

GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

17 MARCH 2015

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- 12.1 under s89 (2)(d) "contractual" which relates to the awarding contract for Tender number Tender 2015.025 Provision of Street Cleansing Services in the Whole of Municipality

Number of tenders received	Six (6)
Number of evaluation criteria tenders assessed	Three (3)
against	
Estimated contract value	\$11.25 million

12.2 under s89 (2)(d) "contractual" which relates to the awarding contract for Tender number 2015.023 Building Consultancy Services

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed	
against	Three (3)
Estimated contract value	\$500,000 over 3 years

13. CLOSURE OF MEETING



MINUTES of the ORDINARY MEETING OF THE GLEN EIRA CITY COUNCIL held on TUESDAY, 17 MARCH 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

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 Lipshutz/Delahunty

That the minutes of the Ordinary Council Meeting held on Tuesday, 24 February 2015 be confirmed.

The MOTION was put and CARRIED unanimously.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

A petition signed by 28 signatories was tabled that read as follows:

"For reasons outlined in the accompanying letter, we petition the City of Glen Eira to erect gates at the two Tucker Road entrances to the McKinnon sports precinct (leash free dog park).

Crs Lobo/Delahunty

That the Petition be received and noted.

The MOTION was put and CARRIED unanimously.

- 6. **DOCUMENTS FOR SEALING** Nil
- 7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS Nil

8. REPORTS FROM COMMITTEES

a. Advisory Committees

- i. Arts and Culture Advisory Committee, 19 February 2015
- ii. Audit Committee, 20 February 2015
- iii. Community Consultation Committee, 19 February 2015

Crs Delahunty/Lipshutz

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. 17 February 2015
- ii. 24 February 2015

Crs Lipshutz/Okotel

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

The MOTION was put and CARRIED unanimously.



ARTS AND CULTURE ADVISORY COMMITTEE MEETING Minutes

6.30pm – 7.30pm 9 February 2015 Ogaki Room

Purpose:

The role and function of the Advisory Committee is to act as a steering Committee to assist Council by providing recommendations in relation to reviewing and improving arts and culture programs provided by Council to ensure maximum benefit, participation and value to the community.

Assembly of Councillors Record

Present

Cr Thomas Sounness (Chairperson)
Cr Margaret Esakoff (member)
Cr Jamie Hyams (member)
Cr Oscar Lobo (member)
Peter Jones – Director Community Services
Lauren Bialkower – Manager Arts and Culture

Matters considered

- 1. School's Out post event report
- 2. Springtime Music post event report
- 3. Carols in the Park post event report
- 4. Cabaret Series proposal
- 5. Annual feedback results
- 6. 2015 meeting dates

The meeting commenced at 6.30pm

1. School's Out 2014 – post event report

Officers tabled the post event report on the 2014 School's Out program.

18 workshops were offered over 8 days and the feedback collected indicated that participants enjoyed the program.

The vast majority of attendees surveyed resided in Bentleigh East and Bentleigh despite the workshops being dispersed throughout the City of Glen Eira. It was therefore noted that greater promotion of such activities may need to take place in other suburbs.

It was noted that from 2015, Library Services will take over management of School's Out and it will be held in conjunction with their successful Holiday Mania program.

2. Springtime Music - post event report

Officers tabled the post event report on 2014's Springtime Music series.

8 concerts were held in October and November. The weather was excellent for most performances and patronage was up 102% on 2013 with 1,266 attendees in total.

The same format will be continued in 2015 with 8 Sunday afternoon concerts showcasing a variety of different musical styles. At least 2 performances will be targeted at young children and venues with toilets and rotundas will be prioritised.

3. Carols in the Park - post event report

Officers tabled the post event report on 2014's Carols in the Park event.

The event was extremely successful with a record-breaking attendance of 6,500.

The more traditional evening format was well received with Anthony Callea's performance being the highlight of the event. The free face painting and train ride were enormously popular.

Whilst the light show was enjoyable, the event felt slightly too long and many people left at 8.30pm after Anthony Callea's performance and once the light started to fade and the evening simultaneously became chillier. As a result, Officers recommended slightly altering the running time to 5.30pm to 8.30pm for 2015.

A well-known headline performer of similar popularity to Anthony Callea will be sought for 2015 and children's activities continued.

So as to not coincide with Chanukah in the Park on Sunday 13 December, 2015's Carols in the Park will be held on Saturday 12 December.

Recommendation: The Committee recommends to Council that Carols in the Park be held on Saturday 12 December as Officers have confirmed that Chanukah in the Park will indeed take place on the 13th.

Moved: Cr Hyams, Seconded: Cr Esakoff The MOTION was put and CARRIED unanimously.

2

4. Cabaret Series proposal

A proposal was tabled for Cabaret Lumiere, a new program that will replace the Winter Music Series in 2015.

Four concerts will be held in August with two on Thursday evenings and two on Sunday afternoons. All events will take place in the Town Hall Auditorium, which will be themed to resemble a traditional French cabaret through specialised lighting, styling and the addition of cabaret style tables with centrepieces, café bar tables and stools in the upper balcony.

Each event will present a headline act and potentially a support act. The support act will be an acrobatic and/or circus type performer rather than an additional singer.

Four performers were recommended for inclusion: Paul Capsis, Eddie Perfect, Jon Jackson and Amanda Harrison.

Recommendation: The Committee recommends to Council that it endorse the selection of Paul Capsis, Eddie Perfect, Amanda Harrison and Jon Jackson for 2015's Cabaret Lumiere series.

Moved: Cr Esakoff, Seconded: Cr Lobo The MOTION was put and CARRIED unanimously.

5. Annual Feedback Results

Officers tabled the results of the annual feedback surveys undertaken for both the Festival and Events area and Gallery at the end of 2014.

It was noted that the email survey was sent to:

- 1,526 people on the Events database
- 1,529 people on the Gallery database

57 responses were received to the Events survey (3.7%) and 37 for the Gallery (2.4%). Overall, the results were extremely positive although several respondents suggested the need for greater promotion of events and exhibitions.

6. 2015 Meeting Dates

Meeting dates were set for April, June, September and December.

The April meeting agenda will include the Party in the Park post-event report and Springtime Music and Carols in the Park proposals.

7. Other Business

No other business was raised.

8. Next Meeting

Monday 13 April, 6pm, Ogaki Room

Meeting closed at 7.15pm



Audit Committee Minutes of Meeting held 20th February 2015

Present:

Members: David Gibbs, Chairman

Dr Craig Nisbet, Independent Member Lisa Woolmer, Independent Member

Councillors Michael Lipshutz and Mary Delahunty

In attendance: Councillor Oscar Lobo

Officers: Andrew Newton, Chief Executive Officer

Peter Swabey, Chief Financial Officer John Vastianos, Manager Finance

Warren Gardner, Manager Information Management (Item 5) Mark Saunders, Libraries and Information Services (Item 7) Andrew Williams, Manager Traffic and Parking (Item 7)

Internal Auditor: Jason Agnoletto, PricewaterhouseCoopers (Items 4-5)

Nick Burjorjee, PricewaterhouseCoopers (Items 4-5) Nicky Septon, PricewaterhouseCoopers (Items 4-5)

External Auditors: Tim Loughnan, Sector Director, Local Government, Auditor-

General's Office (Item 1)

Ivy Ly, Victorian Auditor-General's Office (Item 1)

Apologies: Councillor Thomas Sounness

Remy Szpak, Victorian Auditor-General's Office

Minutes: Alon Milstein, Financial Accountant

The Committee met at 8am in-camera in discussion of broad issues facing Council and the risk elements thereof. His Worship the Mayor, Councillor Jim Magee left the meeting thereafter.

At 8.35am, the Chairman welcomed Councillors, Officers, Messrs Agnoletto, Burjorjee and Ms Septon from PricewaterhouseCoopers and Mr Loughnan and Ms Ly from the Victorian Auditor-General's Office.

The Chairman also welcomed and introduced Dr Nisbet and Ms Woolmer to their first Audit Committee meeting.



1. End of Year Audit

Mr Loughnan presented the Victorian Auditor-General's audit strategy for the year ending 30 June 2015.

Key areas of focus included:

- Key performance indicators;
- Form and content of financial report;
- New Accounting standards;
- Management override of controls;
- Regional Landfill Clayton South Joint Venture;
- · Revaluation of property, plant and equipment and
- Revenue Recognition

Mr Loughnan noted that no Standard Statements were required for the 2015 Annual Report. He also confirmed that the Interim Audit Management Letter would be made available at the 29 May 2015 Audit Committee Meeting.

At this stage Mr Loughnan and Ms Ly left the meeting.

2. Confirmation of Minutes and Action Items

The minutes of the previous Audit Committee meeting held on 28th November 2014 were confirmed.

It was noted that the action items arising from the previous meeting had been attended to.

Information item 10, Financial Transaction Analysis Reporting, and information item 9, Risks of Management of Large Scale Events, were discussed.

3. Matters for Agenda

The Chairman asked whether any person present was aware of any breaches of any Act or any other irregularity which should be brought before the Committee. No breach or irregularity was reported.

4. Internal Audit Activity

Mr Agnoletto presented the Internal Audit Activity Report. It was noted that the Parks and Open Space review would be tabled at the August 2015 Audit Committee Meeting instead of May 2015. A paper covering PricewaterhouseCoopers 18th Annual Global CEO Survey was distributed amongst Audit Committee Members.



5. Internal Audit Reviews

IT Security Assessment Review

Ms Septon explained that the audit covered both an assessment of reports provided to Council by a penetration testing panel as well as an automated vulnerability assessment of Council's internal network infrastructure.

Three "B", four "C" and one "O" rating were identified. A number of IT related matters were discussed by the Committee. Mr Agnoletto and Ms Septon confirmed that the ratings were in line with first time reviews of similar sized organisations.

Mr Gardner stated that officers would concentrate on addressing the high risk issues and that an annual internal penetration test would be conducted.

At this stage, Mr Gardner left the meeting.

Purchasing Card Review

Mr Burjorjee confirmed that a strong level of oversight existed within Council through stringent approval controls and monthly reconciliations.

Two "B", one "C" and one "O" rating were identified and these recommendations were agreed to by Management.

In relation to the 64 transactions identified that were greater than \$1,000, the CFO confirmed that most of these transactions ranged between \$1,000 and \$3,000.

Messrs Agnoletto, Burjorjee and Ms Septon left the meeting at 10:05am.

6. Audit Committee Charter

Ms Woolmer requested that the Audit Committee Charter "Duties and Responsibilities" section be updated to include "the receiving and consideration of Performance Reports".

In addition, the Chairman requested that the periodic review of the Performance Reporting be included as an agenda item for future Audit Committee Meetings.

Councillor Lipshutz asked that the Local Government Performance Reporting Framework Best Practice Guide be distributed to all Councillors.

7. Risk Management Rolling Progress Reports

At 10:30am, the Chairman welcomed Mr Saunders and Mr Williams to the meeting.

Both managers presented their respective departmental risk management reviews.



Messrs Saunders and Williams left the meeting at 11:05am.

8. Information Items

The Committee noted all information items that were tabled.

Rate Capping – The CEO noted that if rates were determined one year at a time, it would make it difficult to plan or manage larger, multi-year projects, including open space projects.

Other items:

- Councillor Lobo raised the availability of consolidated information on delegations and authorisations to staff. CEO to discuss with Councillor Lobo.
- Councillor Lobo raised concerns regarding damage to pedestrian footpaths by developers. Officers to investigate and report back to Councillors.

Ms Woolmer requested that the Draft Management Representation Letter be presented at the August 2015 Audit Committee Meeting in order to provide assurance for the adoption of the Annual Accounts.

9. Internal Audit Tender

The Chairman requested that the CFO provide information to Committee members in connection with the Internal Audit tender, including:

- selection criteria;
- draft scope of works and other specification information;
- history of internal audit reviews; and
- draft audit plan for the next couple of years.

10. Close of Meeting

The meeting concluded at 11:20am.

11. Next Meeting

Friday, 29 May 2015



Audit Committee Action Items

Meeting Date Requested	Item	Responsibility	Proposed Completio n Date
18 August 2014	Community Care Paper to be updated to consider the transition arrangements when the Transition Agreement becomes available	Director Community Services & Manager Community Care	When Transition Agreement is available
20 February 2015	Update the Audit Committee Charter to include the "receiving and consideration of Performance Reports".	Chief Financial Officer	May 2015
20 February 2015	Update the Audit Committee timetable to include the periodic review of Performance reporting.	Chief Financial Officer	May 2015
20 February 2015	Distribute the Local Government Performance Reporting Framework Best Practice Guide to all Councillors.	Chief Financial Officer	May 2015
20 February 2015	CFO to prepare a draft paper for the Internal Audit Tender, including: selection criteria; draft scope of works and other specification information; history of internal audit reviews; and draft audit plan for the next couple of years.	Chief Financial Officer	May 2015

Schedule of meeting dates for 2015

- 29 May 201521 August 201527 November 2015



Minutes Community Consultation Committee Meeting 19 February 2015

Purpose:

To make recommendations to Council in relation to the ways in which Council consults with residents, ratepayers and other stakeholders in the community to ensure maximum participation, communication and value to the community.

Assembly of Councillors Record

1. Meeting commenced at 6:32pm

Present

Cr Jamie Hyams Chairperson

Cr Mary Delahunty Cr Oscar Lobo

Gregor Ptok

Rosemary McClean

Mark Helding

Peter Jones

Gaye Stewart

Iain Walker

Community representative

Community representative

Community representative

Director Community Services

Manager Community Development

CEO New Democracy Foundation

(present for item 3)

Apologies

Cr Karina Okotel

2. Matters considered

- (i) Presentation by Iain Walker CEO of New Democracy Foundation
- (ii) Alternative approaches to community engagement
- (iii) Selection of new committee member
- (iv) Report on methods available for residents to raise community issues and have them seriously considered by Council

3. Presentation by Iain Walker CEO of New Democracy Foundation

The new Democracy Foundation is an independent, non-partisan research organisation aiming to identify improvements to the democratic process. They utilise the idea of citizen juries to help solve intractable problems and place decision making in the hands of community members. Discussion on the selection process, structure of juries, methods used, authority given to the jury and costs occurred.

The committee agreed there was a need to explore issues for which a citizen jury approach may be useful in Glen Eira.

Action: Officers to send a letter of thanks to lain Walker for his

presentation.

4. Alternative approaches to community engagement

Alternative and new approaches to community consultation were discussed and it was suggested that Professor John Fein, the new Executive Director at the Swinburne Leadership Institute at Swinburne University of Technology be invited to present to the committee. Professor Fein is interested in exploring leadership and promoting ethical conduct in public and business affairs through education, research and community engagement.

Action: Invite John Fein to present at the next community consultation

committee meeting to seek information about other alternative

community consultation processes

5. Previous minutes

A list of action items from minutes of 8 October 2014 was tabled for information. It was suggested that community representatives have the opportunity to review committee minutes prior to them going to Council for approval.

Action: Officers to send committee minutes to community

representatives before going to Council.

6. Selection of new committee member (in-camera item)

The committee reviewed previous nominations received for community representatives on the committee to fill a vacancy created by the resignation of Danielle Miller. The full recommendation for this item contains confidential matters in relation to appointment of community representation on the community consultation committee and is recommended for consideration in-camera under Section 89 (2) (a) of the Local Government Act 1989.

7. Report on methods available for residents to raise community issues and have them seriously considered by Council

The committee discussed the report and availability of the information contained in it for community members.

Recommendation: The committee recommend that the information contained

in the report; Methods available for residents to raise community issues and have them seriously considered by Council, is placed in a prominent position on Council's

website, and as an item in Glen Eira News.

