify the Chairperson that he or she is doing so and must remain outside the room or other area in view or hearing of the room until notified that he or she may return.
13. The members of the Committee are:
 - 13.1 Chief Executive Officer;
 - 13.2 Director ~~City Development Planning and Transport;~~
~~Manager Town Planning and Transport;~~
 - 13.3 Coordinator Strategic Planning;
 - 13.4 Manager Building and Civic Compliance;
 - 13.5 Manager Parking and Prosecutions;
 - 13.6 Manager Statutory Planning;
 - 13.7 Manager Operations Civic Compliance;
 - 13.8 Strategic Planner;
 - 13.9 Subdivision Planner;
 - 13.10 Supervising Planner (VCAT);
 - 13.11 Urban Designer;
 - 13.12 Coordinator Planning and Building Enforcement;
 - 13.13 Planning Enforcement Officer; and
 - 13.14 Coordinator Statutory Planning.

The seal of the Glen Eira City Council)
was affixed hereto in the presence of:)

_____ Councillor

_____ Chief Executive Officer

Delegated Planning Committee

SCHEDULE

Powers and functions

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council.

Purpose

To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Exercise any of Council's powers, discretions and authorities if in the opinion of the Director ~~City Planning and Transport Development~~ or ~~Manager Statutory Planning Manager Town Planning and Transport~~:
 - 1.1 There has been significant objection/s in terms of substance or number received to an application, amendment or any other matter;
 - 1.2 An application including amending plans for an application or permit constitutes a significant departure from policy;
 - 1.3 The application, planning scheme amendment or any other matter should be dealt with by Council because of its significance or nature.
2. Exercise any of Council's powers, discretions or authorities if in the opinion of the Committee the exercising of the power, discretion or authority should be decided by Council.
3. Exercise the powers which, under Section 188 of the *Planning and Environment Act 1987*, cannot be delegated to the Committee.

Item 9.16**ECO-BUY PROGRAM**

**Enquiries: Peter Swabey
Chief Financial Officer**

1. Purpose

To report on Council's participation in the ECO-Buy program in 2013-14.

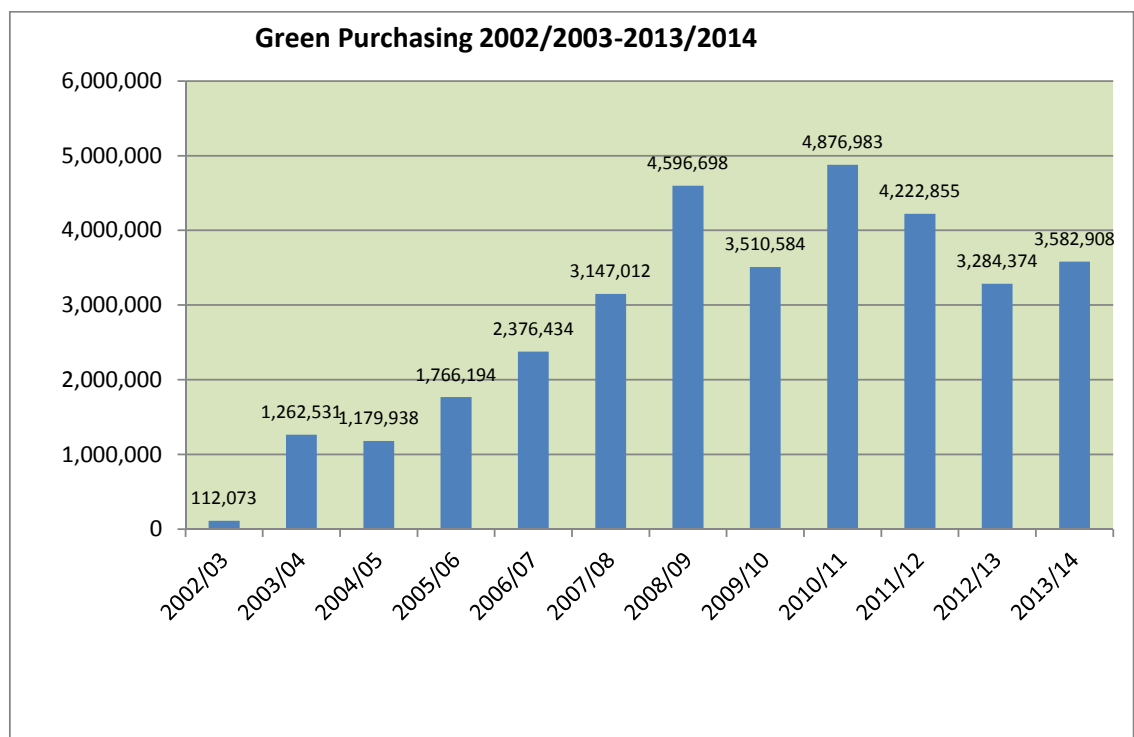
2. Community Plan

- *Theme 7 – Sustainable community assets and infrastructure.*

3. ECO-Buy Report – 2013-14

As a member of the ECO-Buy program, one of Council's responsibilities is to report on expenditure of environmentally friendly products and services at the end of each financial year.

An interim report was provided to Council on 2 September 2014, showing Council's progress since 2002-03 (refer graph below).



The 2013-14 year saw a total spend of \$3,582,908 compared with \$3,284,374 in 2012-13, an increase of 9%.

Item 9.16 (cont'd)

Although the “Greenhouse” category in the report saw a reduction in expenditure in 2013-14 compared to 2012-13 due to the street lighting upgrade, this was more than offset by the substantial increase in spend in 2013-14 in the “Re-Cycled” and “Green Services” categories. The main items purchased in the “Recycled” category were mobile garbage bins and environmentally sustainable printing services in the “Green Services” category.

It is common for variations or spikes to occur between different reporting periods due to one-off or periodic purchases.

ECO-Buy have advised that Glen Eira’s green expenditure in 2013-14 was above the average Local Government and metropolitan Council average green spend of the reporting Councils.

Some examples of environmentally friendly products purchased in 2013-14 are:

Crushed rock; garbage and recycling bins; organic fertilisers; energy saving street lights; recycled crushed concrete; asphalt; drought resistant plants; green energy; watering systems; printing services and copy paper.

In December 2012, ECO-Buy advised of a merger with a commercial enterprise known as “Netbalance”, also a sustainability organisation. On 18 September 2014, ECO-Buy advised that Ernst & Young acquired “Netbalance” and that the ECO-Buy arm would continue to operate as a not-for-profit, separate, independent company limited by guarantee.

Council’s Purchasing Manager is monitoring the progress of ECO-Buy under the new structure.

4. Recommendation

That the report be noted.

Crs Sounness/Pilling

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Item 9.17**FOUNDATION FOR YOUTH EXCELLENCE
COMMITTEE GRANT APPLICATIONS****Enquiries: Paul Burke
Director Community Relations****1. Proposal**

To seek Council agreement to the attached recommendations in respect of grant applications made to the Foundation for Youth Excellence and to authorise the nominated payments.

2. Recommendation

That Council;

- a. Agree the recommendations contained in the attached document.
- b. Authorise the nominated payments in the documents.

Crs Hyams/Okotel

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Item 9.17 (cont'd)**FOUNDATION FOR YOUTH EXCELLENCE GRANTS****Background**

The Foundation for Youth Excellence is a Glen Eira City Council program, which recognises young people who have achieved excellence in the fields of creative and performing arts, education, leadership or sport. Grants are awarded to young people who aim to achieve further success in their chosen field.

Young people aged between 10 and 25 (inclusive), living in the City of Glen Eira who are competing or performing at state, national or international level in creative and performing arts, education, leadership or sport activities, are eligible to apply.

Selection Criteria

Categories cover Creative and Performing Arts, Education, Leadership and Sport. Within these categories are three levels upon which grant amounts are decided. These levels are State, National and International competition.

STATE:	Up to \$360
NATIONAL:	Up to \$600.00
INTERNATIONAL:	Up to \$1,200.00

Applicants are required to provide the following as part of the set guidelines for the Foundation:

- A letter outlining the significance of the nominated event as recognised by a state, national or international body, including the impact that this event will have on the applicant with a view to enhance their chosen pursuit;
- The individuals state, national and or international ranking;
- Evidence of potential to achieve success at national and or international level;
- Evidence from the organisational body outlining how the applicant was chosen for the event and the selection criteria used to make this decision;
- An indication of the number of training / study hours per week, or additional documents that supports their application.

BAHN, Hannah

Category: Sport

Level: National

Applicant selected to represent the under 17's girl Victorian Softball team at the National Softball Championships in Hawker, ACT.

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

Item 9.17 (cont'd)**HRONOPOULOS, Kiara**

Category: Sport

Level: State

Applicant selected to represent Victoria in the under 12's School Sport Victorian Football Team (soccer) at the School Sport Australian Football Championships in Bendigo, VIC.

Recommendation: \$360

Funding to contribute towards registration and competition expenses.