Moved Cr Delahunty Seconded Cr Lobo Motion was passed unanimously

Next meeting: TBA when John Fein is available to present

Meeting closed at 8:15pm

Assembly of Councillors

17 February 2015

Record under S 80 A (2)

Meeting commenced at 6.45PM

A. Present

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

Andrew Newton
Peter Jones
Peter Swabey
Peter Waite
Ron Torres
Karoline Ware
Paul Burke

Apologies

Cr Mary Delahunty

B. <u>Matters considered</u>.

- (i) Level Crossing Removals presentation by VicRoads.
- (ii) North Road Grade Separation project agreements.
- (iii) Open Space Update.
- (iv) Local Park proposal Eskdale Road and Fitzgibbon Crescent, Caulfield North.
- (v) Council Papers for the 24 February 2015 Council Meeting comprising fifteen officer reports together with standing items on the Agenda.
 - (a) Agenda Item 9.1 31 Station Street, Caulfield Outdoor Cinema.

DECLARATIONS OF INTEREST.

Cr Esakoff, Cr Hyams and Cr Lipshutz declared Conflicts of Interest in this item.

8.00PM Cr Esakoff, Cr Hyams and Cr Lipshutz left the briefing room.

8.06PM Cr Esakoff, Cr Hyams and Cr Lipshutz returned to the briefing room.

- (b) Agenda Item 9.2 64-66 Bent Street McKinnon.
- 8.13PM Cr Lipshutz left the briefing room.
- 8.14PM Cr Lipshutz returned to the briefing room.
- (c) Agenda Item 9.4 Planning Scheme Amendment C131 347-351A North Road, Caulfield, 219- 221 East Boundary, Bentleigh, 28 Horne Street, Elsternwick, rear of 55 Woornack Road, Carnegie.
- (d) Agenda Item 9.5 Planning Scheme Amendment C130 101-113 (odd) & 118 Grange Road (even) and 2-4 Watsons Grove, Glen Huntly.
- (e) Agenda Item 9.6 VCAT Watch February 2015.
- (f) Agenda Item 9.7 Quarterly Reporting.
- (g) Agenda Item 9.8 Social Housing (Inclusionary Zoning).
- (h) Agenda Item 9.9 Public Toilet Strategy Review 2015.
- 8.49PM the meeting adjourned.
- 9.02PM the meeting resumed in the presence of:
 - Cr Magee
 - Cr Esakoff
 - Cr Hyams
 - Cr Lipshutz
 - Cr Lobo
 - Cr Okotel
 - Cr Pilling
 - Cr Sounness
- (i) Agenda Item 9.11 Sale of Properties to Recover Unpaid Rates.

DECLARATIONS OF INTEREST

Cr Okotel declared a Conflict of Interest in this item.

- 9.03PM Cr Okotel left the briefing room.
- 9.07PM Cr Okotel returned to the briefing room.
- (j) Agenda Item 9.12 Financial Report for the Period Ending 31 January 2015.
- (k) Agenda Item 12.2 under s89(2)(d) contractual which relates to the awarding of the contract for the provision of telecommunications services.
- 9.13PM Cr Esakoff left the briefing room.
- (vi) Records of Assembly.
 - (a) Cr Hyams 27 January 2015, Minute B(iv)(r) amend to read Agenda Item 12.2.
 - (b) Cr Hyams 10 February 2015, Minute B(v)(a) for Cr Esakoff, delete words.
- (vii) General Business raised by Councillors.
 - (a) Cr Lobo 158a Patterson Road. This is the site of a former bus shelter. Can a bus shelter be reinstalled.
 - (b) Cr Lobo feedback on Aboriginal recognition.
 - (c) Cr Okotel Local Government newspaper Milk bar crime.
 - (d) Cr Okotel Local Government newspaper Pensioner concessions.
 - 9.18PM Cr Esakoff returned to the briefing room.
 - (e) Cr Sounness reported on his attendance at a forum to discuss environmental issues hosted by the Federal Member for Hotham at the City of Greater Dandenong.
 - (f) Cr Hyams garage sale trail.

- (g) Cr Hyams Local Government Victoria, Thinking Local.
- (h) Cr Hyams complaint from Central Shule in relation to the requirements they needed to comply with for their Shabbat Project event held in Princes Park and why the Council did not have to comply with the same requirements for the Party in the Park held in Princes Park.
- (i) Cr Esakoff MAV Elections. Election of President. There is a metropolitan based candidate competing.
- (j) Cr Esakoff Quality Groceries, Glenhuntly Road, Glen Huntly.
- (viii) General Business by Officers.
 - (a) CEO Powerline clearance regulations around trees. Updated Councillors on the use of baton insulators.
 - (b) CEO Councillor tour of capital works projects.
- (ix) General Business by Councillors.
 - (a) Cr Magee development at the corner of Bignell and Centre Roads. Safety issue with truck movements.
 - (b) Cr Okotel Local Laws.
- (x) Records of Assembly
 - (a) Cr Esakoff 10 February 2015, Minute B(v)(a) advised that the matter is ongoing.

Fin 9.39PM

Council Pre-Meeting

24 February 2015

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 Neil Pilling Cr Thomas Sounness Andrew Newton, CEO Peter Jones Peter Swabey Peter Waite Ron Torres Paul Burke

B. <u>Matters considered</u>.

- (i) Council Papers for 24 February 2015 consisting of fifteen Officer reports together with standing items on the Agenda.
 - (a) Agenda Item 9.2 64-66 Bent Street Mckinnon.
 - (b) Agenda Item 9.3 16 20 Clairmont Avenue, Bentleigh.
 - (c) Agenda Item 9.7 Quarterly Reporting.
 - (d) Agenda Item 9.8 Social Housing (Inclusionary Zoning).
 - (e) Agenda Item 9.9 Public Toilet Strategy Review 2015.
 - (f) Agenda Item 11.1 Request for reports Cr Lobo town planning applications.
 - (g) Agenda Item 11.4 Public Questions.

(h) Agenda Item 12.2 - under s89 (2)(d) "contractual" which relates the awarding of the contract for the provision of Telecommunications Services

7.25PM Cr Lobo left the room.

Fin 7.26PM

9. PRESENTATION OF OFFICERS REPORTS

	9.1	1240 Glenhuntly R	load, Carnegi
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- 9.2 27 and 29 Jasper Road Bentleigh
- 9.3 629-631 Glen Huntly Road Caulfield
- 9.4 641- 685 North Road, Ormond
- 9.5 305 Kooyong Road, Elsternwick
- 9.6 236-262 East Boundary Road, Bentleigh East Planning Scheme Amendment C126 - Virginia Park
- 9.7 VCAT Watch March 2015
- 9.8 Hall Street, McKinnon Parking Conditions
- 9.9 State of Community Assets Report 2013/2014
- 9.10 Street Trees and Electric Line Regulations
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- 9.13 Foundation for Youth Excellence Committee Grant Applications
- 9.14 Membership of Advisory Committees

Item 9.1

1240-1248 Glen Huntly Road CARNEGIE APPLICATION NO. GE/PP-27458/2014 Commercial 1 Zone File No: GE/PP-27458/2014 Enquiries: Karoline Ware Manager Statutory Planning



APPLICATION SUMMARY

BBBBBBB		
PROPOSAL	A 6 storey building containing 117 dwellings, shop and home	
	offices above a basement car park.	
RECOMMENDATION	Notice of Decision to Grant a Permit subject to conditions for:	
	Deletion of home offices at ground level and replacement	
	with commercial / retail space.	
	Compliance with all car parking requirements.	
	Increased setbacks from Glen Huntly Road	
KEY ISSUES	Height, scale and massing	
	Transition to General Residential Zone	
	Car park design and layout	
MUNICIPAL STRATEGIC	Housing Diversity Area Policy (Glen Huntly Neighbourhood	
STATEMENT	Centre)	
APPLICANT	Big C & S Group Pty Ltd	
PLANNING SCHEME	Commercial 1 Zone	
CONTROLS	Special Building Overlay & Environmental Audit Overlay	
EXISTING LAND USE	Warehouse	
PUBLIC NOTICE	29 properties notified	
	49 notices sent (owners and occupiers)	
	3 signs erected on site	
	14 objections received	

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 to Grant a Permit for 'Construction of a six (6) storey building containing up to 117 dwellings and shops above a basement car park, reduction of associated car parking requirments and waiver of loading bay requirements on land affected by the Special Building Overlay' for Application No. GE/PP-27458/2014 in accordance with the conditions contained in the Appendix.

3. Applicable Policies and Codes

State Government

- Plan Melbourne
- Rescode (as a guideline under the Commercial 1 Zone)
- Guidelines for Higher Density Residential Development (State Government)

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

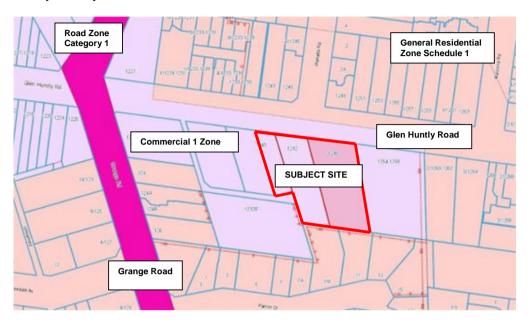
In recommending that Council determines to approve the proposal, consideration has been given to:

- · All written objections and matters raised at the Planning Conference
- State and Local Planning policies and controls including Council's MSS
- Guidelines for Higher Density Residential Development (State Government)

Zoning and Context

The subject site is located within the Commercial 1 Zone. The properties immediately to the east and west have the same zoning. The wider area to the north, east and south is located in the General Residential Zone.

The Commercial 1 Zone seeks to create vibrant activity centres by providing commercial uses combined with residential development at a density appropriate to the role and scale of the Centre. No height limit applies within this zone. The surrounding General Residential Zone has a mandatory maximum 10.5m height limit. The subject site comprises 3 consolidated lots located on the fringe of the Glen Huntly Activity Centre.



Commercial areas are strategic locations for higher densities of development due to their proximity to services, infrastructure and public transport. The subject site meets these criteria and is clearly a location where some form of mixed use development is an appropriate response noting the location on a tram route and close proximity to public open space and other recreational facilities to the south.

The Housing Diversity Area Policy encourages that residential uses (such as shop top housing and apartment style developments) be integrated with ground floor commercial uses. Conditions will ensure the proposal responds to this objective with shops across the width of the frontage at ground floor to maintain an active street presentation with five storeys of residential apartment above (as well as at ground floor to the rear).

In commercial centres it is uncommon for dwellings to front the street at ground floor as it does not provide the active frontage that is created by retail uses. The proposed Shop 1 has an area of 228m2, which is considered an underutilization of a commercial site and inconsistent with the purpose of the zone. Accordingly it is recommended that the ground floor home offices fronting Glen Huntly Road be replace with a commercial use (shops or offices) to Council's satisfaction to ensure the land is consistent with the purpose of the zone. This will also allow a continuous cantilevered verandah over the footpath.

Height, scale and massing

The Housing Diversity Area policy seeks to ensure that the density, mass and scale of development is appropriate to the scale, character and physical size of the Neighbourhood Centre. Whilst it is acknowledged that the development will introduce a substantially larger building into the area in terms of height and scale, the development is considered an acceptable response to policy and emerging character in Glen Eira's Neighbourhood Centres.

The consolidation of three lots results in a site of 2867m² which is particularly large in this commercial area, providing potential for a higher development yield than could be achieved on a smaller site. The proposed three storey podium presenting to Glen Huntly Road is considered acceptable in a commercial setting and respectful of the height of neighbouring buildings.

Council's Urban Designer has recommended that levels above second floor be setback 5.0m from the front boundary so that the podium would be more clearly expressed and the building would have an appropriate scale relative to the existing three storey office buildings to the west. This will ensure the massing of the three upper storeys is centralized and the built form is recessive to reduce the visibility for pedestrians at street level along Glen Huntly Road and oblique views from the wider neighbourhood and at a distance.

It is acknowledged that the upper storeys will be visible somewhat, however it is not an objective of policy that upper storeys be completely screened from view, rather policy seeks to ensure that upper storeys are visually recessive so that they sit comfortably within their context, and the design response is considered to achieve this objective.

The development has a contemporary architectural style which is reflective of emerging building forms in the Glen Huntly Activity Centre and wider neighbourhood.

Visual interest is created at all floors through the varying setbacks and range of colours and materials inclusion of balconies, windows and planter boxes to soften the built form. Visual bulk and mass are minimized through the reduced footprint of the third, fourth and fifth floors and selection of lightweight construction materials such as horizontal cladding and glazing.

Amenity impacts and transition to General Residential Zone

The building will be prominent in its existing context and will be visible from various vantage points. Notwithstanding the height and scale of the building, the subject site has the benefit of relatively non-sensitive interfaces to the east, south-west and west i.e. a large vacant lot to the east at 1254-1258 Glen Huntly Road, hard paved car parking areas at the rear of the apartments 9 Parton Court and 1232 Glen Huntly Road to the south-west and an existing commercial building constructed along the length of the western boundary.

It is acknowledged that the building will be highly visible when viewed from the rear private open space areas of residential properties to the South. However when weighed up against policy objectives for Activity Centres the potential amenity impacts are considered reasonable.

The development proposes three storey podium at the rear with a setback of 5.5m with minor balcony encroachments. The setbacks then increase significantly at the upper levels with a separation distance of 9.3m at third floor, 12.7m at fourth floor and 16.8m at the top fifth floor level. The proposed setbacks from the south (rear) boundary are considered to achieve the steeping of built form and transition between commercial and residential areas that is encouraged under policy.

Visual bulk impacts are minimized through the stepping of the built form at the rear in response to the lower scale nature of existing dwellings to the west. The rear elevation incorporates varied materials and finishes at the upper levels are provided with balconies to provided graduation and recessed elements within the building form. The upper levels are significantly recessed to reduce their visibility when viewed from neighbouring backyards and reduce amenity impacts as a result of bulk, massing and overshadowing.

Increased setbacks are recommended for the building from the east boundary to provide equitable development opportunities with the vacant lot at 1254-1259 Glen Huntly Road. This will also provide improved internal amenity by relocating balconies to face east and assist with reducing bulk and mass presenting to areas of private open space to the south-east.

The development has been designed so that it does not unreasonably overlook neighbouring properties. Rear facing balconies at first and second floor provided with fixed privacy screens to 1.7m above floor level or highlight windows with minimum 1.7m sill heights.

The submitted shadow diagrams show that the development will result in a slight increase in overshadowing to the rear private open space of 11 Parton Court at 9am compared with the shadow cast by existing structures. After 10am this area would experience no increase in overshadowing from the development. The afternoon shadows primarily fall across the vacant lot to the east with a slight increase in shadows impact to 13 Parton Court at 3pm. The extent of shadow impacts to neighbouring backyards are considered within acceptable limits given the commercial context.

Policy encourages a landscape buffer be provided along rear boundary where sites have a sensitive residential interface. The extent of landscaping that can be provided at the rear of the site is considered reasonable in a commercial setting. The basement is setback 2.0m from the south (rear) boundary which will ensure mature canopy tree planting can be carried out along this boundary.

Internal amenity

Each apartment is designed to maximise natural light to habitable areas in response to the east-west orientation of the site. The layout and design of the development will result in functional, well-proportioned dwellings with good access to daylight, direct sunlight and adequately proportioned balconies. The number of apartments with south facing balconies has been minimized and is considered acceptable for this commercial setting and the constraints of the east and west orientation of the site.

Access arrangement and car parking

Each apartment is provided with a single car space in a stacker arrangement in accordance with the State Government parking supply guideline (one car space per one or two bedroom dwelling). The proposed shop at ground floor generates parking demand for approx. 2 car spaces. Council's Transport Planning Department have recommended 3 car spaces be provided for the shop. This requirement has been increased to 6 shop car spaces as conditions recommend the increase in shop area at ground floor (to replace the home offices facing Glen Huntly Road).

The development proposes 9 visitor spaces, a reduction of 16 below the State Government requirement. Transport Planning recommend a minimum of 16 visitor spaces be provided. As there is a surplus of parking provided within the basement levels this requirement can be easily achieved.

Bicycle parking is conveniently located on the upper basement level in a secure location.

Despite the recommended increase in commercial area at ground floor, the waiver of loading bay requirements has been accepted by Transport Planning as the development will incorporate two separate retail tenancies, therefore delivery vehicles are likely to be smaller in size and can be accommodated on-street or within the rear laneway.

Residents of this development would also be ineligible for resident parking permits.

Flooding Risk

The application has been referred to Melbourne Water who has consented to the application subject to conditions / notes. Overland flow paths (3.0m wide) have been provided centrally through the building and adjacent to the eastern boundary.

Environmental Audit Overlay

The applicant has submitted a preliminary site investigation for site contamination.

The study recommends a more detailed assessment be carried out and an Environmental Management Plan be prepared for the basement excavation works. A requirement for an Environmental Audit will be required by condition of the recommendation.

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 Waste Management Plan (WMP) has been submitted and approved.

APPENDIX

ADDRESS: 1240-1248 GLEN HUNTLY ROAD, CARNEGIE

APPLICATION NO: GE/PP-27458/2014

1. Proposal

• Construction of a six (6) storey mixed use building across three lots.

- Use and development of the land for 117 dwellings (41 x one bedroom, 70 x two bedroom, 6 x three bedrooms).
- 3 x home office units each fronting Glen Huntly Road with direct access from the street.
- A shop with area of 265m² fronting Glen Huntly Road.
- Two basement levels accommodating 166 car parking spaces (152 residential, 2 commercial and 12 visitor).
- Vehicle access via a new double width crossover at 1240 Glen Huntly Road (north-west corner)
- Pedestrian access via an entry lobby located centrally along Glen Huntly Road (centralised lift/stair for internal access)
- 41 bicycle spaces provided
- Maximum building height of 19.5m
- Contemporary design with three storey podium presenting to street and recessed upper levels
- Overland flow paths meauring 3.0m wide to address Melbourne Water requirements.

2. Public Notice

- 29 properties notified
- 49 notices sent (owners and occupiers)
- 3 sign erected on site
- 14 objections received

The objectors' concerns can be summarised as follows:

- Loss of neighbourhood character due to density, scale and height
- Insufficient car parking provided on site
- Impacts to existing infrastructure
- Large volume of rainwater into drainage systems
- Traffic congestion at busy intersection with Grange Road
- Environmentally Sustainable Design has not been provided
- Excessive height transport routes should be 4 storeys max.
- Density is too intense for site context
- · Basement design and layout
- Waste collection
- Site contamination due to previous uses
- Overlooking
- Loss of natural light
- · Lack of on street parking to support development
- No loading bays provided for shop
- Impacts to streetscape

- Insufficient landscaping opportunities
- Inadequate setbacks at sensitive rear interface
- Visual impacts should be reduced by increasing rear setbacks
- Loss of transmitter radio link for community radio station
- Noise pollution
- · Density, mass and scale is excessive

3. Referrals

The application has been referred to various departments and individuals within Council for advice on particular issues. The following is a summary of relevant advice:

Transport Planning

- The majority of visitor parking to be provided on-site (at least 16).
- At least 3 car spaces be provided for the shop (relative to the size of the shop component of the development).
- Residents of the development would be ineligible for resident parking permits.
- Two-way vehicle movement is required for the basement.
- Provide intercom for visitors.
- The proposed ramp grades are acceptable.
- The visitor bike racks on the nature strip should be deleted and provide within the site boundary.
- A minimum height clearance of 2.25m within the basement should be provided.
- Loading bay requirements can be waived.

<u>Urban Designer</u>

- Replace the three ground-floor home-offices facing Glen Huntly Road with shops or offices.
- Provide a continuous cantilevered verandah over the footpath extending the full frontage of the property.
- Upper levels should be further setback to express the podium.
- Consider a gentler transition in scale to the rear residential dwellings.

Asset Engineering

- The ramp to the basement car park shall be designed to avoid flooding of the proposed basement.
- The redundant vehicle crossing must be removed and footpath, nature strip and kerb and channel
- All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- All Asset Protection and Engineering Permits must be obtained from Council Engineering Services Department prior commencement of any building works. No modifications without Council consent.

Landscape Officer

- There are no high value trees on the site or any neighbouring property that will be impacted by the development.
- The extent of the basement reduces landscaping opportunities.
- A landscape plan is required showing planting of canopy trees adjacent to the rear boundary.

Building Technical Officer

- Building Surveyor to assess protection works, fire ratings, disability access, sound insulation, light and natural ventilation, mechanical ventilation, circulation of spaces, amenity of units, distances of travel
- Construction Management Plan required.
- Canopy (new) to be cut back minimum 750mm from kerb and channel.

Waste Services

• Waste Management Plan (WMP) approved.

4. Planning Conference

The Conference, chaired by Cr Delahunty, 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:

- The development is not in keeping with the character of the existing streetscape
- The height and scale of the development is excessive for the location
- Reduction of statutory car parking requirements should not be allowed
- Overshadowing and overlooking to neighbouring residential properties
- · Development will set a precedent for the area
- The development provides low internal amenity
- One car space per dwelling is inadequate
- Increased traffic congestion and reduced parking for the area
- · Loading bay should be provided for the shop
- Flooding risk
- · Noise emissions from development
- Access to the basement appears narrow
- Site contamination should be further investigated

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 be generally in accordance with the plans submitted with the application (identified as TP04a, TP05a, TP06b, TP07a dated 21 January 2015, TP08, TP09, TP10, TP11 dated 11 November 2014, TP12a, TP13a, TP14a, TP15a, TP16a, TP17a dated 21 January 2015 prepared by Clarke Hopkins Clarke Architects) but modified to show:
 - (a) The third floor setback a minimum of 5.0m from the north (Glen Huntly Road) boundary. Balconies may encroach into this setback.
 - (b) The fourth and fifth floors setback (inclusive of balconies) a minimum of 5.0m from the north (Glen Huntly Road) boundary.
 - (c) The building inclusive of balconies (but excluding the ground floor and Apartments 110, 210, 306 & 406) setback a minimum of 4.5m from the east boundary. Remaining apartments in the south-east corner of the building should be provided with east facing balconies with screening to the satisfaction of the Responsible Authority.
 - (d) The home offices replaced with a commercial use and glazing provided at ground level presenting to Glen Huntly Road to the satisfaction of the Responsible Authority.
 - (e) The car parking allocation for the approved development at the following rates:
 - Not less than one (1) car space for each 1 or 2 bedroom dwelling
 - Not less than 16 visitor spaces.
 - Not less than 6 spaces allocated for shop use.
 - (f) The intercom system located on the driver's side within a central island at the entrance to the basement. Any consequential changes must be to the satisfaction of the Responsible Authority.
 - (g) The basement ramp grades and design to be in accordance with AS2890.1 and Clause 52.06.
 - (h) The ramp delineated with a solid central line marking to identify that the ramps are providing for two-way movements.
 - (i) All bicycle parking provided within the site boundaries and in accordance with Clause 52.34 and AS2890.3 requirements.
 - (j) A minimum height clearance of 2.25m provided at the entrance and throughout the basement level 1B as per the space requirements provided in AS2890.3. Height clearances within the basement car park must be shown as per Figure 5.3 in AS2890.1
 - (k) A continuous cantilevered verandah canopy over the footpath extending the full frontage of the property and extending to 750mm from the face of the kerb and channel.
 - (I) Details of toilets and other amenities for the shops.
 - (m) Location of any air conditioning units to be located on balconies.
 - (n) All balcony balustrades designed to obscure any air conditioning units to the satisfaction of the Responsible Authority and the plans annotated accordingly.

- (o) A schedule of colours, material and treatments (incorporating samples).
- (p) Redundant vehicle crossings removed and reinstated.

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

- 2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - (a) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (d) Landscaping and planting within all open space areas of the site.
 - (e) Advanced canopy trees (minimum 3.0m tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the areas adjacent to the southern boundary.

Trees are not to be sited over easements.

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

- The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. 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.
- 4. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
- 6. The proposed works must not cause any damage to the existing street tree/s to be retained. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
- 7. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the existing street tree at a radius of 3.0m from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.

8. The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

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

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

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

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

- 9. The car parking allocation for the approved development must be:
 - Not less than one (1) car space for each 1 or 2 bedroom dwelling
 - Not less than 16 visitor spaces.
 - Not less than 6 spaces allocated for shop use.
- 10. The vehicular crossing(s) must be constructed to the road to suit the proposed accessway to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- 11. 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;
 - 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.

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;
- 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;
- (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.

Once approved the CMP 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.

- 13. Prior to the commencement of the development, the Waste Management Plan as approved by the Responsible Authority must be implemented to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
 - (a) details of all garbage collection being undertaken by a private contractor;
 - (b) location of all waste collection points including recycling for the residential and shop uses;
 - (c) details of recycling services;
 - (d) frequency of collection; and
 - (e) location of collection points (must be from within the building) and details of collection.

The waste management plan may only be amended with the approval of the Responsible Authority.

- 14. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
- 15. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
- 16. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles in accordance with an approved Waste Management Plan to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
- 17. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.

- 18. Air conditioning units located on balconies must be screened from view and not visible from the street or adjoining properties.
- 19. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
- 20. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
- 21. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.
- 22. 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.
- 23. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note C' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
- 24. Construction or carrying out of buildings and works associated with the development (excluding remediation works for the purpose of the environmental audit) hereby approved must not occur until, to the satisfaction of the Responsible Authority:
 - A certificate of environmental audit is issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - An environmental auditor appointed under the Environment Protection Act 1970
 makes a statement in accordance with Part IXD of the Act that the environmental
 conditions of the land are suitable for the sensitive use.

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

Where there are conditions on a Statement of Environmental Audit that require ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987 (unless deemed unnecessary by the Responsible Authority) to give effect to the ongoing maintenance and/or monitoring conditions contained in the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority. A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

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

- 25. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways. (Melbourne Water Condition)
- 26. The entry / exit driveway of the basement carpark must incorporate a flood proof apex of a minimum of 300mm above the applicable flood level. (Melbourne Water Condition)
- 27. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level. (Melbourne Water Condition)
- 28. The ground floor must be constructed with finished floor levels set a minimum of 300mm above the applicable flood level. (Melbourne Water Condition)
- 29. The layout of the site, size, design and location of buildings and works must not be altered without the prior written consent of Melbourne Water. (Melbourne Water Condition)
- 30. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements. (Melbourne Water Condition)
- 31. This Permit will expire if:
 - * The development does not start within two (2) years from the date of this Permit: or
 - * The development is not completed within four (4) years of the date of this Permit.

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

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

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 to that adopted for the approval of this Planning Permit.
- C. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- D. The exact design detail of the fences on the eastern, southern and western boundaries of the site and the division of costs is to be determined with the adjoining owners in accordance with the provisions of the Fences Act 1968.
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The 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

Asset Engineering Advice:

- H. The vehicle crossing must be constructed as commercial type vehicle crossing with splayed to Council standards.
- I. The redundant vehicle crossing must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.

- J. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- K. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- L. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- M. Visitor Bike Racks must be provided within the proposed development not on the nature strip.
- N. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- O. An Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- P. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- Q. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.
- R. Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from the Grange Road Main Drain (Dr4951) and that the applicable 1% flood level for the property is 41.89 metres to Australian Height Datum.
- S. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 248514.

Crs Delahunty/Pilling

That Council:

Issues a Notice of Decision to Grant a Permit for 'Construction of a six (6) storey building containing up to 117 dwellings and shops above a basement car park, reduction of associated shop car parking requirements and waiver of loading bay requirements on land affected by the Special Building Overlay' for Application No. GE/PP-27458/2014 in accordance with the following conditions.

Conditions

- 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 be generally in accordance with the plans submitted with the application (identified as TP04a, TP05a, TP06b, TP07a dated 21 January 2015, TP08, TP09, TP10, TP11 dated 11 November 2014, TP12a, TP13a, TP14a, TP15a, TP16a, TP17a dated 21 January 2015 prepared by Clarke Hopkins Clarke Architects) but modified to show:
 - (a) The third floor setback a minimum of 5.0m from the north (Glen Huntly Road) boundary. Balconies may encroach into this setback.
 - (b) The fourth and fifth floors setback (inclusive of balconies) setback an additional 1.0m from the north (Glen Huntly Road) boundary.
 - (c) The building inclusive of balconies (but excluding the ground floor and Apartments 110, 210, 306 & 406) setback a minimum of 4.5m from the east boundary. Remaining apartments in the south-east corner of the building should be provided with east facing balconies with screening to the satisfaction of the Responsible Authority.
 - (d) The home offices replaced with a commercial use and glazing provided at ground level presenting to Glen Huntly Road to the satisfaction of the Responsible Authority.
 - (e) The car parking allocation for the approved development at the following rates:
 - Not less than one (1) car space for each 1 or 2 bedroom dwelling
 - Not less than two (2) car spaces per three (3) or more bedroom dwelling
 - Not less than one (1) visitor space per five (5) dwellings
 - · Not less than 6 spaces allocated for shop use.
 - (f) The intercom system located on the driver's side within a central island at the entrance to the basement. Any consequential changes must be to the satisfaction of the Responsible Authority.
 - (g) The basement ramp grades and design to be in accordance with AS2890.1 and Clause 52.06.
 - (h) The ramp delineated with a solid central line marking to identify that the ramps are providing for two-way movements.
 - (i) All bicycle parking provided within the site boundaries and in accordance with Clause 52.34 and AS2890.3 requirements.

- (j) A minimum height clearance of 2.25m provided at the entrance and throughout the basement level 1B as per the space requirements provided in AS2890.3. Height clearances within the basement car park must be shown as per Figure 5.3 in AS2890.1
- (k) A continuous cantilevered verandah canopy over the footpath extending the full frontage of the property and extending to 750mm from the face of the kerb and channel.
- (I) Details of toilets and other amenities for the shops.
- (m) Location of any air conditioning units to be located on balconies.
- (n) All balcony balustrades designed to obscure any air conditioning units to the satisfaction of the Responsible Authority and the plans annotated accordingly.
- (o) A schedule of colours, material and treatments (incorporating samples).
- (p) Redundant vehicle crossings removed and reinstated.
- (q) An increase in setbacks from the southern boundary to ensure there is no increase in overshadowing to 11 Parton Court at 9am on the 22 September.
- (r) An increase in the setbacks from the southern boundary to ensure there is no increase in overshadowing to 13 Parton Court at 3pm on the 22 September.

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

- 2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - (a) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (d) Landscaping and planting within all open space areas of the site.
 - (e) Advanced canopy trees (minimum 3.0m tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the areas adjacent to the southern boundary.

Trees are not to be sited over easements.

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

3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. 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.

4. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

- 5. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
- 6. The proposed works must not cause any damage to the existing street tree/s to be retained. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
- 7. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the existing street tree at a radius of 3.0m from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- 8. The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

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

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

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

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

- 9. The car parking allocation for the approved development must be:
 - Not less than one (1) car space for each 1 or 2 bedroom dwelling
 - Not less than two (2) car spaces per three (3) or more bedroom dwelling
 - Not less than one (1) visitor space per five (5) dwellings
 - · Not less than 6 spaces allocated for shop use.
- 10. The vehicular crossing(s) must be constructed to the road to suit the proposed accessway to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

- 11. 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.

- 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;
 - (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.

Once approved the CMP 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.

- 13. Prior to the commencement of the development, the Waste Management Plan as approved by the Responsible Authority must be implemented to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
 - (a) details of all garbage collection being undertaken by a private contractor;
 - (b) location of all waste collection points including recycling for the residential and shop uses;
 - (c) details of recycling services;
 - (d) frequency of collection; and
 - (e) location of collection points (must be from within the building) and details of collection.

The waste management plan may only be amended with the approval of the Responsible Authority.

- 14. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
- 15. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
- 16. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles in accordance with an approved Waste Management Plan to the satisfaction of the Responsible Authority. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
- 17. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
- 18. Air conditioning units located on balconies must be screened from view and not visible from the street or adjoining properties.
- 19. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
- 20. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced).
- 21. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.