KAH, Joshua

Category: Sport

Level: State

Applicant selected to compete in Australian Open Short Track Speed Skating Championships at Medibank Icehouse in Melbourne, VIC

Recommendation: \$360

Funding to contribute towards registration and competition expenses

PIPER, Jennifer

Category: Sport

Level: National

Applicant selected to represent Victorian under 14's girl team at the Australian Indoor Netball Junior National Championships in Perth, WA.

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

PRICE, Jemima

Category: Sport

Level: National

Applicant selected to represent Victorian under 14's girl team at the Australian Indoor Netball Junior National Championships in Perth, WA.

Recommendation: \$600

Funding to contribute towards registration and competition costs

WHITTLE, Georgie

Category: Sport

Level: National

Applicant selected to represent Victorian under 14's girl team at the Australian Indoor Netball Junior National Championships in Perth, WA.

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

Item 9.17 (cont'd)**SHARP, Will**

Category: Sport

Level: National

Applicant selected to represent Victoria in the School Sport Victorian under 12 boy's State Track and Field at the School Sport Australia Track and Field Championships team in Penguin, TAS.

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

Item 9.18

**GLEN EIRA CITY COUNCIL
FINANCIAL REPORT
FOR THE PERIOD ENDING 31 DECEMBER 2014**

**File No:
Enquiries: Peter Swabey
Chief Financial Officer**

1. Proposal

To receive the Financial Report for the period ending 31 December 2014.

2. Corporate Goal***Theme 4: Governance***

To deliver strong local leadership and governance in an open and responsible manner in the best interests of the community.

Key Points

- The positive operating result year to date is higher than was anticipated when the annual budget was set.
- The balance sheet position is sound.
- The cash position is sound.

3. Liquidity

Over the last few years, Council has fully utilised cash reserves by investing heavily in capital works projects. It is forecasted that Council's adjusted liquidity ratio (i.e. the level of current assets the Council has available to meet its current liabilities which are likely to fall due in the next 12 months) will remain above 1. This ratio has been adjusted for residential aged care deposits. This reflects a need for prudence with cash-flows (refer to page 17).

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5. Recommendation

That the report be received and noted.

Item 9.18 (cont'd)

Crs Lipshutz/Lobo

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Glen Eira City Council Financial Report
Executive Summary
for the period ending 31 December 2014

(a) Current Month Budget Result

At the end of December 2014, the performance against budget from ordinary activities showed a positive variance of \$4.08M due to higher than anticipated revenue of \$3.02M and savings in operating expenditure of \$1.06M (refer to page 14 for details of the variances).

(b) Current Month Forecast Result

The forecast result expected for the financial year is an operating surplus of \$13.49M compared with the original adopted *2014-15 Annual Budget* of \$10.2M.

Please note that any surplus from day-to-day operations is used to accelerate capital works projects. Annual budget to forecast movements to date show an increase in operating revenue of \$3.09M, decrease in operating expenditure of \$135K and a net decrease in non-operational activities \$54K.

(c) Open Space Contributions

Background

Open space contributions are levied on multi-unit property developments in order to fund open space. They are currently levied on a sliding scale depending on various factors such as proximity to open space.

Amendment C120

Council is proposing to levy all open space contributions at a uniform rate of 5.7% (Amendment C120). This rate has been calculated by a body of work drawing on the *Open Space Strategy* approved by Council on 8 April 2014. If this is implemented, all eligible subdivisions (including non-residential subdivisions) will be charged 5.7% and the levy will not be appealable to VCAT. It will result in more money for open space and payable earlier in the process.

On 25 November 2014, Council considered and adopted the Report of the Independent Panel and adopted Amendment C120. Council has requested the Minister of Planning approve Amendment C120.

The effect of Amendment C120, if it had applied to actual open space contributions from 1 July 2014 to 31 December 2014, would have been to increase revenue for open space by \$614,145 (32.9%), as per the amounts shown in the table below.

Description	Actual Contributions for month of December 2014	Contribution based on 5.7% Rate for the month of December 2014	Actual Contributions Year to Date	Contribution based on 5.7% Rate Year to Date
Open Space Monetary Contribution	\$272,288	\$408,291	\$1,866,039	\$2,480,184
Open Space Land Contribution	\$Nil	\$Nil	\$Nil	\$Nil

Glen Eira City Council Financial Report
Executive Summary
for the period ending 31 December 2014

Open Space Reserve

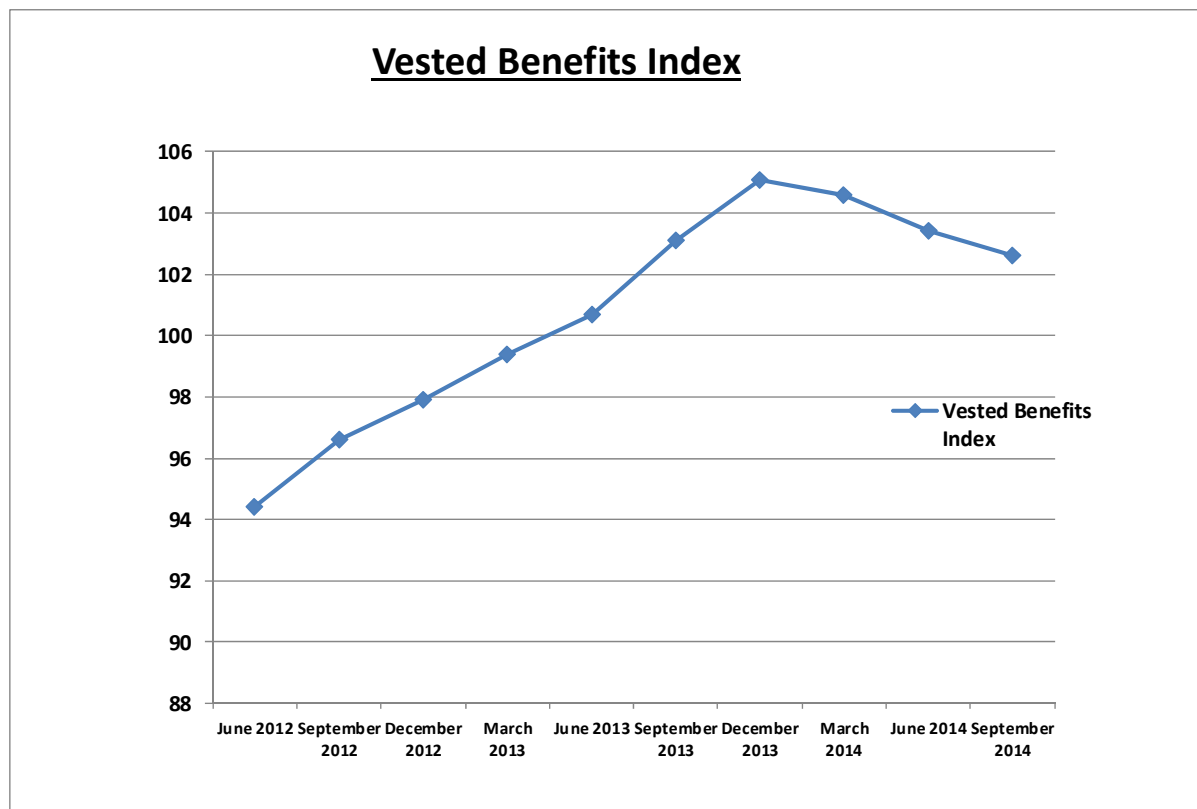
The balance of the Open Space Reserve as at 31 December 2014 is as follows:

Description	Amount
Opening Balance as at 1 July 2014	\$2,482,802
<u>Add:</u> Open Space Contributions received to date	\$1,866,039
<u>Less:</u> Open Space Capital Expenditure:	(\$722,232)
Closing Balance as at 31 December 2014	\$3,626,609

Please note the majority of the Open Space Reserve funds are earmarked to be spent on the Glen Huntly Reservoir Site Redevelopment.

(d) Superannuation – Defined Benefits Scheme – Vested Benefits Index ('VBI')

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day. For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. Below is the estimated VBI since 30 June 2012:



Glen Eira City Council Financial Report
Executive Summary
for the period ending 31 December 2014

(e) Forecast adjustments for December 2014

Income from ordinary activities increase of \$570K

The favorable income forecast movement is mainly due to:

- **User Charges and Other Fees increase of \$155K** – mainly due to higher than anticipated income received from GESAC \$90K and Resicare daily accommodation fees \$58K.

Expenditure from ordinary activities increase of \$532K

The unfavorable expenditure forecast movement is mainly due to:

- **Employee Costs unfavourable variance of \$412K** mainly due to the timing of staff recruitment.
- **Contractor Payments increase of \$223K** mainly due to higher than anticipated expenditure for remedial work \$84K, asset management data \$40K, parks landscaping works \$36K, town planning contractors \$33K and parking management \$28K.