- 22. 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.
- 23. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note C' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
- 24. Construction or carrying out of buildings and works associated with the development (excluding remediation works for the purpose of the environmental audit) hereby approved must not occur until, to the satisfaction of the Responsible Authority:
 - A certificate of environmental audit is issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the sensitive use.

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

Where there are conditions on a Statement of Environmental Audit that require ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987 (unless deemed unnecessary by the Responsible Authority) to give effect to the ongoing maintenance and/or monitoring conditions contained in the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority. A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

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

25. Pollution and sediment laden runoff shall not be discharged directly or indirectly into

Melbourne Water's drains or waterways. (Melbourne Water Condition)

- 26. The entry / exit driveway of the basement carpark must incorporate a flood proof apex of a minimum of 300mm above the applicable flood level. (Melbourne Water Condition)
- 27. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level. (Melbourne Water Condition)
- 28. The ground floor must be constructed with finished floor levels set a minimum of 300mm above the applicable flood level. (Melbourne Water Condition)
- 29. The layout of the site, size, design and location of buildings and works must not be altered without the prior written consent of Melbourne Water. (Melbourne Water Condition)
- 30. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements. (Melbourne Water Condition)
- 31. This Permit will expire if:
 - * The development does not start within two (2) years from the date of this Permit; or
 - * The development is not completed within four (4) years of the date of this Permit.

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

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

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 to that adopted for the approval of this Planning Permit.
- C. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- D. The exact design detail of the fences on the eastern, southern and western boundaries of the site and the division of costs is to be determined with the adjoining owners in accordance with the provisions of the Fences Act 1968.
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The 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

Asset Engineering Advice:

- H. The vehicle crossing must be constructed as commercial type vehicle crossing with splayed to Council standards.
- I. The redundant vehicle crossing must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
- J. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- K. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- L. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.

- M. Visitor Bike Racks must be provided within the proposed development not on the nature strip.
- N. Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
- O. An Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- P. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- Q. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.
- R. Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to flooding from the Grange Road Main Drain (Dr4951) and that the applicable 1% flood level for the property is 41.89 metres to Australian Height Datum.
- S. If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 248514.

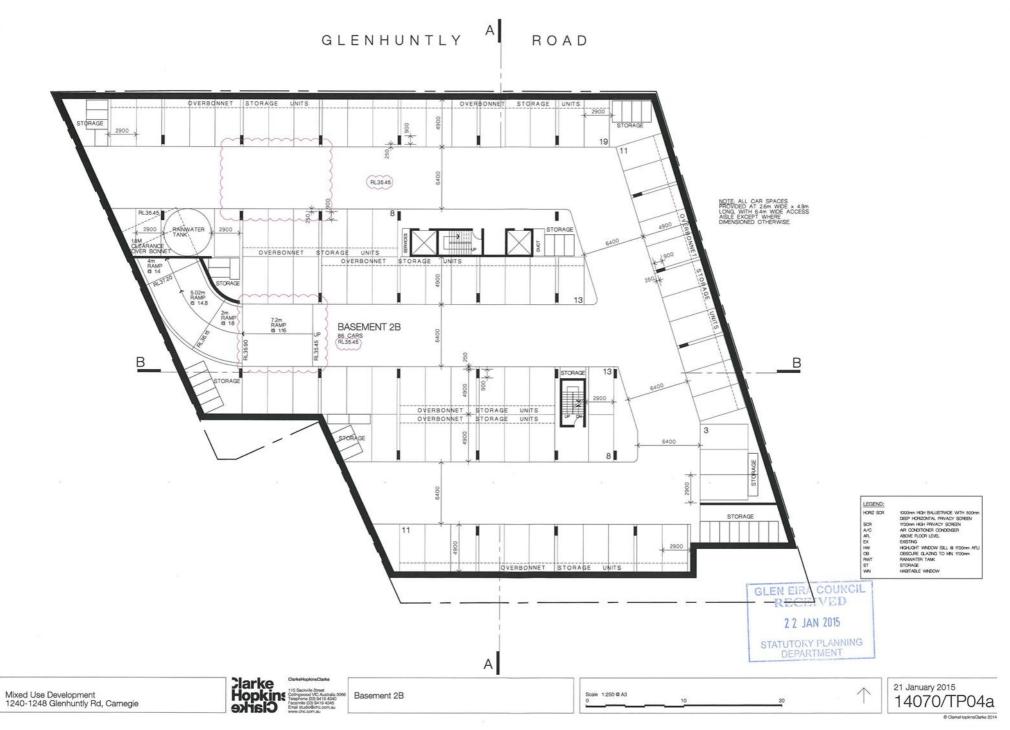
DIVISION

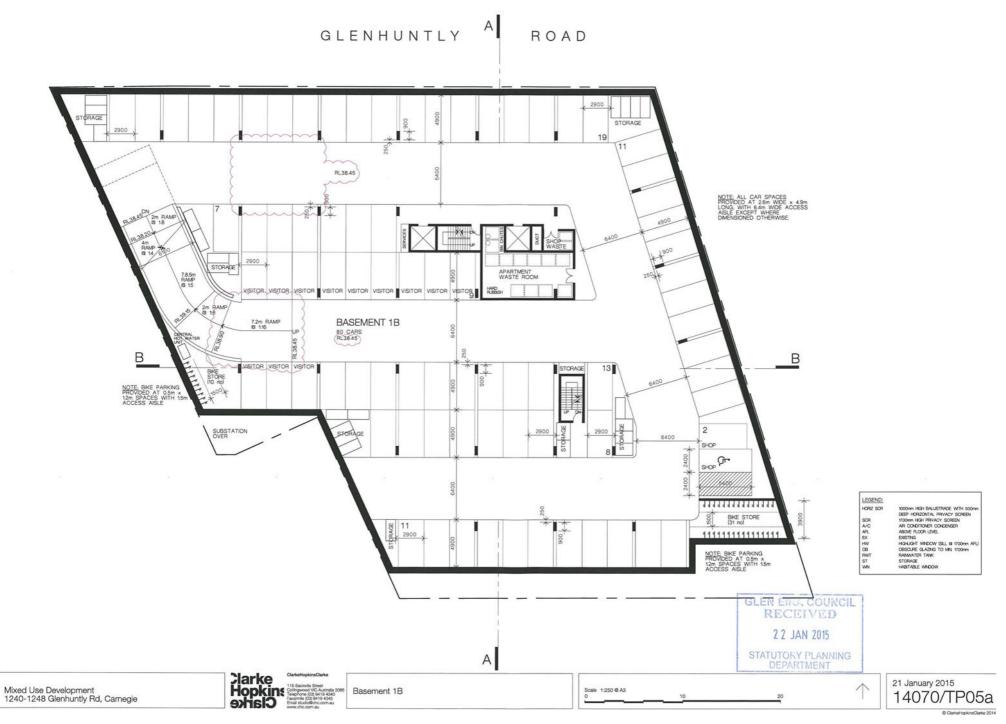
Cr Okotel called for a DIVISION on the voting of the Motion.

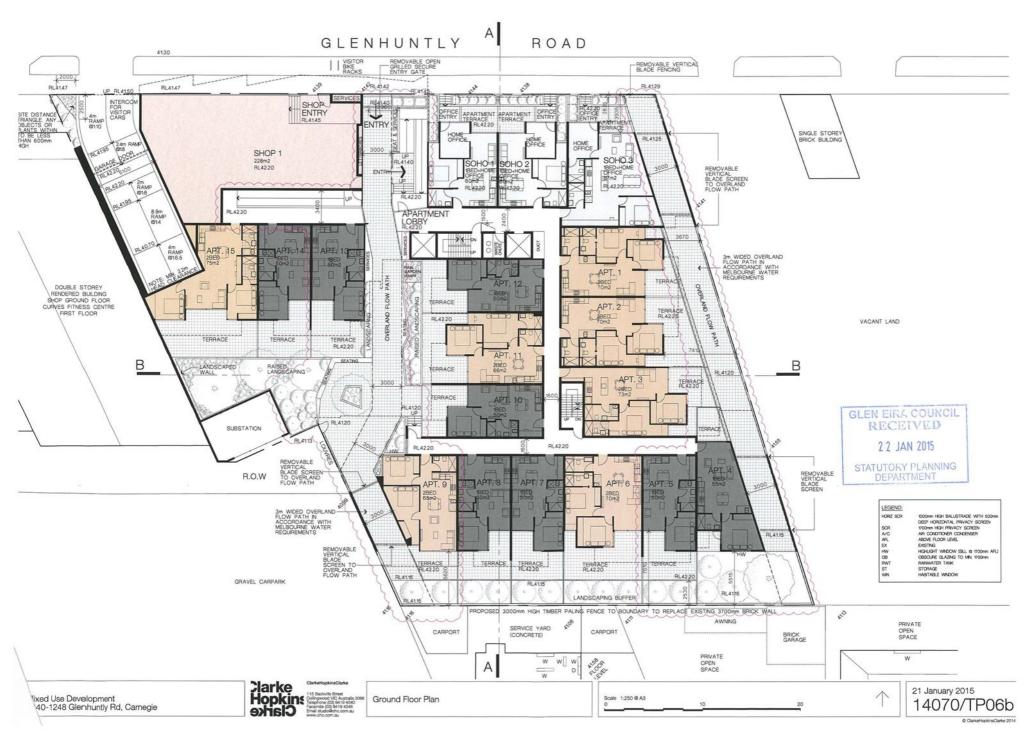
FOR AGAINST
Cr Delahunty Cr Okotel
Cr Pilling Cr Esakoff
Cr Lipshutz Cr Hyams
Cr Sounness Cr Lobo

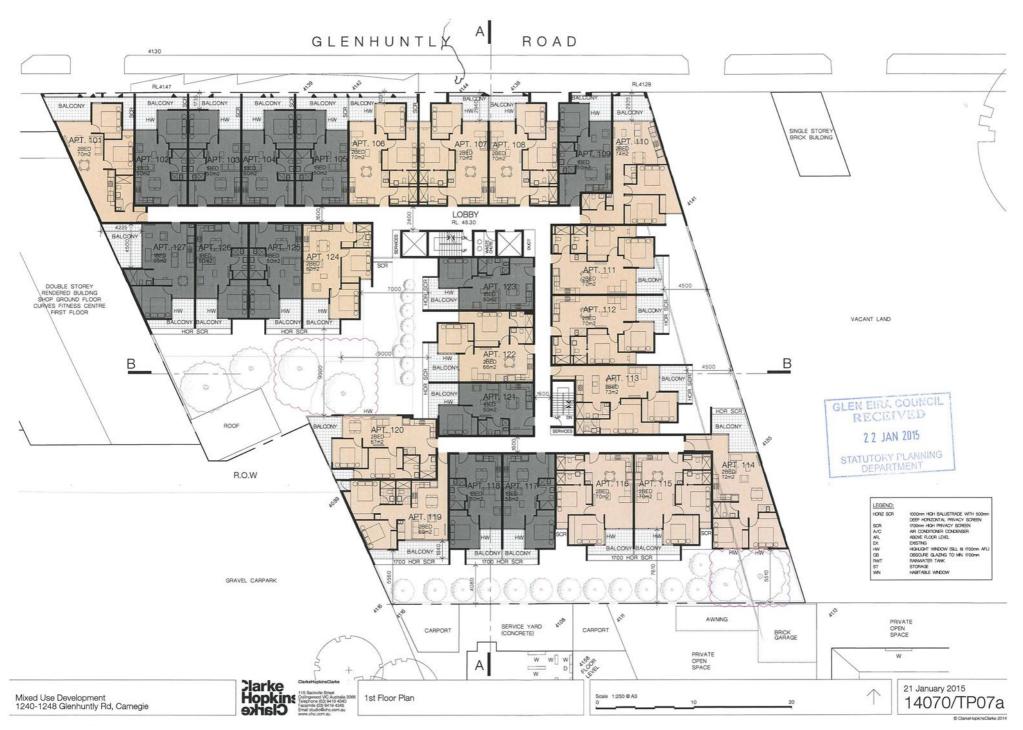
Cr Magee

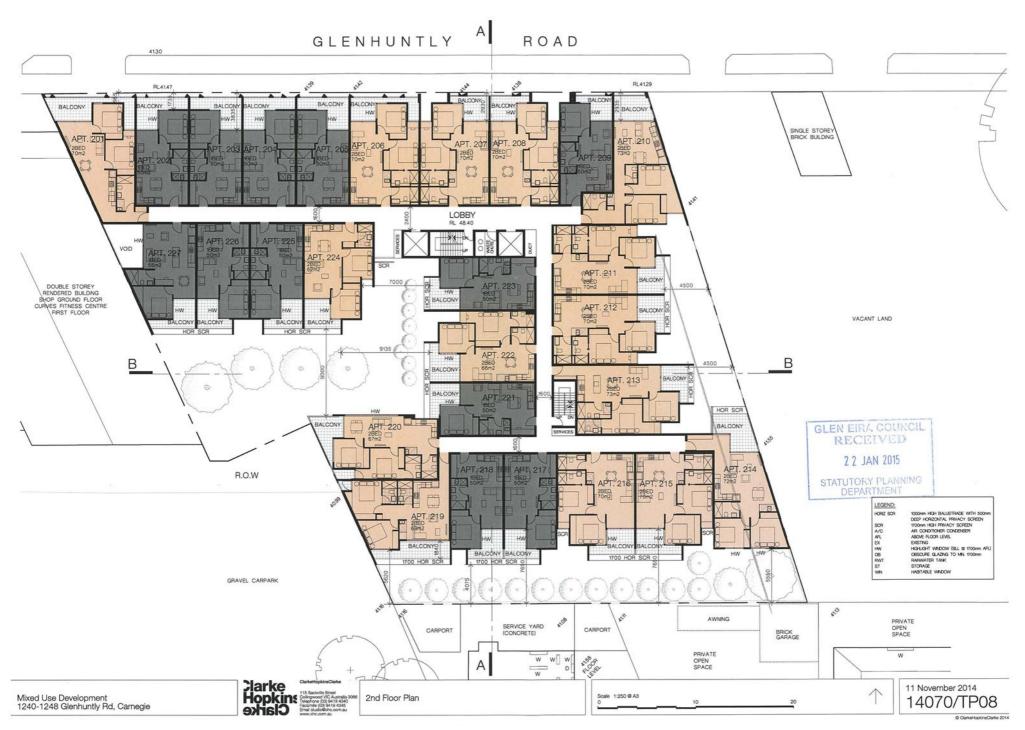
On the basis of the DIVISION the Chairperson declared the Motion CARRIED.