(f) Capital Works Program

As at the end of December 2014, total capital works expenditure in 2014-15 is expected to be \$40.26M, represented by:

- New capital projects as per the *2014-15 Annual Budget* \$29.79M
- Capital works funding \$424K
- Carry forward expenditure from the 2013-14 financial year \$7.98M
- Forecast increase year to date \$2.07M.

FINANCIAL STRATEGY

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils based on analysis of the trends in some key financial indicators. At the Glen Eira Council Audit Committee meeting in August 2012, the Auditor-General stated that the financial indicators were just indicators rather than absolutes.

The following 3 pages explain and present the financial sustainability risks for Councils in 2012-13.

Risk assessment criteria for financial sustainability indicators




Risk	Underlying result	Liquidity	Indebtedness	Self-financing	Capital replacement	Renewal gap
High	Negative 10% or less Insufficient revenue is being generated to fund operations and asset renewal.	Equal to or less than 1.0 Insufficient current assets to cover liabilities.	More than 60% Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 10% Insufficient cash from operations to fund new assets and asset renewal.	Equal to or less than 1.0 Spending on capital works has not kept pace with consumption of assets.	Equal to or less than 0.5 Spending on existing assets has not kept pace with consumption of these assets.
Medium	Negative 10% to zero A risk of long-term run-down to cash reserves and inability to fund asset renewals.	1.0–1.5 Need for caution with cash flow, as issues could arise with meeting obligations as they fall due.	40–60% Some concern over the ability to repay debt from own-source revenue.	10–20% May not be generating sufficient cash from operations to fund new assets.	1.0–1.5 May indicate spending on asset renewal is insufficient.	0.5–1.0 May indicate insufficient spending on renewal of existing assets.
Low	More than zero Generating surpluses consistently.	More than 1.5 No immediate issues with repaying short-term liabilities as they fall due.	40% or less No concern over the ability to repay debt from own-source revenue.	20% or more Generating enough cash from operations to fund assets.	More than 1.5 Low risk of insufficient spending on asset renewal.	More than 1.0 Low risk of insufficient spending on asset base.

Source: Victorian Auditor-General's Office.

FINANCIAL STRATEGY (continued)

The overall financial sustainability risk assessment is calculated using the ratings determined for each indicator.




Overall financial sustainability risk assessment

	High risk of short-term and immediate sustainability concerns indicated by either: <ul style="list-style-type: none">• red underlying result indicator or• red liquidity indicator.
	Medium risk of longer-term sustainability concerns indicated by either: <ul style="list-style-type: none">• red self-financing indicator or• red indebtedness indicator or• red capital replacement indicator or• red renewal gap indicator.
	Low risk of financial sustainability concerns—there are no high-risk indicators.

Source: Victorian Auditor-General's Office.

A trend analysis uses actual figures for the previous five years and a trend analysis using forecast figures for the following three years. The sustainability indicators are colour coded in line with the risk assessment criteria. The legend is used in presenting the results of our assessments.

Legend for financial sustainability tables

	Downward trend
	No substantial trend
	Upward trend
<i>Source:</i> Victorian Auditor-General's Office.	

FINANCIAL STRATEGY (continued)

Financial sustainability risk assessment results 2012–13

Inner metropolitan councils	Underlying result (%)	Liquidity (ratio)	Indebtedness (%)	Self-financing (%)	Capital replacement (ratio)	Renewal gap (ratio)	Sustainability assessment
Banyule City Council	5.32	2.80	32.82	10.63	1.90	1.55	●
Bayside City Council	8.26	1.86	15.47	23.74	1.51	0.86	●
Boroondara City Council	7.90	1.45	33.01	28.73	2.07	1.78	●
Darebin City Council	5.39	1.80	1.10	9.31	1.21	1.02	●
Glen Eira City Council	8.22	1.17	22.74	23.60	2.33	1.82	●
Hobsons Bay City Council	6.38	1.22	10.10	25.80	1.51	1.32	●
Kingston City Council	7.31	1.66	14.97	25.81	1.66	1.36	●
Maribyrnong City Council	2.01	2.90	6.35	13.11	1.19	1.19	●
Maroondah City Council	3.16	2.60	1.24	17.20	1.28	0.80	●
Melbourne City Council	2.37	1.63	0.76	20.02	1.71	0.88	●
Monash City Council	-3.31	1.05	10.72	7.13	1.18	0.81	●
Moonee Valley City Council	3.56	1.37	12.03	21.81	1.38	1.00	●
Moreland City Council	3.31	1.39	32.49	21.46	1.47	0.97	●
Port Phillip City Council	2.13	1.71	1.52	17.77	1.43	0.77	●
Stonnington City Council	9.92	2.09	2.95	21.36	1.63	1.40	●
Whitehorse City Council	3.76	1.68	1.71	16.70	1.60	1.15	●
Yarra City Council	3.27	0.96	10.98	20.21	1.22	1.14	●
Category average	4.65	1.73	12.41	19.08	1.55	1.17	●
Category risk assessment	Low	Low	Low	Medium	Low	Low	Low

Source: Victorian Auditor-General's Office.

Glen Eira City Council was assessed as having a low sustainability risk in 2012-13.

FINANCIAL STRATEGY (continued)

Monthly Report Relative to Financial Strategy

		Objective	2014-2015 Annual Budget as at 30 June 2015	2014-2015 Forecast	Comment
a.	One of a Council's most important functions is to renew community infrastructure. This involves not only maintaining assets but renewing and improving assets (e.g. enlarging drains, providing for all abilities and genders in community facilities, providing for all-year-round recreation at GESAC). Inner metro Councils need to be spending significantly more than depreciation if they are to achieve this.	New Works: Depreciation x 125% = \$24.08m	\$30.21m	\$32.28m	Council adopted a capital works program of \$38.21m (includes \$30.21m of new works and carry forwards from 2013-14 of \$8m). The forecast of \$32.28m excludes carry forwards from the 2013-14 financial year.
b.	Councils must make surpluses on their recurrent operations in order to have more money for capital expenditure.	Operating Surplus to be achieved.	Surplus \$10.2m	Surplus \$13.49m	Council's operating forecast has increased due to better than anticipated income and savings in expenditure items.
c.	Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate. <ul style="list-style-type: none">Average Rates and ChargesPensioner Rate Rebate	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,474 \$270	No Change	Average rates and charges are well below the average of inner metropolitan Councils (\$215 per assessment less than the average of inner metropolitan Councils). This means that Council charges \$13.1m p.a. less than inner metropolitan municipalities and has \$13.1m p.a. less for upgrading or providing facilities and services. In addition the Council provides one of the highest pensioner rebates in Victoria.*
d.	Operating costs per property should be kept as low as possible in order to generate <u>both</u> operating surpluses <u>and</u> lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$1,871	No Change	In terms of operational expenditure (excluding depreciation), Glen Eira ranks as spending \$221 less per assessment (\$13.5m) than the average for the Inner Metropolitan grouping.*
e.	Interest on the money borrowed to build GESAC should be paid for by GESAC. <ul style="list-style-type: none">% of GESAC interest costs paid for by GESAC (before depreciation).	100%	100%	100%	Community participation in GESAC has been ahead of expectations.
f.	Liquidity should be managed so as to cover all obligations as and when they fall due.	Liquidity Ratio should be 1.0 or greater.	1.11	1.46	At this point, Council's liquidity ratio is forecast at 1.46.

* Based on audited financial results from 2012-13.

FINANCIAL STRATEGY (continued)

Monthly Report Relative to Auditor General's Indicators































The Auditor General's indicators are set out on his website ("*Local Government: Results of the 2012-13 Audits*"). This includes the definitions of the indicators, the three categories of risk and the results for all Councils as at 30 June.

	Indicator	Actual 30-Jun-14	Budget 30-Jun-15	Forecast 30-Jun-15	Comment
a.	Liquidity (Adjusted)	1.38	1.11	1.46	Glen Eira's liquidity position is expected to remain between 1.0 and 1.5 in order to maximise renewal of community facilities.
b.	Underlying (<i>Operating</i>) Result	10.88%	6.05%	8.34%	A positive result indicates an operating surplus.
c.	Indebtedness	26.22%	29.74%	29.63%	Relates to Council's level on non-current liabilities (<i>substantially borrowings</i>) as a percentage of own-source revenue. This is expected to decrease over time.
d.	Self-Financing	23.02%	20.86%	22.94%	Measures the ability to replace assets using cash generated by Council's operations.
e.	Capital Replacement	1.28	2.17	2.43	A measure greater than 1.0 indicates a rate of spending higher than depreciation. Glen Eira has the highest average of all inner metropolitan Councils. Expect this figure to remain as a low risk.
f.	Renewal Gap	1.34	1.67	1.87	Measures the rate of spending on existing assets. Glen Eira has the highest average of all inner metropolitan Councils. Expect this figure to remain as a low risk.
g.	Sustainability Assessment	Green	Green	Green	Low risk (<i>best available classification</i>).