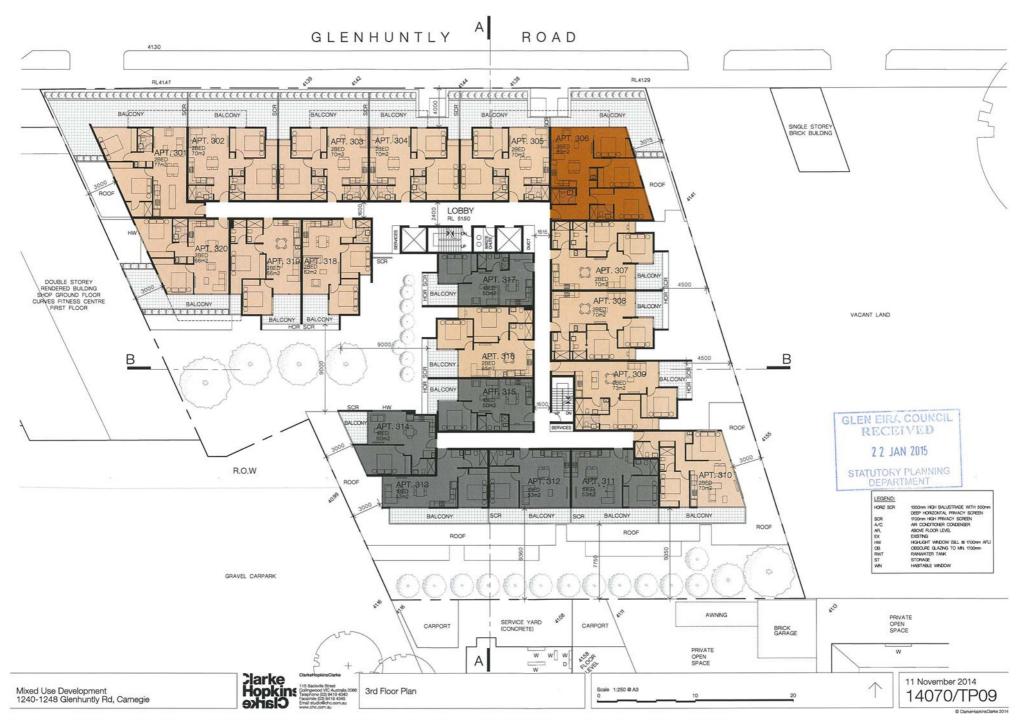


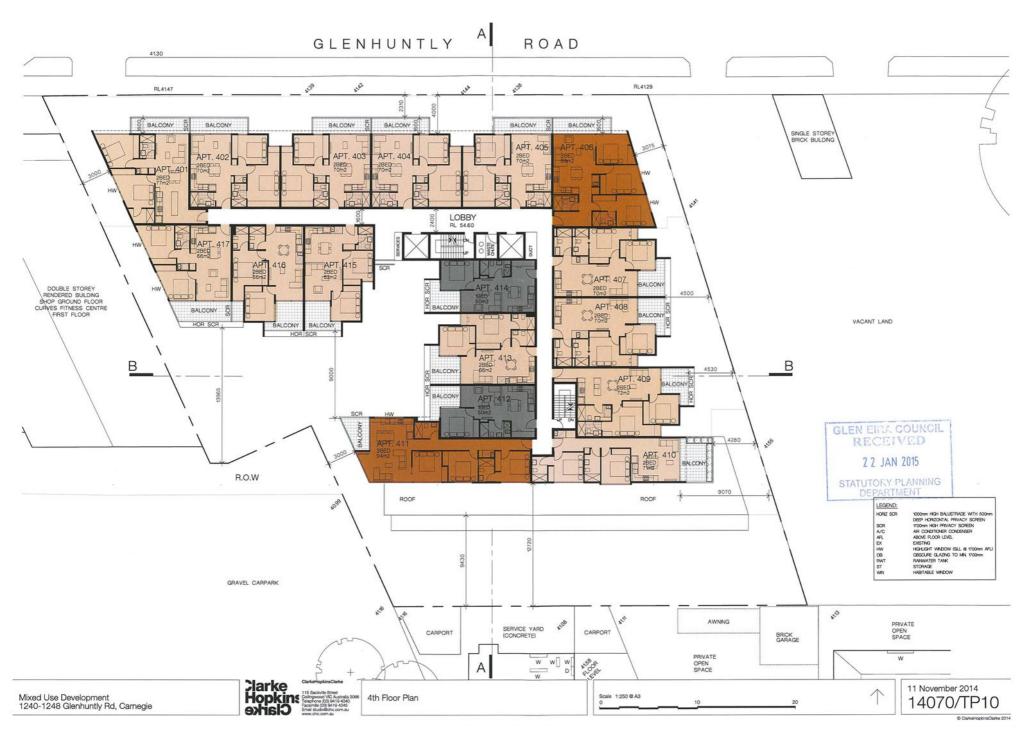


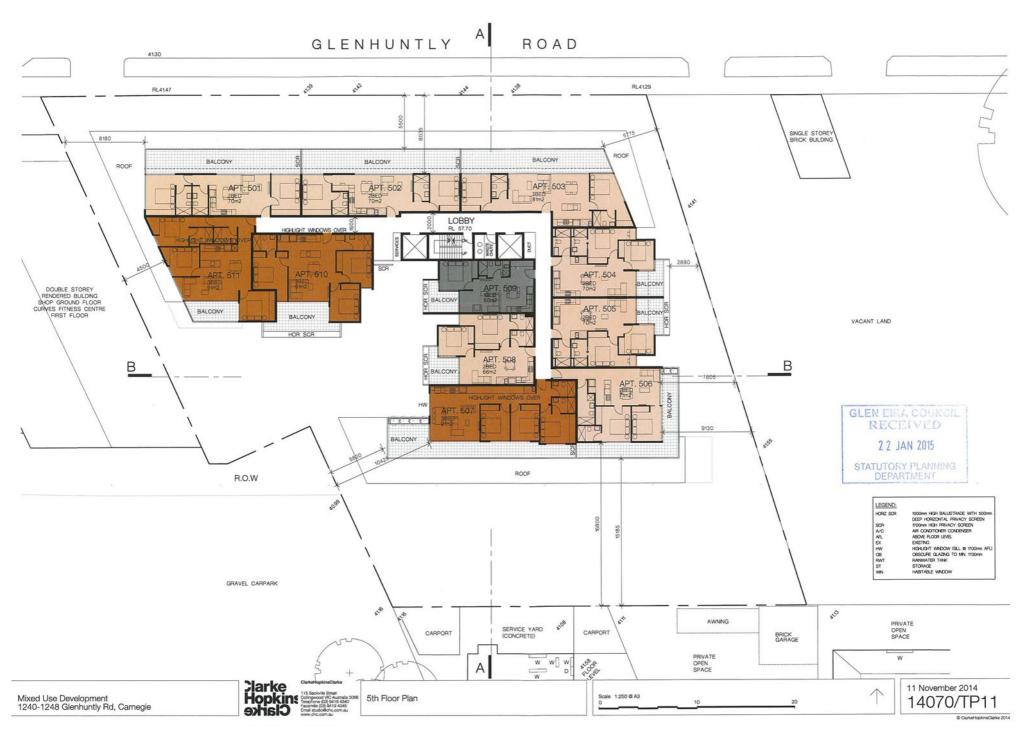


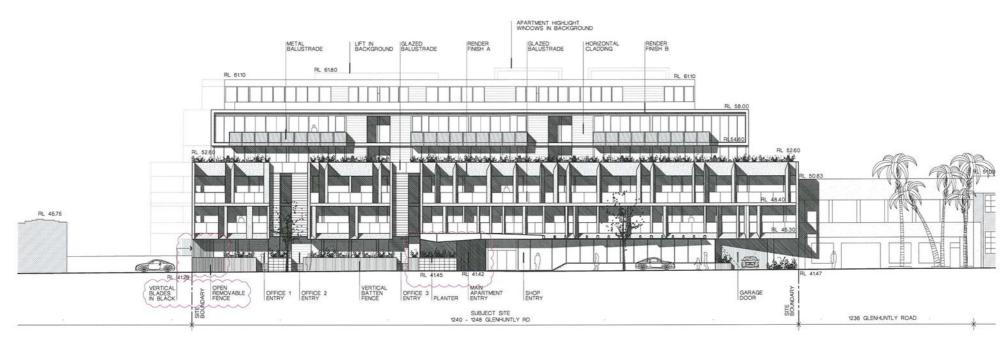












GLEN EIRA COUNCIL RECEIVED 2 2 JAN 2015 STATUTORY PLANNING DEPARTMENT

Clarke Hopkins Clarke
Hopkins Odingwood WZ Audrala 2009
9XnsIO

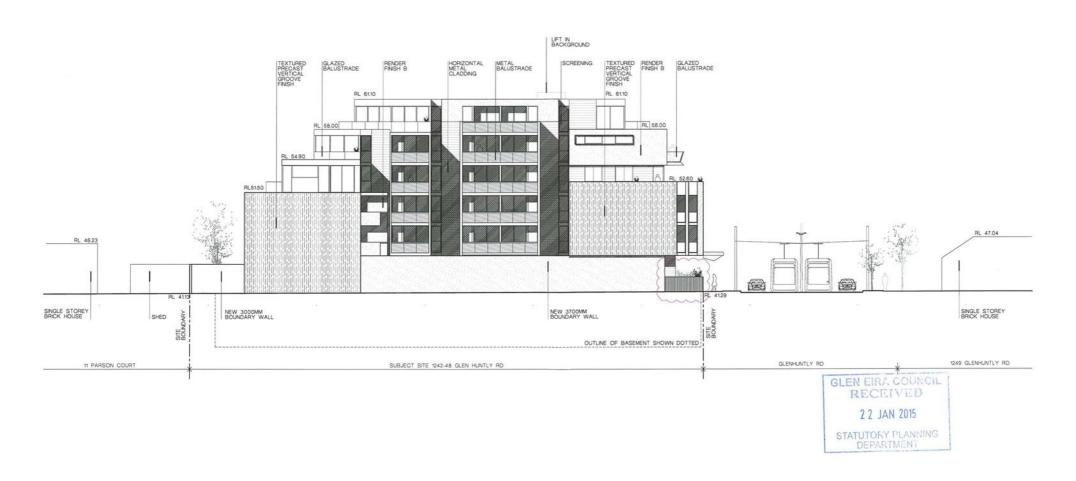
Clarke Odingwood WZ Audrala 2009
9XnsIO

England Did 14445
Email Standown.com.au
www.chc.com.au

Proposed North Elevation (Glenhuntly Rd)

Scale 1:250 © A3 0 20 40

21 January 2015 14070/TP12a

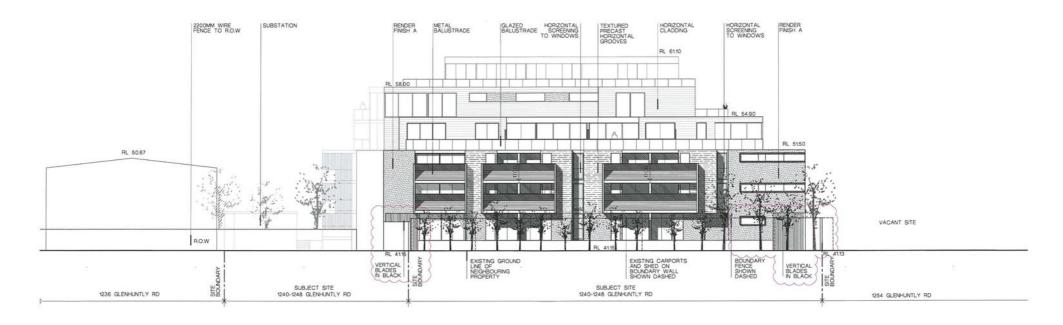


Mixed Use Development 1240-1248 Glenhuntly Rd, Carnegie



Proposed East Elevation

Scale 1:250 Ф A3 0 10 20 40 21 January 2015 14070/TP13a



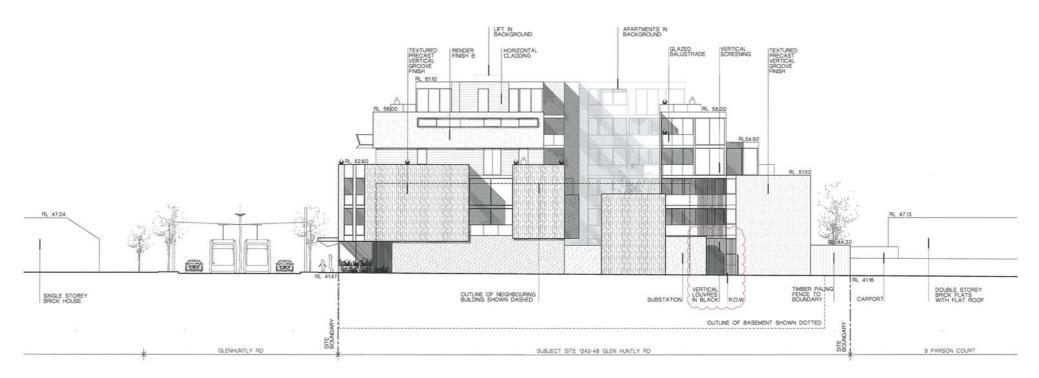


Dlarke Hopkins 116 Saciville Street Oblingwood Vis Australia S Politinghe CD 617 e 6246 Frait studosteh comau www.fr.comau

Proposed South Elevation

Scale 1:250 @ A3 0 20 40

21 January 2015 14070/TP14a



GLEN EIRA COURCIL RECEIVED 22 JAN 2015 STATUTORY PLANNING DEPARTMENT

Clarke Hopkins Clarke 116 Sackville Street 116 Sack

Proposed West Elevation

Scole 1:250 @ A3 0 10 20 40

21 January 2015 14070/TP15a

Item 9.2

27 and 29 Jasper Road BENTLEIGH APPLICATION NO. GE/PP-27407/2014

File No: GE/PP-27407/2014 Enquiries: Karoline Ware Manager Statutory Planning



APPLICATION SUMMARY

PROPOSAL	A three storey building with twenty-five (25) apartments
RECOMMENDATION	Notice of Decision to Grant a Permit, with conditions that
	reduce the number of apartments through increased
	setbacks for the first and second floors and the
	requirement for all visitor car spaces to be provided.
KEY ISSUES	Compliance with the General Residential Zone
	Height, bulk and mass
	Car parking and traffic
	Impacts on the amenity of the adjoining properties
MUNICIPAL STRATEGIC	Housing Diversity Area – Moorabbin Neighbourhood
STATEMENT	Centre
APPLICANT	FD Architects Pty Ltd
PLANNING SCHEME	General Residential Zone – Schedule 1
CONTROLS	Parking Overlay (PO2-2)
EXISTING LAND USE	Two single storey dwellings
PUBLIC NOTICE	14 properties notified
	18 notices sent (owners and occupiers)
	2 signs erected on site
	17 objections received

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 to Grant a Planning Permit for Application No. GE/PP-27407/2014 allowing the construction of a three storey building comprising of up to twenty-one (21) dwellings above basement car park and alterations to access to a Road in a Road Zone, Category 1 in accordance with the conditions contained in the Appendix.

3. Applicable Policies and Codes

State Government

- Plan Melbourne
- Rescode

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:

Policy and Zoning

The site and all adjoining properties are within the General Residential Zone - Schedule 1. The zone boundaries reflect the boundaries of the Moorabbin Neighbourhood Centre. The provisions of the General Residential Zone - Schedule 1 are the key influences in assessing this application.

This zone has a mandatory maximum building height control of 10.5 metres (3 storeys), whilst a lift overrun may exceed this height by no more than 1.5 metres. The overall height of the building is 9.95 metres, whilst the lift overrun extends an additional 1 metre above this height, which complies with the zone.



Neighbourhood Character and streetscape

The immediate neighbourhood character consists of various housing types and styles, including single and double storey detached dwellings and double storey multi-unit developments. Whilst in the wider context, examples of three storey development approvals are evident in Faulkner Street and Railway Crescent. An emerging new character is becoming evident in the wider neighbourhood, which varies from single to three storeys in scale.

In its current form, it is considered that the development requires some modifications to improve the outlook from adjoining properties. It is recommended that increased setbacks be adopted for the first and second floor of the development as follows:

- The first floor eastern wall of the development setback an additional 3 metres from the street frontage; and
- The second floor eastern wall of the development setback an additional 1 metre from the street frontage.

The above changes are recommended to be absorbed within the remainder of the approved building envelope, whilst maintaining the level of articulation and balconies proposed. This when combined with the proposed design details will provide for an acceptable level of visual interest in the building facade.

The changes will also result in a reduction of approximately three dwellings and are considered to be easily addressed by way of permit conditions.

Amenity impacts

The subject sites are provided with sensitive interfaces to the north, south and west. To the north is a single storey attached dwelling that is provided with an area of secluded private open space at the rear. It is noted that an existing outbuilding provides for some form of screening of the development when viewed from this area. To the south are three double storey townhouses, each with a small area of secluded private open space that is immediately adjacent to the subject site. Whilst to the west are two single storey dwellings, where one of the dwellings secluded private open space areas is immediately adjacent to the development.

The development has been designed to generally provide for a sympathetic response to these areas. This has been achieved by providing for a modest amount of site excavation that lowers the overall height of the development towards the rear, due to the natural fall of the land. This when combined with the proposed setbacks to the southern and western boundaries, which all exceed the minimum numerical setback requirements of ResCode, generally ensures an acceptable response is achieved.

The southern elevation of Unit's 11, 12 and 13 are dominant when viewed from adjoining secluded private open space, resulting in unreasonable visual mass and bulk impacts. This can be improved by increased setbacks by way of permit conditions, which will result in the loss of the further dwelling.

The only area of non-compliance with the minimum requirements of ResCode for side and rear setbacks is limited to a portion of the second floor on the northern elevation. This non-compliance is considered to be minor, as this area of the development is adjacent to a driveway on the adjoining property and is acceptable.

All upper level habitable room windows and balconies are generally screened in accordance with ResCode, subject to further details being included on the plans in relation to the external screens. The first floor south facing 'Bedroom 1' window of Unit 11 will also need to be screened in accordance with ResCode, to ensure overlooking is adequately limited.

The development provides for setbacks from adjoining habitable room windows that exceed the minimum requirements of ResCode for ensuring adequate daylight is provided to these windows.

The development will result in overshadowing of adjoining secluded private open space areas to the south and west. However, the amount of overshadowing to the south does not extend beyond the shadow cast by the existing boundary fence, whilst the property to the west will only be overshadowed during the morning. The extent of overshadowing of these areas is in accordance with the minimum requirements of ResCode for overshadowing, which ensures adequate sunlight is provided to these areas.

Parking and Traffic

State Government Guidelines require 25 car spaces for the dwellings and 5 visitor car spaces. A total of 25 car spaces have been provided on site for the residential parking and a total of 2 visitor car spaces.

Given the residential nature of this area of Jasper Road, it is recommended that the minimum visitor car parking requirements be provided on the site. This can easily be achieved by the recommended reduction to the number of dwellings down to 21, attributed to the proposed increased setbacks. This equates to a surplus of 2 additional car spaces above the minimum requirements of the planning scheme.

Councils Transport Planning Department has recommended a number of conditions to address vehicular access into and within the basement. These form part of the recommendation.

The Transport Planning Department has also advised that the development will not result in an unreasonable impact on the existing traffic conditions within the area.

Compliance with ResCode

The development provides ground floor courtyards at a minimum 25 square metres and balconies at upper floors that are generally at least 8 square metres.

The ground floor private open space areas are generally provided with a minimum 3 metre dimension, with the exception of Unit's 4, 7 and 9. However, as these dwellings are provided with an area of private open space in excess of the minimum 25 square metre requirement, it is considered that these spaces will still provide occupants with reasonable recreation and service areas.

It is noted that the balconies are labelled as being a minimum of 8 square metres. However, the balconies for Unit 11, 18, 20, 21 and 22 are actually all marginally below 8 square metres. Conditions are required to ensure all upper floor balconies are at least 8 square metres in area.

Three of the dwellings are provided with a southerly aspect. All of the dwellings are designed to have habitable rooms with direct access to natural light and ventilation. Overall, the development is considered to provide for an acceptable level of internal amenity.

Site coverage (59.5%) and site permeability (34%) both comply with ResCode.

Council's Landscape Officer has advised that due to the extent of the basement, there are no opportunities for the planting of advanced canopy trees along the side and rear boundaries. However, given there is an existing easement located along the northern and western boundaries that prevents the planting of canopy trees, the difficulties associated with the ongoing growth of trees to the south of the proposed building and the interface to the west having limited exposure from adjoining properties, it is considered that the provision of five canopy trees in the front setback is acceptable in this instance.

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

APPENDIX

ADDRESS: 27 and 29 Jasper Road, Bentleigh

APPLICATION NO: GE/PP-27407/2014

1. Proposal

The features of the proposal can be summarised as follows:

- Demolition of the existing dwellings
- Basement car parking comprising of 27 car spaces (one for each dwelling and 2 visitor car spaces)
- · Reduction of 3 visitor car spaces
- · Vehicular access via a new crossover onto Jasper Road
- Ground floor comprising of 10 dwellings
- · First floor comprising of 9 dwellings
- Second floor comprising of 6 dwellings
- · All dwellings consist of two bedrooms
- Maximum overall building height of 10.95 metres (Note: the height includes a lift overrun that projects 1 metre above the remainder of the building)
- Site coverage of 59.9 per cent

2. Public Notice

- 14 properties notified
- 18 notices sent (owners and occupiers)
- · 2 signs erected on site
- 17 objections received

The objectors' concerns are summarised as follows:

- Neighbourhood character
- · Traffic and car parking
- Height, massing and bulk
- Overlooking
- · Overshadowing and loss of natural daylight
- Transition to Neighbourhood Residential Zone
- · Cumulative impact of other recently approved developments of this density
- Construction management concerns
- · Loss of significant trees
- Noise
- · Location of basement and impacts on foundations of adjoining dwellings

3. Referrals

The application has been referred to various departments and individuals within Council for advice on particular issues. The following is a summary of relevant advice:

Transport Planning

- Transport Planning requires at least 3 visitor car spaces to be provided on site.
- If a permit was to be issued, a notation should be placed on the permit indicating that the proposed development would be ineligible for parking permits.
- No objection, subject to conditions.

Parks Services

- Street tree located in front of 27 Jasper Road to be removed at the cost of the applicant/developer.
- Street tree located in front of 29 Jasper Road is to be retained (tree protection fencing is required).

Landscape Assessment Officer

 Advanced canopy tree requirements within the front setback in post construction landscaping.

Asset Engineering

• No objections, subject to conditions/notations.

Building Surveyor

• Construction Management Plan required.

VicRoads

No objection to proposed alteration to the vehicle access, subject to conditions.

4. Planning Conference

The Conference, chaired by Cr Hyams, 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:

- The proposal is not in keeping with the character of the existing streetscape.
- · Amenity impacts due to overlooking, overshadowing and loss of natural daylight.
- · Development will set a precedent for the area.
- Insufficient on-site car parking.
- Increased traffic congestion.

5. Conditions

 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 TP04A, TP05A, TP06A, TP07A, TP08A, TP13A, TP14A and TP15A, dated 11.11.14 and prepared by Fd Architects Pty Ltd) but modified to show:

Design

- (a) The first floor eastern wall of the development is to be setback an additional 3 metres from the Jasper Road with these changes absorbed within the remainder of the approved building envelope. The existing articulation is to be retained to the satisfaction of the Responsible Authority;
- (b) The first floor balcony and 'Living' room for Unit 11 are to be relocated to the eastern elevation, with any modifications to the window/door on the southern elevation of this dwelling are to be screened in accordance with the requirements of Standard B22 (Overlooking), to the satisfaction of the Responsible Authority;
- (c) The first floor southern wall of Unit 13 and the 'Living' room (inclusive of the balcony) and 'Bedroom 2' of Unit 12 are to all be setback an additional 1 metre from the southern boundary. These changes are to be absorbed within the remainder of the approved building envelope;
- (d) The second floor eastern wall of the development is to be setback an additional 1 metre from the eastern boundary with these changes absorbed within the remainder of the approved building envelope. The existing articulation is to be retained to the satisfaction of the Responsible Authority;
- (e) The balconies for Unit's 11, 18, 20, 21 and 22 are to all be increased in size to achieve a minimum size of 8 square metres and these changes absorbed within the remainder of the approved building envelope to the satisfaction of the Responsible Authority;
- (f) The first floor south facing window of 'Bedroom 1' of Unit 11 is to be provided with a sill height or fixed and obscure glazing to a height of 1.7 metres above the finished floor level:
- (g) The first and second floor external habitable room window screens and balcony screens are to also be labelled as having a maximum transparency of 25 per cent;

Transport and Car Parking

- (h) The provision of at least four (4) visitor car spaces within the basement car park;
- (i) The width of the access ramp is to be provided with kerbs on both sides (300mm wide by 150mm high), while retaining a 5.5 metre ramp width (total combined width of 6.1 metres) throughout the length of the ramp, in accordance with Section 2.5.2 of Australian Standard AS2890.1;
- (j) The provision of five (5) residential bicycle spaces and three (3) visitor bicycle spaces to be provided within the basement car park (design and layout to accord with AS2890.3 or The Bicycle Parking Handbook by Bicycle Victoria), with dimensions clearly annotated on the plans;
- (k) A minimum height clearance of 2.25 metres to be provided along the access ramp and within the car park. Headroom clearance above the ramp is required to be measured as per Figure 5.3 of AS2890.1:2004. Any modifications to height of the building above must be absorbed within the building envelope;
- (I) The over bonnet storage cages to measure a maximum 900mm out of the car space and at least 1.5m off the ground with no vertical supports provided within the car spaces; and
- (m) The provision of an intercom system (including video with remote access from each apartment) to the satisfaction of the Responsible Authority.

General

- (n) A landscape plan in accordance with Condition 2;
- (o) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 10.5 metres in height above natural ground level (The lift overrun may exceed this height by no more than 1.5 metres). This must be provided at frame stage inspection and at final inspection
- 2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
 - (a) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
 - (b) Landscaping and planting within all open space areas of the site.
 - (c) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) Five (5) trees within the front setback;

or five (5) trees in locations to the satisfaction of the Responsible Authority.

Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.

- 3. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
- 4. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
- 5. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. 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.

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

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

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

- 7. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
- 8. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
- No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority
- Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

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

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

- 11. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 12. 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.

- 13. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
 - (a) delivery and unloading points and expected frequency;
 - (b) 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;

- (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.
- 14. Prior to the commencement of the development, a fee of \$778.00 must be paid to the Responsible Authority for the removal and replacement of the existing street tree located in front of 27 Jasper Road. Removal of the street tree may only be undertaken by the Responsible Authority.
- 15. The existing street tree to be removed must be replaced by a tree, the species, maturity and location of which must be to the satisfaction of Council's Parks Services Department. The new tree must be planted and maintained to the satisfaction of Council at no expense to the Council.
- 16. The proposed works must not cause any damage to the existing street tree located in front of 29 Jasper Road. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
- 17. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree in front of 29 Jasper Road at a radius of 2 metres from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- 18. The ground surface of the tree protection zone must be covered by a protective 100mm deep layer of mulch prior to the development commencing and be watered regularly to the satisfaction of the Responsible Authority.

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

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

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

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

19. No excavation is to come within 2 metres of the existing street tree located in front of 29 Jasper Road without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

- 20. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
 - 21. The car parking allocation for the approved development must be:
 - * Not less than one (1) car space per one or two bedroom dwelling;
 - * Not less than two (2) car spaces per three (3) or more bedroom dwelling;
 - Visitor spaces (4) marked accordingly.
- 22. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- 23. 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.
- 24. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
- 25. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.
- 26. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note A.

- 27. 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.
- 28. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved. (Condition required by VicRoads)
- 29. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved. (Condition required by VicRoads)
- 30. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a. Formed to such levels and drained so that they can be used in accordance with the plan
 - b. Treated with an all-weather seal or some other durable surface. (Condition required by VicRoads)
- 31. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway). (Condition required by VicRoads)

Notations

- A. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. The proposed development requires the construction of a crossover, and the reinstatement of disused crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works. (Notation required by VicRoads)
- C. 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.

- D. 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.
- E. This Planning Permit represents the Planning approval for the development of the land. Side and rear boundary fences do not form part of this Planning approval. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- F. 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.
- G. 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.
- H. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- I. 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.
- J. On any future subdivision the 1.83 metre wide 'E-1' easement that runs along the northern and western boundary of the subject site shall also be entered as a drainage easement in favour of Glen Eira City Council.
- K. No net increase in peak storm water runoff into the Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations prepared by a registered consulting Civil Engineer should be submitted to Council for approval prior any construction works.
- L. All on-site storm water is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - trench grate (150mm minimum internal width) located within the property and/or:
 - Shaping the driveway so that water is collected in a grated pit on the property.

- M. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest underground Council Drain /Pit and not be discharged to the kerb and channel.
- N. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

Crs Pilling/Lipshutz

That the recommendation in the report be adopted.

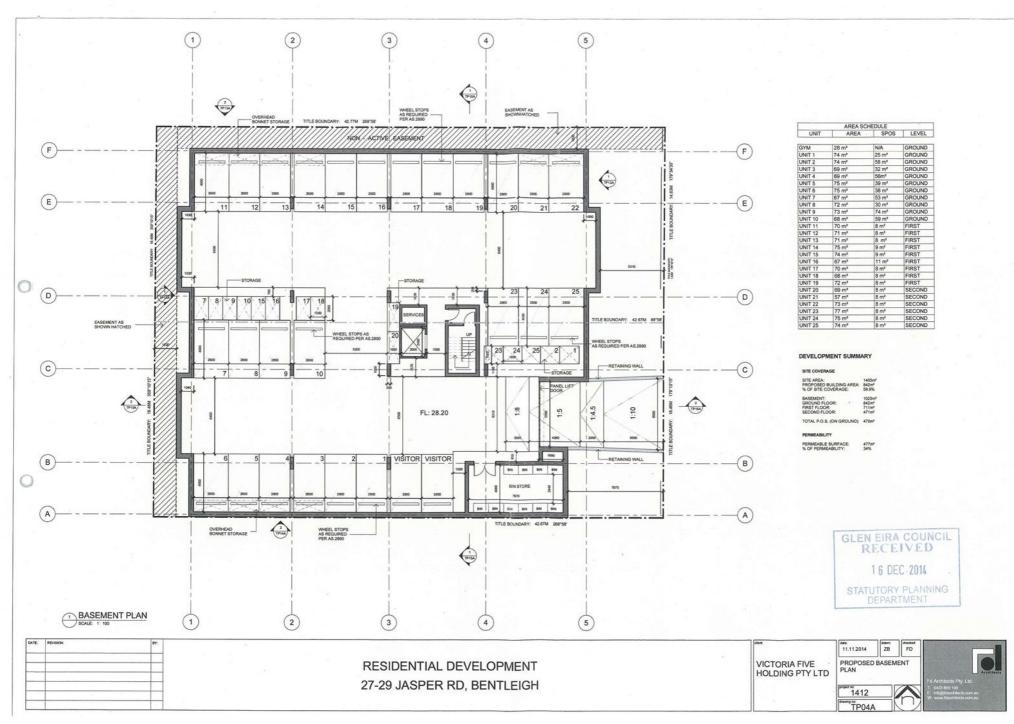
DIVISION

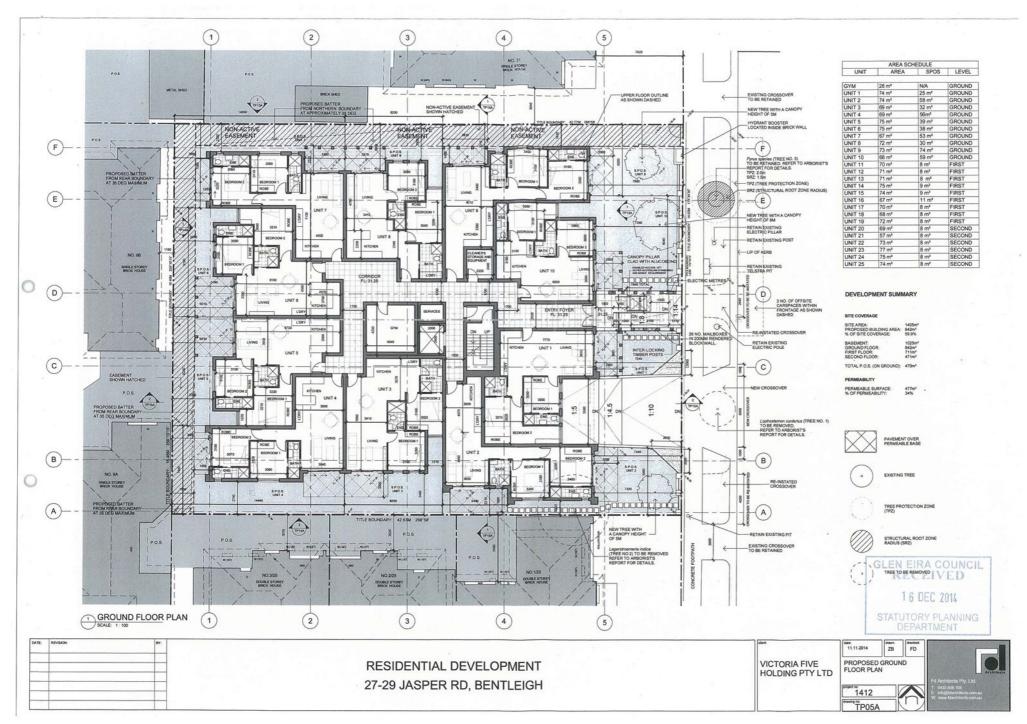
Cr Lobo called for a DIVISION on the voting of the Motion.