ASSURANCE MAP

The assurance map considers the key risks to Council in achieving its objectives and performance expectations, and the assurance activities which have been conducted over the operation of controls that apply to those risks. The Assurance Map is indicative of the type of activity in place to provide Council Management with comfort that the control environment is operating as intended. A formal review of strategic risks is undertaken annually by Executive. The risks have been identified, assessed and ranked in order of risk exposure to Council. The assurance map will be updated after every formal review and when assurance activities are proposed or undertaken.

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. Legislation or Standards – Changes generally	E							Food Safety (2011/12) Statutory Planning (2013/14)
2. Legislation or Standards – Cost shifting	E							
3. Funding – Shortfalls	H							
4. Contracts – consultant errors	H							Tendering (2013/14) Contract Management (2013/14)
5. Insurance – failure to comply with policy	H							
6. Contracts – indemnities beyond insurance coverage	H							Contract Management (2013/14)
7. Contractors - insurances	H							Contract Management (2013/14)
8. Contractors – Council liability for the actions of contractors	H							Contract Management (2013/14) Parks & Open Space Maintenance (2014/15)
9. IT – security compromised	H							IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14)
10. Advice – incorrect advice provided	H							Statutory Planning (2013/14)

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
11. Infrastructure – serious deficiency	H							Asset Management (2013/14) Parks & Open Space Maintenance (2014/15) Land and Building Revaluation biennial (ongoing)
12. Contracts – wrong authority / process	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
13. Road Management Act / Plan – failure to comply	H							
14. Clayton Landfill – tightening of requirements and fines	H							Clayton Landfill Review (2014/15)
15. Contract Agreements /Partnerships inappropriate relationships entered into	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
16. Clayton Landfill – permanent site closure	H							Clayton Landfill Review (2014/15)
17. Health & Safety – safe & healthy workplace not maintained	H							SafetyMAP recertification (2013/14) OH&S Review (2015/16)
18. Embezzlement	H							Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing)
19. Public Liability General	M							
20. Power exercised inconsistent with delegation	M							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing) Fraud review (2013/14) Financial Controls (2014/15)

* Reviews performed are ad-hoc and Council may or may not be included in selected sampling



Level of coverage provided where not all aspects of the risk may have been addressed by assurance activity.

Please note that the External Audit process is designed to enable the A-G to express an opinion on the annual financial report. The external audit is not a comprehensive audit of all systems and processes and is not designed to uncover all deficiencies, breaches and irregularities in those systems and processes.

Glen Eira City Council
Income Statement
for period ending 31 December 2014



	2014-15 Year to Date Actual	2014-15 Year to Date Budget	2014-15 Year to Date Variance	2014-15 Year to Date Variance	2014-15 Last Month Forecast	2014-15 Current Month Forecast	2014-15 Current Month Forecast Movement	2014-15 Annual Budget	2014-15 Budget Forecast Variance	2014-15 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
REVENUES										
Revenue from Ordinary Activities										
General Rates	76,644	76,613	30	0.0%	76,627	76,644	17	76,613	30	0.0%
Supplementary Rates	416	300	116	38.7%	470	516	46	400	116	29.0%
Garbage Charges	13,246	13,198	48	0.4%	13,706	13,775	69	13,728	48	0.3%
Investment Income	784	528	256	48.5%	1,255	1,311	57	1,055	256	24.3%
Grants	11,558	11,134	424	3.8%	21,496	21,576	80	21,152	424	2.0%
User Charges and Other Fees	12,101	11,524	577	5.0%	23,974	24,129	155	23,477	652	2.8%
Statutory Fees and Fines	2,229	2,256	(27)	(1.2%)	4,424	4,499	75	4,526	(27)	(0.6%)
Other Revenue	3,454	1,860	1,595	85.7%	5,238	5,310	72	3,716	1,594	42.9%
Total Revenue from Ordinary Activities	120,431	117,414	3,017	2.57%	147,190	147,760	570	144,668	3,093	2.1%
EXPENSES										
Expenses from Ordinary Activities										
Employee Costs	32,730	32,764	34	0.1%	63,202	63,514	(412)	63,428	(186)	(0.3%)
Training	228	361	133	36.9%	649	510	38	739	129	17.5%
Agency	548	680	132	19.4%	1,283	1,257	27	1,363	107	7.8%
Materials and Consumables	2,635	3,035	400	13.2%	5,580	5,664	(83)	5,912	248	4.2%
Contractor Payments	12,527	12,468	(160)	(1.3%)	25,282	25,505	(223)	25,255	(250)	(1.0%)
Maintenance	2,577	2,715	138	5.1%	5,958	6,007	(49)	5,885	(122)	(2.1%)
Utility Services	1,800	1,998	199	9.9%	3,540	3,465	75	3,611	146	4.0%
Insurances	576	721	45	6.2%	1,076	1,050	26	1,095	45	4.1%
Other Expenses	1,911	1,966	54	2.8%	3,966	3,924	43	3,982	59	1.5%
Council Donations, Grants and Subsidies	553	677	124	18.4%	911	892	19	892	0	0.0%
Debt Servicing	953	912	(41)	(4.4%)	2,036	2,027	9	1,986	(41)	(2.0%)
Total Expenses from Ordinary Activities	57,238	58,297	1,059	1.8%	113,483	114,015	(532)	114,151	135	0.1%
Net Result for Reporting Period before non operational activities	63,193	59,117	4,076	6.9%	33,707	33,745	38	30,517	3,228	10.6%
NON OPERATIONAL ACTIVITIES										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	1,029	240	789	328.4%	1,294	1,269	(25)	481	789	164.2%
Written Down Value of Assets Sold/Disposed including Cost of Sales	1,014	765	(248)	(32.5%)	1,718	1,779	(61)	1,531	(248)	(16.2%)
Depreciation and Amortisation	10,118	9,632	(486)	(5.0%)	19,653	19,750	(97)	19,264	(486)	(2.5%)
Net Result for Reporting Period	53,091	48,960	4,131	8.4%	13,631	13,486	(145)	10,203	3,283	32.2%

Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.

Glen Eira City Council
Balance Sheet
for period ending 31 December 2014



	Actuals 2013-14	Annual Budget 2014-15	Annual Forecast 2014-15	Year to Date Actual 2014-15	Previous Month's Actuals 2014-15
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
ASSETS					
Current Assets					
Cash and Cash Equivalents	38,839	25,793	36,755	45,699	47,633
Trade and Other Receivables	8,707	8,650	8,707	54,223	62,861
Prepayments	472	631	472	462	558
Total Current Assets	48,048	35,075	45,934	100,385	111,052
Non-Current Assets					
Property, Infrastructure, Plant and Equipment	1,690,329	1,349,980	1,709,064	1,693,572	1,691,175
Intangible Assets	794	1,083	794	774	805
Investments in Associates	2,040	3,191	2,040	2,040	2,040
Financial Assets	5	5	5	5	5
Total Non-Current Assets	1,693,168	1,354,259	1,711,903	1,696,390	1,694,025
TOTAL ASSETS	1,741,217	1,389,334	1,757,836	1,796,775	1,805,077
LIABILITIES					
Current Liabilities					
Trade and Other Payables	11,459	11,318	11,459	12,699	14,503
Trust Funds	22,909	22,369	22,909	23,887	23,262
Provisions	12,141	11,287	12,141	12,504	12,438
Interest-Bearing Liabilities	1,158	1,156	1,158	1,185	1,178
Superannuation — defined benefits call	2,531	-	-	2,609	2,609
Total Current Liabilities	50,228	46,130	47,667	52,883	53,990
Non-Current Liabilities					
Provisions	708	707	708	815	718
Interest-Bearing Liabilities	21,271	21,205	20,271	20,677	20,782
Total Non-Current Liabilities	21,979	21,912	20,979	21,493	21,500
TOTAL LIABILITIES	72,207	68,042	68,646	74,376	75,490
NET ASSETS	1,669,009	1,321,292	1,689,190	1,722,399	1,729,586
Represented by:					
EQUITY					
Accumulated Surplus	865,313	508,982	885,494	920,885	928,073
Reserves	803,696	812,309	803,696	801,513	801,513
TOTAL EQUITY	1,669,009	1,321,292	1,689,190	1,722,399	1,729,586

Glen Eira City Council
Income Statement by functional activities of the municipality
for period ending 31 December 2014

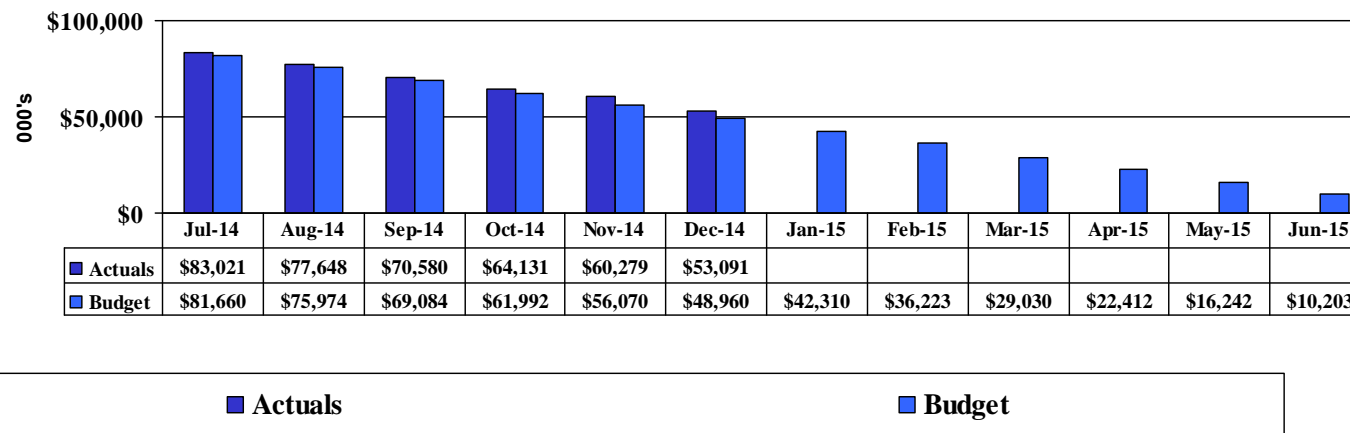


Functional activities	2014-15 Year to Date Revenue	2014-15 Year to Date Expenses	2014-15 Change in Net Assets	2014-15 Annual Forecast	2014-15 Annual Budget	2014-15 Budget Forecast Variance
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates	77,060	-	77,060	77,160	77,013	147
Roads, Drains and Building Maintenance	593	(6,814)	(6,221)	(11,521)	(11,026)	(495)
Sustainability	14,122	(6,515)	7,606	2,044	1,555	488
Community Safety	3,332	(5,335)	(2,003)	(3,443)	(3,388)	(55)
Park Services	17	(4,300)	(4,283)	(8,604)	(8,552)	(52)
Recreation	461	(1,112)	(651)	(1,500)	(1,707)	208
Libraries	918	(2,184)	(1,266)	(3,436)	(3,479)	43
Community Care	4,091	(4,485)	(395)	(911)	(1,033)	122
Family and Community Services	2,912	(4,972)	(2,060)	(4,256)	(4,487)	230
Cultural Services	47	(409)	(362)	(844)	(965)	121
Debt Servicing	-	(942)	(942)	(2,004)	(1,962)	(42)
Residential Aged Care	5,767	(6,675)	(908)	(2,004)	(2,193)	188
Proceeds, Depreciation/Amortisation, Written Down Value	1,029	(11,131)	(10,102)	(20,259)	(20,314)	55
Customer Service and Council Governance	1	(2,511)	(2,510)	(5,366)	(5,762)	396
Community Information	2	(592)	(591)	(1,331)	(1,572)	240
Corporate Counsel	1	(1,031)	(1,030)	(1,722)	(1,691)	31
Business Development	15	(265)	(250)	(549)	(599)	50
Financial Services	2,745	(4,430)	(1,685)	(4,548)	(5,136)	588
Capital Subsidies	305	-	305	367	363	4
Public Open Space Levies	1,866	-	1,866	2,966	2,200	766
Glen Eira Sports and Aquatic Centre (GESAC)	6,179	(4,667)	1,512	3,250	2,937	313
Net Result for the Reporting Period	121,461	(68,369)	53,091	13,486	10,203	3,283
Brackets denote net cost to Council						

Glen Eira City Council

Financial Performance

Cumulative for the period ending 31 December 2014



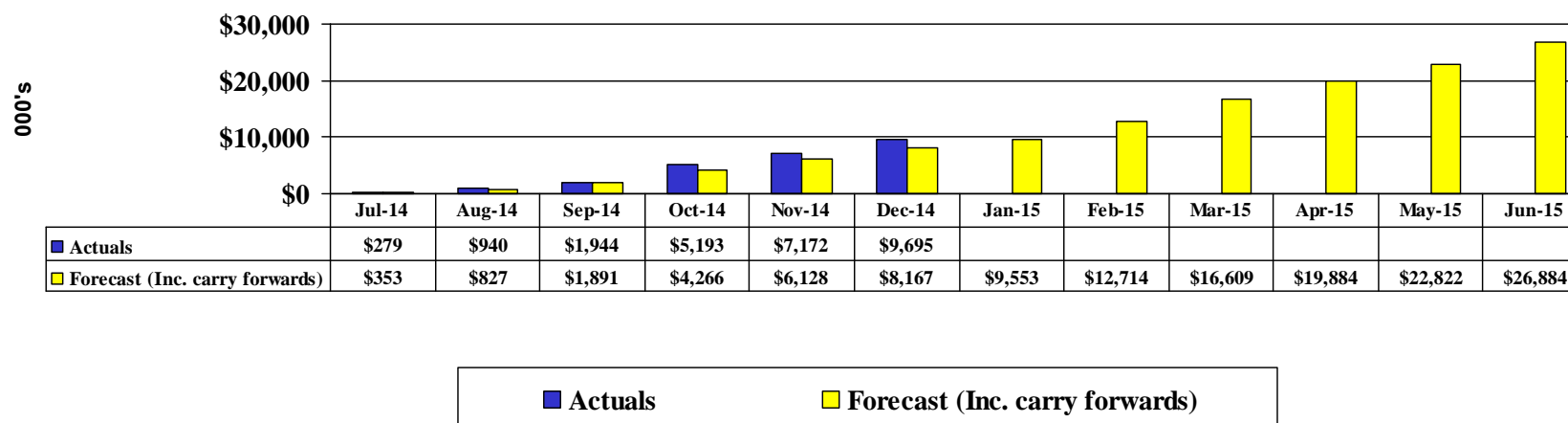
The December 2014 year to date financial performance was \$4.13M better than the year to date budget mainly due to:

- Better than anticipated income received for Other Revenue \$1.6M (including carbon tax refund of \$876K), User Charges and Other Fees \$577K, Government Grants \$424K and Supplementary Rates \$116K.
- Higher than expected Interest on Investments \$256K.
- Favourable variances in expenditure items including: Materials and Consumables \$400K, Utility Services \$199K, Maintenance \$138K, Training \$133K, Agency \$132K, Council Donations, Grants and Subsidies \$124K, Other Expenses \$54K and Insurances \$45K.
- Unfavourable variance in Contractor Payments \$160K, Debt Servicing \$41K and Statutory Fees and Fines \$27K.



Glen Eira City Council

Capital Expenditure *(excluding Major Projects)* for the period ending 31 December 2014



Council's capital expenditure excluding major projects is ahead forecast by \$1.53M mainly due to earlier than anticipated expenditure in Drainage Improvements \$1.1M, Local Road Resurfacing \$605K, Road Rehabilitation \$567K and Vehicle Replacement \$405K.

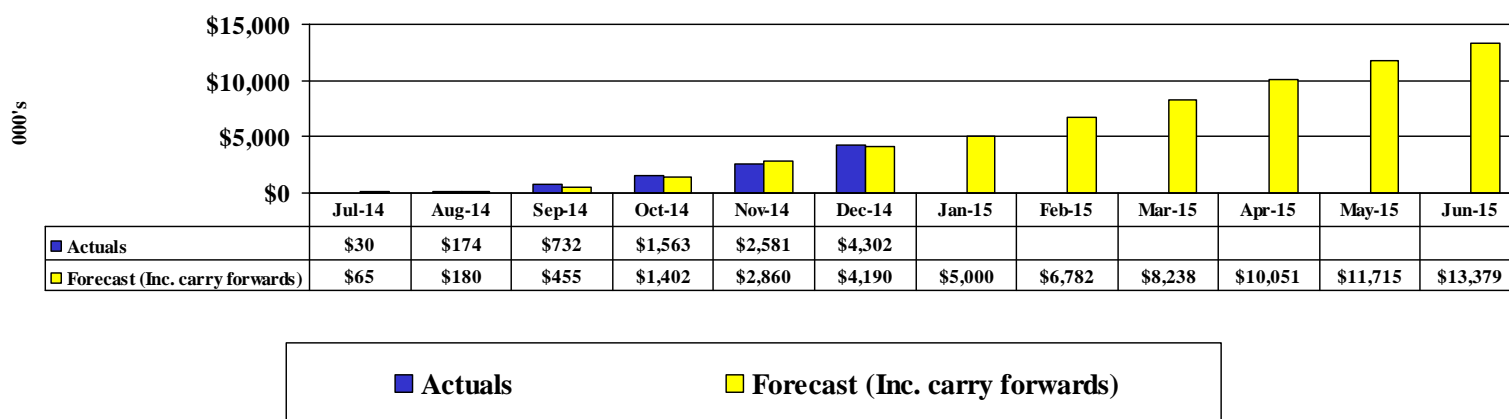
Offsetting this is later than anticipated expenditure on Library Fast Track Customer Service \$542K, Recreation \$151K, Replace Aged Park Furniture \$148K, Information Systems \$128K and Shopping Centre Car Improvements \$112K.