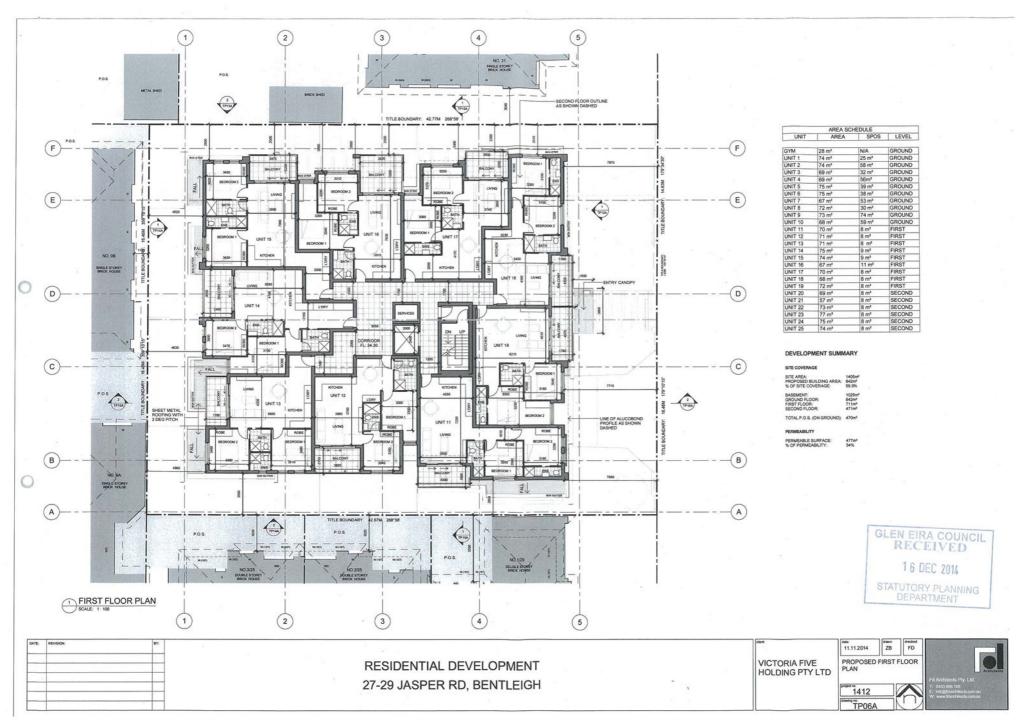
FOR AGAINST
CR Pilling Cr Lobo
Cr Lipshutz Cr Hyams
Cr Delahunty Cr Esakoff
Cr Sounness Cr Okotel

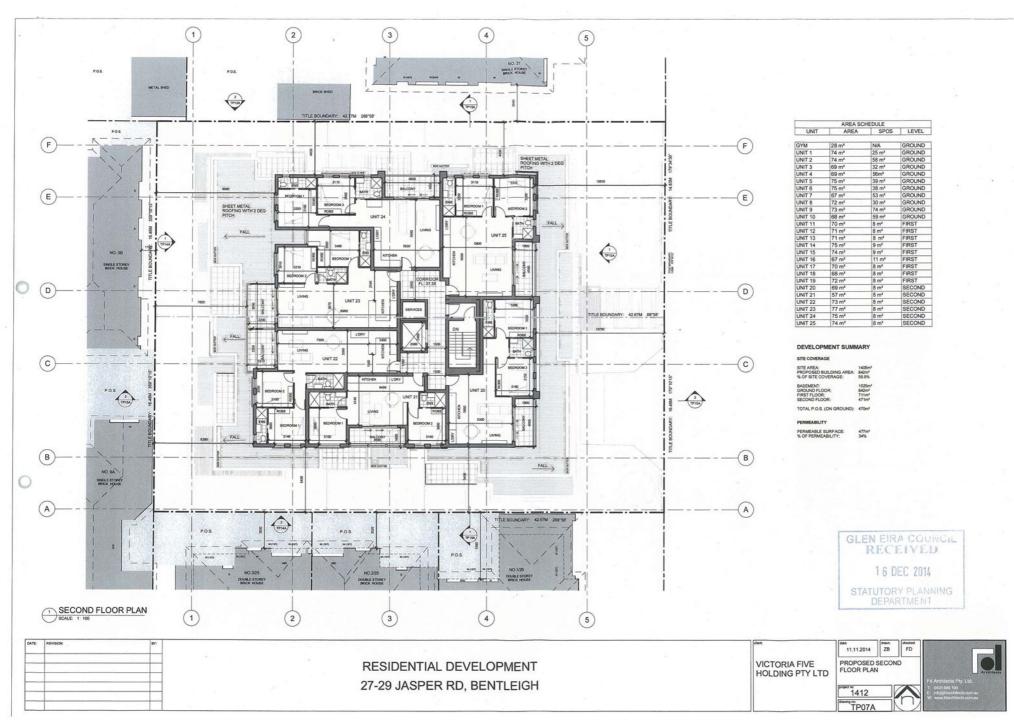
Cr Magee

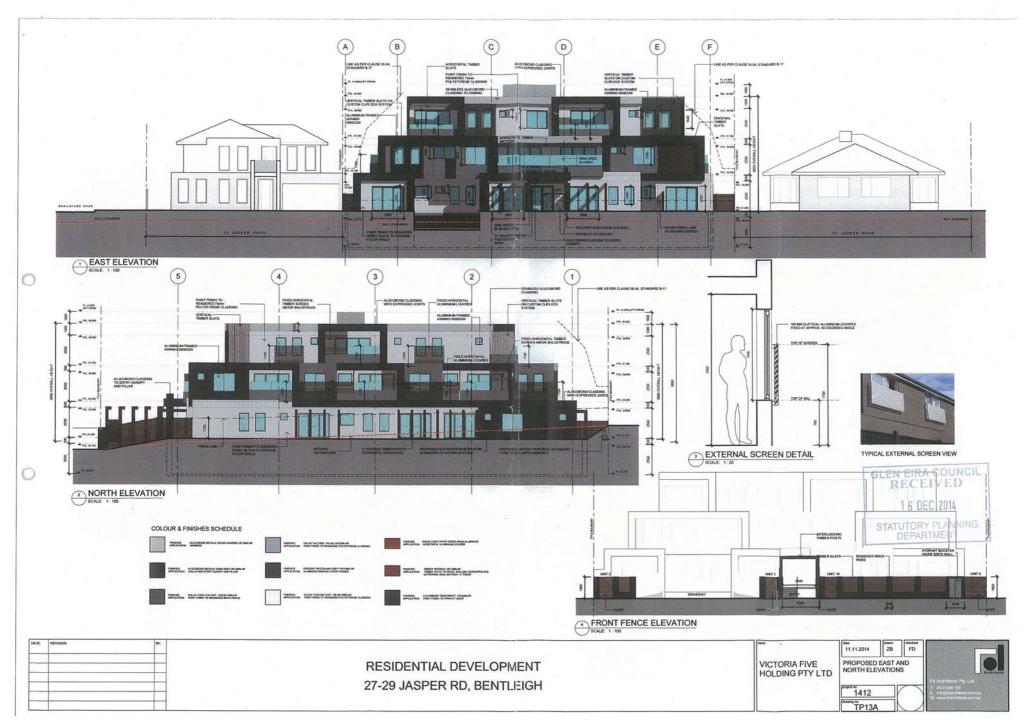
On the basis of the DIVISION the Chairperson declared the Motion CARRIED.













Item 9.3

629-631 Glen Huntly Road CAULFIELD APPLICATION NO. GE/PP-27597/2015 Commercial 1 Zone

File No: GE/PP-27597/2015 Enquiries: Karoline Ware Manager Statutory Planning



APPLICATION SUMMARY

PROPOSAL	Construction of a four (4) storey building comprising fifteen (15) dwellings and shop with associated car parking, reduction of car parking requirements and waiver of loading bay requirements
RECOMMENDATION	Notice of Decision to Grant a Permit with conditions to construct part of the laneway at the developers cost and provide a functional car park layout.
KEY ISSUES	Height and scale.
	Internal amenityAccess arrangement and parking
MUNICIPAL STRATEGIC STATEMENT	Local Centre (Housing Diversity Area Policy)
APPLICANT	Shoregrove Pty Ltd and Natstac Pty Ltd
PLANNING SCHEME	Commercial 1 Zone
CONTROLS	Parking Overlay 2-3
EXISTING LAND USE	Retail premises
PUBLIC NOTICE	11 properties notified
	32 notices sent (owners and occupiers)
	2 signs erected on site (one per frontage)
	2 objections received

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 to Grant a Permit for Application No. GE/PP-27597/2015 allowing 'Construction of a four (4) storey building comprising up to fifteen (15) dwellings and shop with associated car parking, reduction of car parking requirements and waiver of loading bay requirements' in accordance with the conditions contained in the Appendix.

3. Applicable Policies and Codes

State Government

- Plan Melbourne
- Rescode (as a guide).

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:

Housing Diversity Area Policy

The subject site is located on the edge of the Commercial 1 Zone. The areas to the east, south and west are also located in the Commercial 1 Zone. The area to the North is located within a Neighbourhood Residential Zone.



Commercial areas are strategically considered suitable for higher densities due to their proximity to services, infrastructure and public transport.

The Commercial 1 Zone encourages residential uses (such as shop top housing and apartment style developments) be integrated with ground floor commercial uses. The proposal responds to zone objectives with a shop at ground floor and three levels of apartments above. There is an existing shop located on the site and this aspect has been maintained as part of the proposal to maintain a retail function consistent with the purpose of the Commercial 1 Zone.

It is considered that a four storey building can be accommodated in this location given the upper levels appear recessive when viewed from the street and surrounding properties.

Height and scale

The proposed 4 storey building is considered an acceptable response to the emerging neighbourhood character in terms of height and scale, also noting the commercial setting. The building is comparable in height to recently approved development such as 625 Glen Huntly Road and has been designed with a two storey podium at the front to align with the building form of the existing lower scale building to the west at 633 Glen Huntly Road. The upper floors are visually recessive and articulated through the use of balconies, windows and lightweight cladding.

Amenity impacts to neighbouring properties

The site has relatively non-sensitive interfaces with commercial properties to the east and west and United Energy Distribution Centre to the north-west separated by the right of way. The closest residential building is located within the Neighbourhood Residential Zone is approximately 15m away to the north. The area immediately to the north and east are used as parking areas and as such are considered relatively non-sensitive areas.

There will be additional shadows cast across the commercial properties to the west in the morning and east in the afternoon which is considered a reasonable outcome in a commercial area. Balconies and windows facing north towards the existing residential building at 66 Murray Street are setback in excess of 9.0m which would satisfy the Rescode guideline for overlooking and as such do not require screening measures.

Internal amenity

The development has been designed to provide each habitable room with direct access to natural light and ventilation. Each balcony is a minimum of 8m2 and the light courts a generously sized to maximize light penetration. The central dwellings (Apartments 203 & 303) are provided with greater setbacks at the upper levels to maintain natural light and ventilation to the balcony of Apartment 103 at first floor which is clear to the sky.

The development provides pedestrian access for both the shop and residential components from Glen Huntly Road. Lift and stairs are available for occupants of the apartments above.

Access arrangement and car parking

It is noted that the site is located within close proximity to public transport with bus and tram routes along Glen Huntly Road.

Recent approved developments such as 625 Glen Huntly Road have a similar access arrangement utilising the rear laneway given there is no ability to provide vehicle access direct from Glen Huntly Road. As the laneway is partly unmade, it is considered reasonable to require the developer to construct a portion of the laneway to Council's satisfaction to deal with the increased vehicle movements.

Each dwelling is provided with a single car space in a stacker arrangement in accordance with the State Government guidelines. The application seeks a reduction of 2 shop spaces and 2 visitor spaces.

A shared shop and disabled space is provided within the rear dual stacker space. Given the size of the shop and the fact that parking at the rear would only be for staff, one car space for the shop is considered to be adequate.

A height clearance of 4.0m with setback of 2.5m is required at the rear of the building to allow safe and practical vehicle maneuvers at a constrained section of the laneway. This will necessitate the relocation of the visitor spaces and dual stacker system further towards the front of the building.

Residents of the proposed development would be ineligible for resident parking permits.

Management Plan Requirements

A Construction Management Plan (CMP) and Car Stacker Management Plan (CSMP) is required. Conditions have been included in the Appendix outlining the requirements of the CMP and CSMP.

A Waste Management Plan (WMP) has been submitted and approved by Waste Services. A condition has been included in the Appendix outlining the requirements of the WMP.

APPENDIX

ADDRESS: 629-631 Glen Huntly Road, Caulfield

APPLICATION NO: GE/PP-27597/2015

1. Proposal

Features of the proposal include:

The features of the proposal can be summarised as follows:

- · Construction of a 4 storey mixed use building.
- Retail tenancy at ground floor with parking at the rear provided in stacker systems (1 x space per dwelling, 1 x retail/disabled car space and one visitor space).
- Residential apartments at the upper levels (15 dwellings).
- Vehicle access via the rear laneway

2. Public Notice

- 11 properties notified
- 32 notices sent (owners and occupiers)
- 2 signs erected on site (one per frontage)
- 2 objections received

The objectors' concerns can be summarised as follows:

- Statutory requirements for car parking should be met
- Waiver of loading bay requirements
- · Traffic congestion within laneway
- Building height is excessive
- Streetscape impacts
- Overlooking
- Dwelling should be designed to limit noise impact
- Impacts to existing licensed venues

3. Referrals

The application has been referred to various departments and individuals within Council for advice on particular issues. The following is a summary of relevant advice:

Transport Planning

- Details of car stacker systems to be shown on the plans.
- Height clearance should be provided at the rear. Visitor car space relocated accordingly.
- The shop car space should be designed as a disabled space including shared area.
- The door to the shop should be relocated to adjacent to the Apartment entry.
- The amount of car parking provided for residents, visitors and staff of the shop is acceptable. The shop car space must be designed as a disabled space.
- The mechanical car stacker systems must be maintained by the Owners Corporation.
- Amount of bicycle parking is acceptable and should be located near the entrance to the building.
- Loading facilities not required due to small area of shop.
- Traffic generated would not impact in the function of rear laneway or road network.

Asset Engineering

- Laneway should be constructed and drained to Council standards to be fit for development purpose.
- Laneway is not lit by Council.
- Canopy must be 2.7m clear above footpath.
- Storm water discharge from the property to laneway.
- Rainwater tanks are encouraged.
- All relevant permits required prior to commencement of works.

Building Department

- Construction Management Plan required.
- Provide canopy over entrance.
- Disabled access in accordance with Australian Standard.
- All other matters to be assessed by relevant Building Surveyor.

Waste Services

· Waste Management Plan approved.

4. Planning Conference

The Conference, chaired by Cr Hyams, 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:

- Requested Council impose a condition on any permit issued that residents of the development would be ineligible for resident parking permits.
- Concern with complaints from future residents of the development due to the late night operating hours of the licensed premises opposite at 632 Glen Huntly Road. Recommended acoustic measures be incorporated into the design to protect residents from noise within Glen Huntly Road and late night venues.

Undertakings by the Applicant

 Acoustic design such as double glazing of windows could be incorporated into the front of the building facing Glen Huntly Road.