Glen Eira City Council

Capital Expenditure *(Major Projects)*

for the period ending 31 December 2014

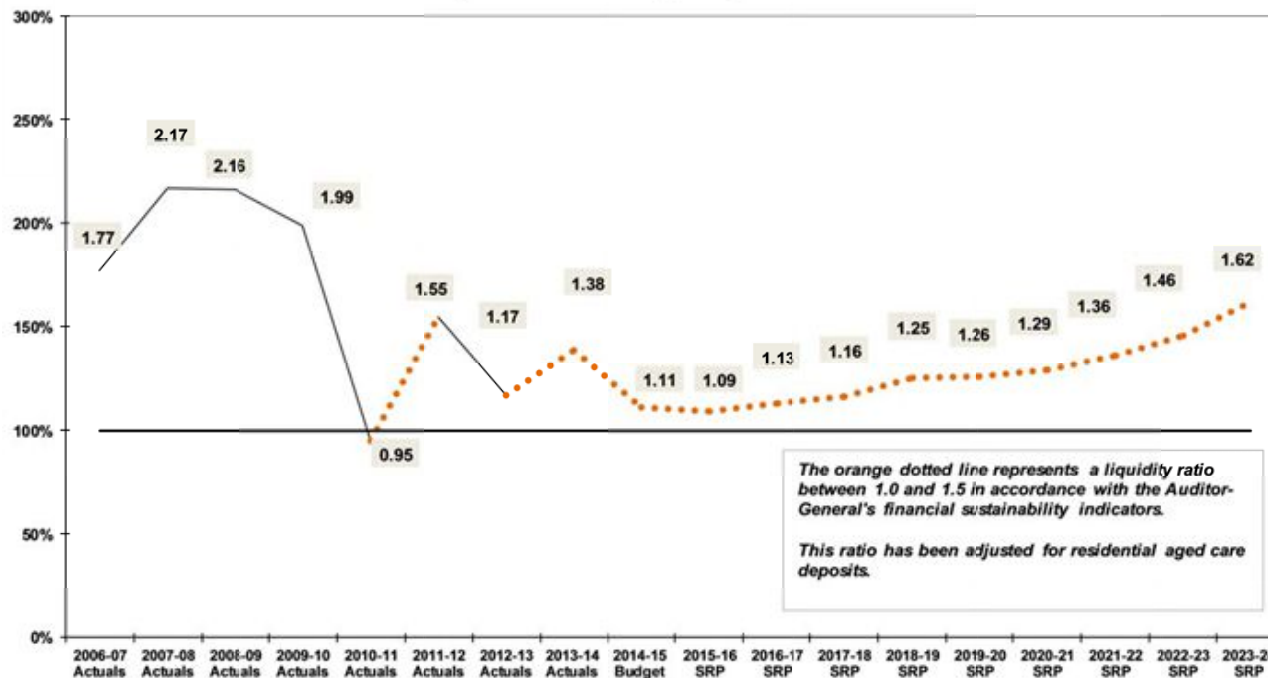


Council's capital expenditure on major projects is ahead of forecast by \$112K mainly due to Booran Road Reservoir Community Consultation and Master Plan Development.

Glen Eira City Council

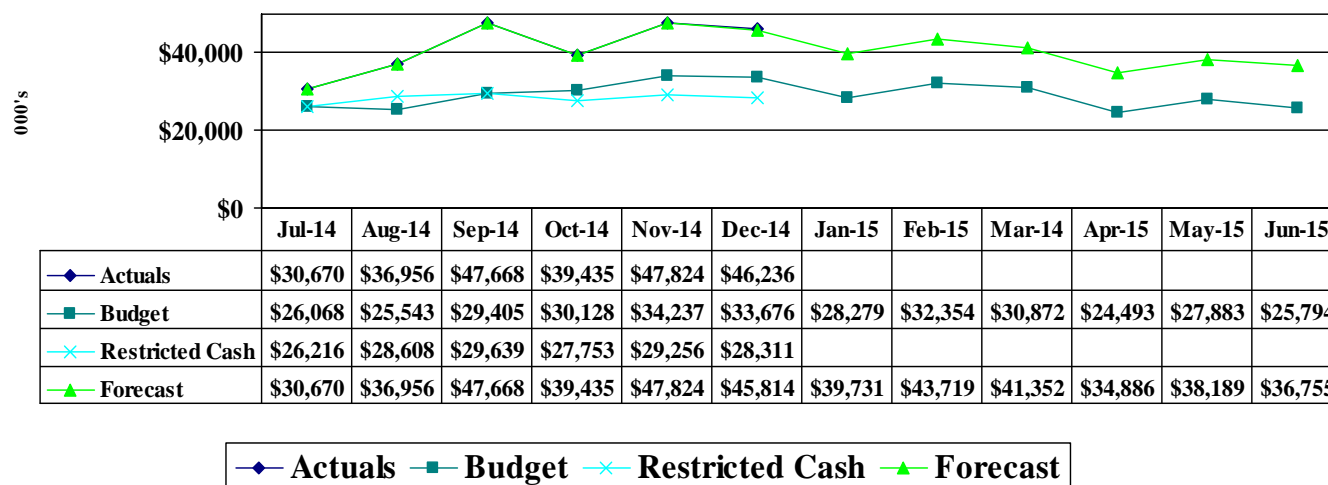
Liquidity Management

Adjusted Working Capital Ratio



Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves. Council has fully borrowed \$25m to fund the construction of the Glen Eira Sports and Aquatic Centre (GESAC). Council will continue to have a large investment in capital works projects. The adjusted working capital ratio above expresses the level of current assets the Council has available to meet its current liabilities. This ratio has been adjusted for residential aged care deposits. Council's long-term forecast has the adjusted liquidity ratio remaining around 1 or 100% for the remainder of this Council term and into the next. This means careful monitoring of the cash flow position to ensure current liabilities are adequately covered and that unanticipated or unbudgeted capital or operating expenses are avoided. As at end of December 2014, the Adjusted Working Capital Ratio is 2.74.

Glen Eira City Council Cash Balances For the period ending 31 December 2014

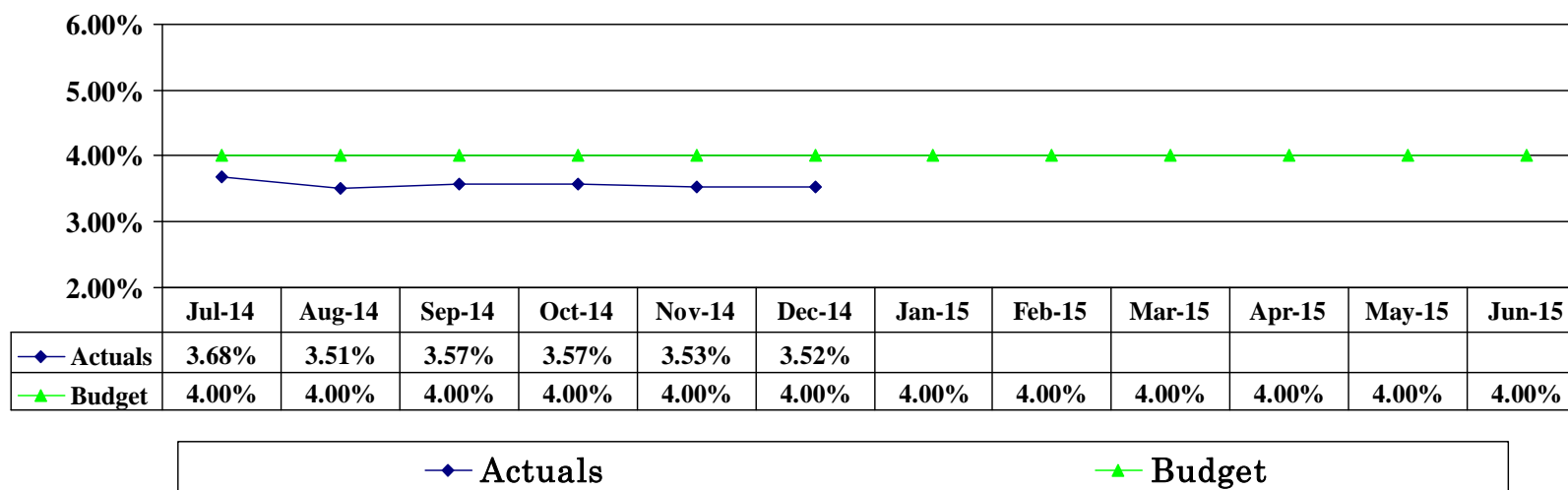


Council's year to date cash balance of \$46.24M is higher than budget for the current month. Council's forecast position to June 2015 of \$36.76M has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 31 December 2014 include: Residential Aged Care Deposits of \$20.32M, Trust Funds and Deposits \$3.56M (including asset protection permits), Open Space Reserve \$3.63M and Fire Services Property Levy \$798K.

Glen Eira City Council

Actual Interest Rate vs Budget Interest Rate for the period ending 31 December 2014




Council achieved a slightly lower return of 3.52% against the budget of 4.00%.

Glen Eira City Council
Capital Works Program Expenditure
for period ending 31 December 2014



Description	2014-15 Carry Forwards from 2013- 14	2014-15 Adopted Annual Capital Budget	2014-15 Capital Grant Funding	2014-15 Budget Plus 2013-14 Carry Forward	2014-15 YTD Work In Progress	2014-15 YTD Forecast	2014-15 YTD Variance	2014-15 Annual Forecast Projected end of June 2015 expenditure	2014-15 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
CAPITAL WORKS: MUST DO									
INFORMATION SYSTEMS	708,000	887,900	-	1,595,900	856,849	965,000	(128,151)	1,595,900	-
VEHICLE REPLACEMENT	-	1,698,000	-	1,698,000	657,490	252,172	405,318	1,698,000	-
ROAD REHABILITATION-CAPITAL	-	3,553,000	-	3,553,000	809,304	242,500	566,804	3,553,000	-
DRAINAGE IMPROVEMENTS	-	3,500,000	-	3,500,000	1,336,606	241,000	1,095,606	3,500,000	-
LOCAL ROAD RESURFACING	-	1,150,000	-	1,150,000	1,181,346	576,000	605,346	1,150,000	-
FOOTPATH REPLACEMENT	-	1,725,000	-	1,725,000	821,388	862,500	(41,112)	1,725,000	-
KERB AND CHANNEL REPLACEMENT PROGRAM	-	160,000	-	160,000	69,386	80,400	(11,014)	160,000	-
RIGHT OF WAY RENEWAL PROGRAM	-	240,000	-	240,000	230,799	218,000	12,799	240,000	-
TRAFFIC SIGNAL RENEWAL PROGRAM	-	250,000	-	250,000	47,344	-	47,344	250,000	-
LATM REPLACEMENT	-	221,000	-	221,000	4,457	80,000	(75,543)	221,000	-
CAR PARK REHABILITATION	46,000	305,000	-	351,000	31,994	-	31,994	366,000	15,000
ROADS TO RECOVERY	-	-	288,000	288,000	152,019	-	152,019	288,000	-
TOTAL MUST DO	754,000	13,689,900	288,000	14,731,900	6,198,982	3,537,572	2,661,410	14,746,900	15,000
CAPITAL WORKS: ROLLING ANNUAL									
HEATING, VENTILATION AND COOLING SYSTEMS RENEWAL PROGRAM	-	25,000	-	25,000	23,830	25,000	(1,170)	30,980	5,980
BUILDING IMPROVEMENTS	-	567,000	-	567,000	124,722	126,200	(1,478)	557,000	(13,000)
BATHROOM RENEWAL	-	40,000	-	40,000	-	-	-	40,000	-
KITCHEN UPGRADES	-	24,000	-	24,000	24,325	8,000	16,325	65,000	41,000
PLANT RENEWAL	-	22,000	-	22,000	20,020	22,000	(1,980)	22,000	-
ROOF REPLACEMENT	19,000	130,000	-	149,000	40,086	61,500	(21,414)	149,000	-
SHOPPING CENTRE CARPARK IMPROVEMENTS	119,000	550,000	-	669,000	102,832	215,000	(112,168)	669,000	-
TRAFFIC ENGINEERING	22,000	926,000	-	948,000	279,357	88,000	191,357	948,000	-
LIBRARY BOOKS	-	725,334	61,123	786,457	399,891	439,464	(39,573)	786,457	-
BUILDING PAINTING PROGRAM	-	123,000	-	123,000	34,732	49,200	(14,468)	77,000	(46,000)
RECREATION	159,413	250,000	-	409,413	82,024	75,000	7,024	409,413	-
POOL REFURBISHMENT	-	150,000	-	150,000	106,106	150,000	(43,894)	150,000	-
BICYCLE STRATEGY	97,000	150,000	-	247,000	24,775	76,000	(51,225)	247,000	-
UPGRADE AND REPLACE AGED PARK FURNITURE	-	444,500	-	444,500	136,384	284,000	(147,616)	444,500	-
SPORTS GROUND LIGHTING	-	192,000	-	192,000	-	30,000	(30,000)	192,000	-
DROUGHT TOLERANT GRASS	-	500,000	-	500,000	-	-	-	500,000	-
SAFETY SAILS	-	60,000	-	60,000	64,445	60,000	4,445	60,000	-
PARK PATHWAY LIGHTING	-	30,000	-	30,000	-	-	-	30,000	-
SMALL PARK LANDSCAPING	-	195,000	-	195,000	195,000	195,000	-	195,000	-
TOTAL ROLLING ANNUAL	416,413	5,103,834	61,123	5,581,370	1,658,529	1,904,364	(245,835)	5,572,350	(9,020)

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Glen Eira City Council
Capital Works Program Expenditure
for period ending 31 December 2014 (continued)

Description	2014-15 Carry Forwards from 2013- 14	2014-15 Adopted Annual Capital Budget	2014-15 Capital Grant Funding	2014-15 Budget Plus 2013-14 Carry Forward	2014-15 YTD Work In Progress	2014-15 YTD Forecast	2014-15 YTC Variance	2014-15 Annual Forecast Projected end of June 2015 expenditure	2014-15 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
CAPITAL WORKS- MAJOR PROJECTS									
PAVILION UPGRADE (CENTENARY PARK)	600,000	1,350,000	50,000	2,000,000	517,322	510,000	7,322	2,900,000	
PAVILION UPGRADE (DUNCAN MACKINNON)	4,972,853	1,900,000	-	6,872,853	2,607,670	2,376,828	230,842	6,872,893	
CENTENARY PARK CAR PARK CONSTRUCTION		575,000	25,000	600,000	-		-	600,000	
OPEN SPACE INITIATIVES		1,120,000	-	1,120,000	520,113	750,000	(229,887)	1,120,000	
ELSTERNWICK PLAZA LANDSCAPE IMPROVEMENTS	236,220	350,000	-	586,220	11,840		11,840	586,220	
BOORAN ROAD RESERVOIR COMMUNITY CONSULTATION AND MASTER PLAN DEVELOPMENT	-	200,000	-	200,000	645,321	553,000	92,321	2,200,000	2,000,000
	5,809,113	5,495,000	75,000	11,379,113	4,302,266	4,189,828	112,438	13,379,113	2,000,000
SHORT TERM PROJECTS									
FURNITURE & FITTINGS	-	50,000	-	50,000	-	-	-	50,000	
INFORMATION SYSTEMS	8,000	249,560		257,560	51,405	65,000	(13,595)	257,560	
HEATING, VENTILATION AND COOLING SYSTEMS RENEWAL PROGRAM	-	250,000	-	250,000	73,900	62,500	11,400	250,000	
BUILDING IMPROVEMENTS	65,000	902,000	-	967,000	245,317	270,500	(25,183)	1,119,000	152,000
UPGRADE AUDIO & VISUAL EQUIPMENT	-	19,688	-	19,688	21,873	19,688	2,185	19,688	
REFURBISHMENT OF ILUs	67,000	100,000		167,000	73,069	77,000	(3,931)	167,000	
CONTRACT MANAGEMENT SOFTWARE	8,000	-	-	8,000	-	8,000	(8,000)	8,000	
SECURITY AND CCTV	-	40,000	-	40,000	-	-	-	40,000	
FURNITURE, FITTINGS & EQUIPMENT - ADASS	-	-	-	-	34,975	33,045	1,930	33,045	33,045
GREENWASTE BIN ROLLOUT	-	827,000	-	827,000	687,584	720,599	(33,015)	827,000	
LIBRARY FAST TRACK CUSTOMER SERVICE	-	615,661	-	615,661	57,350	599,161	(541,811)	615,661	
CAULFIELD PARK CONSERVATORY	68,000	-	-	68,000	-	-	-	68,000	
RECREATION	203,000	884,000	-	1,087,000	307,820	458,500	(150,680)	968,000	(119,000)
GESAC FURNITURE & EQUIPMENT	583,000	903,320	-	1,486,320	390	46,000	(45,610)	1,486,320	
PARKS MINOR CAPITAL WORKS	-	275,000	-	275,000	72,934	135,000	(62,066)	275,000	
PUBLIC HALL FURNITURE	-	10,400	-	10,400	-	-	-	10,400	
PLINTH CURBING	-	80,000	-	80,000	5,100	-	5,100	80,000	
BIN ENCLOSURES	-	17,000	-	17,000	17,458	17,000	458	17,000	
RESIDENTIAL AGED CARE & STORAGE IMPROVEMENTS	-	246,000	-	246,000	188,500	186,000	2,500	246,000	
FURNITURE AND EQUIPMENT - MCH OFFICES	-	27,100	-	27,100	-	27,100	(27,100)	27,100	
TOTAL SHOPRT TERM PROJECTS	1,002,000	5,496,729	-	6,498,729	1,837,675	2,725,093	(887,418)	6,564,774	66,045
TOTAL CAPITAL WORKS EXPENDITURE	7,981,526	29,785,463	424,123	38,191,112	13,997,452	12,356,857	1,640,595	40,263,137	2,072,025

2014-15 Capital Works Reconciliation for period ending 31 December 2014	
Capital Works Carried Forwards from the 2013-14 financial year	\$ 7,981,526
Annual Budget 2014-15	\$ 29,785,463
Capital Grant Funding 2014-15	\$ 424,123
Total 2014-15 Annual Budget including Capital Grants and Carried Forward Projects	\$ 38,191,112

Monthly Forecast Movements:

Jul 2014	33,045	Oct 2014	2,000,000	Jan 2015		Apr 2015	
Aug 2014	-	Nov 2014	38,980	Feb 2015		May 2015	
Sep 2014	-	Dec 2014	-	Mar 2015		Jun 2015	
Closing Capital Balance							40,263,137

OUTSTANDING (NON-RATE) DEBTOR REPORT (\$'000)

Debtors	Current 0-30 days	31-60 days	61-90 days	90 + days	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
General Debtors							
Finance and Valuations	-	-	-	-	-	-	-
Buildings and Facilities	14	7	-	1	22	0	22
City Development D	121	-	-	1	122	0	122
Community Relations	55	71	25	10	151	3	159
Arts and Cultural Services	-	-	-	-	-	-	-
Recreation	194	11	3	3	211	1	210
Community Services	9	19	-	-	28	-	28
Child Care Centres	36	3	-	10	49	3	47
Residential Aged Care	114	37	-	3	154	1	153
Home and Community Care	54	16	5	-	75	-	75
Assets and Facilities	-	-	-	-	-	-	-
General Debtors Total	597	164	33	28	822	7	815
Other Debtors	Current 0-3 months	4-6 months	7-12 Months	12 Months +	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
Parking Infringements - Council	494	66	64	22	647	65	582
Parking Infringements - PERIN	84	-	150	1,210	1,444	1,299	144
Other Debtors Total	579	66	214	1,231	2,090	1,364	726
Total Debtors	1,176	230	247	1,259	2,912	5,082	1,541

Comments

Child Care Centres

The majority of the \$10K in 90+ days is under investigation.

Parking Debtors

Council's Parking Debtors for the current period comprise of :

	\$,000
Collection by Council	647
Collection by PERIN Court	1,444
Total Parking Debtors	\$ 2,090

Rate Debtors

Instalment	2014-2015 Opening Balance \$'000	2014-2015 Year to date \$'000
Arrears Brought Forward	4,809	4,809
2014-15 Rates & Garbage Generated	90,071	90,071
2014-15 Fire Services Property Levy	11,242	11,242
Total Rates & Charges	106,122	106,122
Adjustments:		
Glen Eira Pension Rebate	(493)	(509)
State Government Rebate	(1,654)	(1,706)
Fire Services Property Levy Rebate	(398)	(410)
Receipts	-	(53,936)
Interest	-	220
Supplementary Valuations	-	524
Adjustments	-	(20)
Total Adjustments	(2,545)	(55,838)
Rates & Charges Balance at Month End	103,577	50,284

Glen Eira City Council
Financial Ratios (Performance Indicators)
for period ending 31 December 2014



Financial Ratios (performance indicators)	December 2014-15 (%)	December 2014-15 Ratio	December 2013-14 (%)	December 2013-14 Ratio
(1) Rates/Total Revenue <i>(To identify Council's dependence on non-rate income)</i>				
General & Supplementary Rates	63.99 %	0.64 :1	63.41 %	0.63 :1
Total Revenue				
<i>(The level of Council's reliance on Rate Revenue is determined by assessing rate revenue as a proportion of the Total Revenue of Council)</i>				
(2) Garbage Charge/Total Revenue <i>(To identify Council's dependence on Garbage Charges)</i>				
Garbage Charge	11.00 %	0.11 :1	12.34 %	0.12 :1
Total Revenue				
(3) Interest Received <i>(To identify Council's dependence on Interest Received)</i>				
Interest Received	0.65 %	0.01 :1	0.62 %	0.01 :1
Total Revenue				
(4) Grants & Subsidies/Total Revenue <i>(To identify Council's dependence on Grants & Subsidies)</i>				
Grants & Subsidies	9.60 %	0.10 :1	8.77 %	0.09 :1
Total Revenue				
(5) User Charges & Other Fees/Total Revenue <i>(To identify Council's dependence on User Charges & Other Fees)</i>				
User Charges & Other Fees	10.05 %	0.10 :1	9.75 %	0.10 :1
Total Revenue				
(6) Statutory Fees & Fines/Total Revenue <i>(To identify Council's dependence on Statutory Fees & Fines)</i>				
Statutory Fees & Fines	1.85 %	0.02 :1	2.43 %	0.02 :1
Total Revenue				
(7) Other Revenue/Total Revenue <i>(To identify Council's dependence on Other Revenue)</i>				
Other Revenue	2.87 %	0.03 :1	2.68 %	0.03 :1
Total Revenue				
(8) Accounts Receivable Turnover (days) <i>(To identify the number of days on average it takes for a debtor to pay)</i>				
Average Debtors	52 days	0.52 :1	27 days	0.27 :1
Average Credit Sales				

10. **URGENT BUSINESS - Nil**

11. **ORDINARY BUSINESS**

11.1 **Requests for reports from Officers**

(a) **Crs Delahunty/Sounness**

That a report be prepared to explore the best ways to review the Community Leasing Policy.

The MOTION was put and CARRIED unanimously.

11.2 **Right of reply - Nil**

11.3 **Councillor questions - Nil**

11.4 **Public questions to Council**

From: Mary Healy
Subject: Caulfield Racecourse Reserve

"In September the Victorian Auditor General published the report on the Management and Oversight of the Caulfield Racecourse Reserve. I attach copy 3B of page 38 "Access and signage issues at the reserve" and I ask you to note that there are 22 out of 24 indicators of inadequate access. Please tell me what instructions our councillor members of the C.R.R.T., Cr Esakoff, Cr Hyams and Cr Lipshutz are being given at council to overcome this undesirable situation as the VAG in Clause 6 Page 39 recommended the need to "upgrade public access and improve signage at all entry access points and within the reserve to a standard that improves safety and encourages increased community use."

The Mayor read Council's response. He said:

"Although three councillors are trustees of the Caulfield Racecourse Reserve, they serve as trustees in their own rights, not as representatives or delegates of Council, and therefore, Council does not instruct them."

From: Mary Healy
Subject: Pedestrian Access

“ Would council please be able to ensure that safe pedestrian access is made available for residents who may care to walk on the eastern side of Station Street at the Kambrook Road end? Currently the footpath appears to be fenced off, the service strip has knee high grass and cars are parked along gutter. This seems very dangerous as there are many “B Double trucks” servicing the nearby building sites. Please take action before there is an accident.”

The Mayor read Council’s response. He said:

“The builder for the subject site has been issued a permit by Council to erect the necessary hoarding. One of the conditions of permit states that a clear footpath width of 1.5m must be provided for pedestrian use.

Council officers inspected the site and directed the Builder to abide by this condition of permit. A follow-up inspection will be carried out on Wednesday 4th February 2015 to ensure this direction has been complied with.”

12. CONSIDERATION OF ITEMS IN CAMERA

Crs Hyams/Lipshutz

That the meeting be now closed to members of the public under Section 89(2) of the *Local Government Act 1989* in order to consider:

That the meeting be now closed to members of the public under Section 89(2) of the Local Government Act 1989 in order to consider:

12.1 under s89 (2)(d) “contractual” which relates to the variation of Contract 2014.03 to include a rate for degassing of fridges, freezers and air conditioners

12.2 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.004 Cleaning of Council Barbecues at various locations.

Number of tenders received	Ten (10)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	In excess of \$775,000

The MOTION was put and CARRIED unanimously.

OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS

Item 12.2

Crs Pilling/Esakoff

1. That Council appoints New Age Cleaning Services Pty Ltd, ACN 057 008 509 as the contractor under Tender number 2015.004 in for an amount of \$774,203.00 inclusive of GST.
2. That the contract be prepared in accordance with the Conditions of Contract included in the tender
3. That the contract be executed in an appropriate manner by affixing of the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

Crs Lipshutz/Hyams

That the meeting be resumed in open Council.

The MOTION was put and CARRIED unanimously.

13. CLOSURE OF MEETING

The meeting closed at 10.35PM.

CONFIRMED THIS 24 FEBRUARY 2015

CHAIRPERSON