5. Conditions

- 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 identified as Sheets TP01 – TP04 Rev. B dated December 2014 prepared by Archsign) but modified to show:
 - (a) Notes detailing the upgrade of the unmade portion of the laneway commencing from the eastern title boundary of 631 Glen Huntly Road to the eastern title boundary of 314 Kooyong Road and joined with the existing northern section incorporating concreting and drainage prior to occupation (at the cost of the permit holder) in accordance with Condition 4.
 - (b) The verandah canopy setback a minimum of 750mm from the kerb of Glen Huntly Road.
 - (c) The building setback a minimum 2.5m on ground level from the rear property boundary and clearance of 4.0m provided to the upper levels with no support columns in this area. This may necessitate the deletion of dwellings and shifting of the visitor space and dual car stacker. Any changes to the layout of the car park must be to the satisfaction of the Responsible Authority.
 - (d) Deletion of bicycle spaces on the footpath along Glen Huntly Road. The design and layout of the onsite bicycle parking spaces must be in accordance with AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and dimensions be clearly annotated on the plans.
 - (e) Details of the make and model of the car stackers annotated on the plans. The car stacker spaces must have a minimum usable platform width of 2.4m and at least 25% need to accommodate a vehicles height of 1.8m. The dimensions of the car stacker must be clearly indicated on the plans (pit depths, height clearances, gate widths, platform widths, etc) in accordance with the relevant specification sheet. A cross-section plan must be provided to illustrate the car stacker pits and dimensions;
 - (f) The shop car space designed as a disabled space including a shared area, in accordance with AS2890.6. The space must be dimensioned as 2.4m wide including the shared area with a bollard with minimum height clearance of 2.5m. This may be achieved in a car stacker. The space must be designed in accordance with the Disability Discrimination Act (DDA).

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

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. 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.

- 3. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit: or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

- 4. Prior to the commencement of the development, the owner/developer/permit holder of the land at 629-631 Glen Huntly Road, Caulfield must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority, addressing the following requirements:
 - (a) The developer/owner/permit holder at their cost upgrading the unmade section of the rear laneway commencing from the eastern title boundary of 631 Glen Huntly Road to the eastern title boundary of 314 Kooyong Road and joined with the existing northern section to the satisfaction of the Responsible Authority.
 - (b) The design and construction of the works related to the right of way construction must be to Council's satisfaction. These works must be finalised prior to the issue of a Statement of Compliance for the subdivision of the land and/or the occupation of the dwellings.
 - (c) These works must be completed prior to the occupation of the dwellings. A memorandum of the Agreement is to be entered on Title and the costs of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.
- 5. Prior to the commencement of the development, a schedule of construction materials, external finishes and colours (incorporating paint samples) must be submitted to, and approved by, the Responsible Authority. When approved, the schedule will be endorsed and will form part of the permit.
- 6. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
- 7. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

- 8. 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;

to the satisfaction of the Responsible Authority.

- 9. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
- 10. 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.
- 11. Prior to the commencement of the development, all required permissions must be obtained to construct the laneway in accordance with Council's Engineering Assets Department and any other requirements.
- 12. Prior to the occupation of the development the section of the east/west laneway commencing from the eastern title boundary of 631 Glen Huntly Road to the eastern title boundary of 314 Kooyong Road and joined with the existing northern section must be constructed at the developer's cost to the satisfaction of the Responsible Authority.
- 13. The building must not be occupied until car parking facilities are completed, including the installation of car stackers, to the satisfaction of the Responsible Authority.
- 14. The mechanical car stackers 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.
- 15. 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 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 system;
 - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
 - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

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.

- 16. 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;
 - (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.
- 17. Prior to the commencement of the development, the Waste Management Plan as approved by the Responsible Authority must be implemented to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
 - (a) details of all garbage collection being undertaken by a private contractor;
 - (b) location of all waste collection points including recycling for the residential and shop uses;
 - (c) details of recycling services;
 - (d) frequency of collection; and
 - (e) location of collection points (must be from within the building) and details of collection.

The waste management plan may only be amended with the approval of the Responsible Authority.

18. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note C.

19. 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.
- 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. The proposed development abuts a Right of Way that was constructed for commercial purposes. Commercial uses still utilise the Right of Way therefore residents of the development should not expect the same access opportunities as a typical local street.
- G. 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.

H. Any change to the surface of the laneway will be considered by Council's Engineering Assets Department only with written approval from all the abutting properties that have rights over this "Right of Way". The developer must perform title searches for all abutting properties and all the allotments that have rights over this "Right of Way" must agree in writing that they have no objections of level changes to the "Right of Way". If no objections are raised the design and construction of the "Right of Way" must be approved by Council's Assets Engineering Department, at developer's cost.

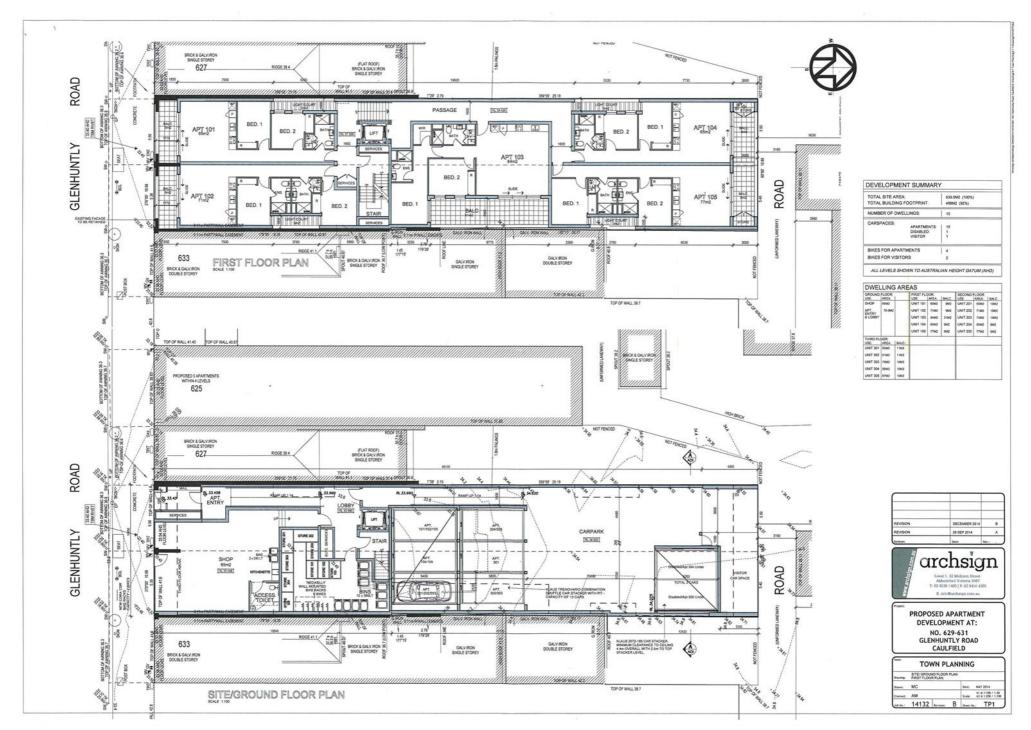
Asset Engineering advice

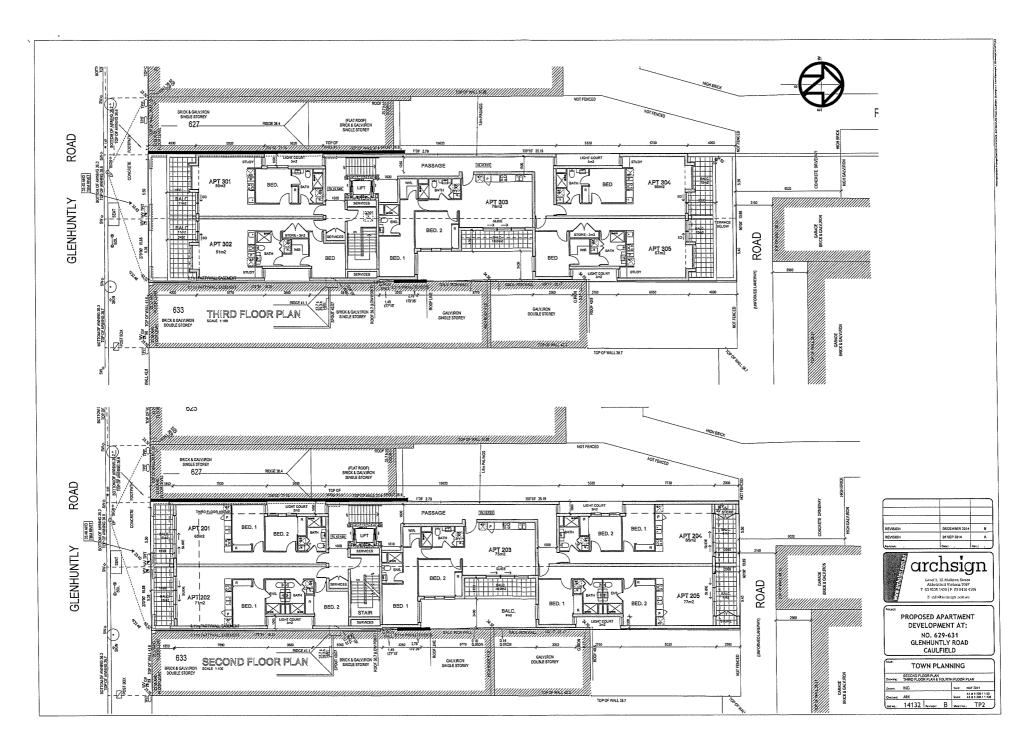
- I. The laneway is unmade and should be constructed and drained to Council standards to be fit for development purpose. Developer must submit detailed design and obtain approval from the Engineering Services Department prior construction of laneway.
- J. Laneway is not lit by Council. Any / All public / private lighting in laneway is to be provided and maintained by the development.
- K. As per Building Regulations 1994, 3.5(1) (e) the clear height from the footpath to canopy must be at least 2.7m and applicant must comply with this condition.
- L. Storm water discharge from the property shall be discharged to the drain locate in the laneway by constructing an outfall drain.
- M. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- N. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties and footpath.
- O. Developer is to seek approval to connect private fire services from South East Eater Ltd mains, and locate the Fire Hydrant/Plugs within the title boundary of the development site.
- P. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- Q. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- R. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

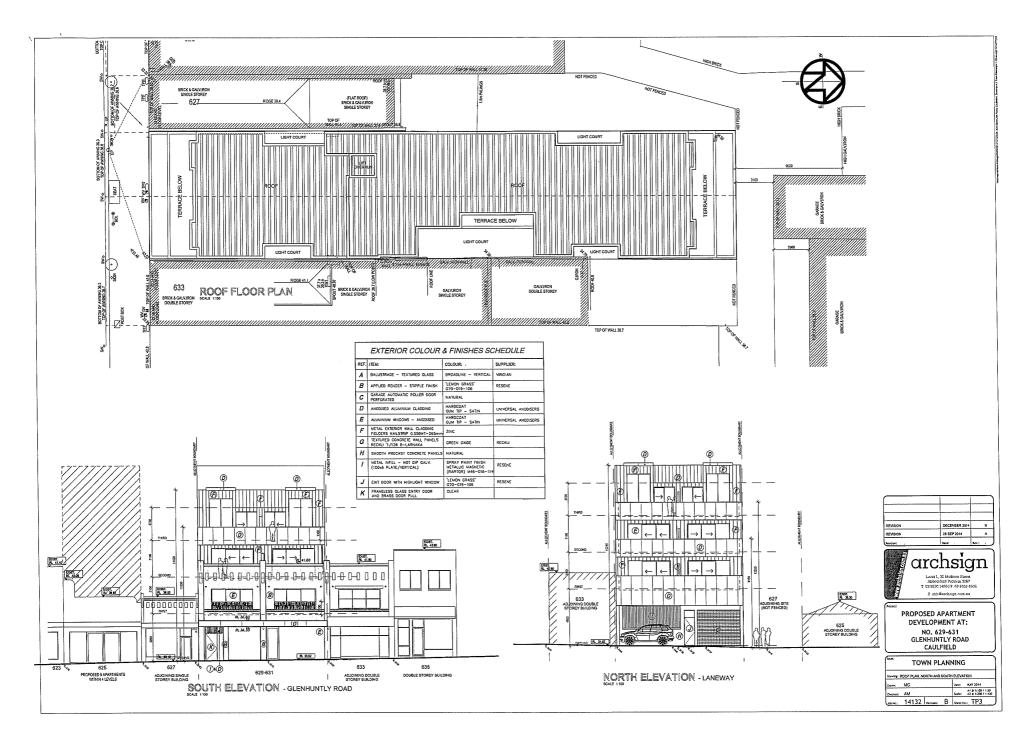
Crs Delahunty/Pilling

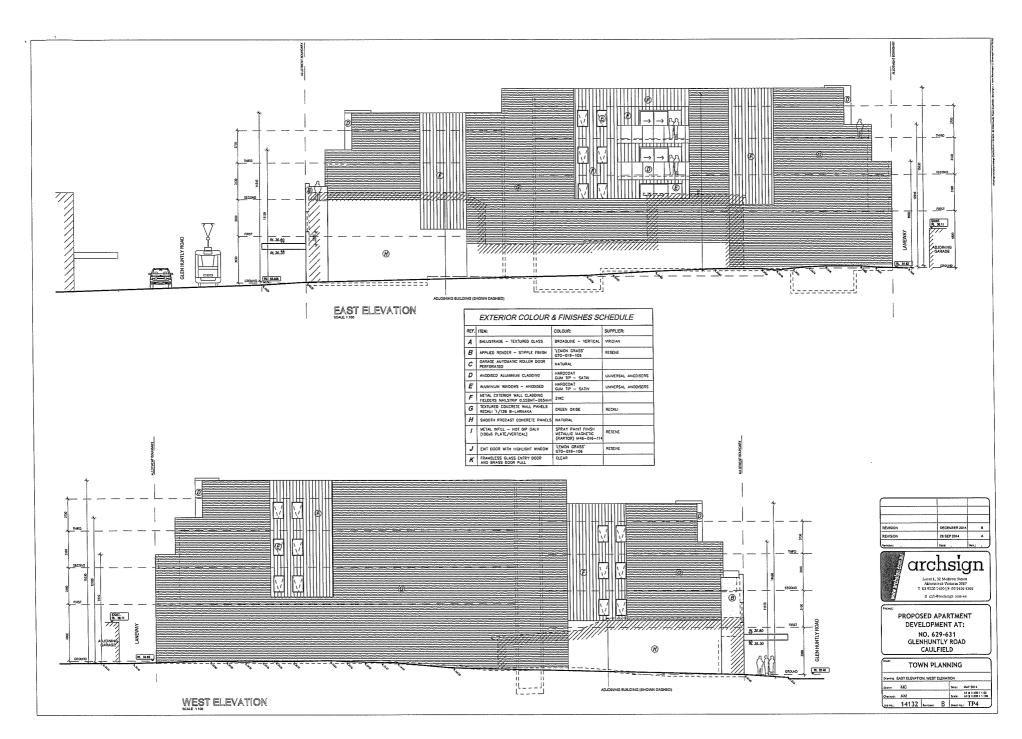
That the recommendation in the report be adopted.

The MOTION was put and CARRIED.









Enquiries: Russell Smith

Principal Strategic Planner

Item 9.4

641- 685 NORTH ROAD, ORMOND PLANNING SCHEME AMENDMENT C121



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:

- a) Notes the four (4) submissions received.
- b) Requests the Minister for Planning to refer Amendment C121 to an independent panel to consider submissions.

3. Proposal

The amendment proposes to:

- Rezoning the land at 641, 647, 647A, 659, 663, 669 & 681 North Road from a Commercial 2 Zone to Mixed Use Zone;
- Introduce a new schedule to the Mixed Use Zone (to control height and rear setbacks).
- Rezone the rear portions of land at 5, 7 and 11 Garfield Avenue from Commercial 2 Zone to Neighbourhood Residential Zone Schedule 1 (corrects zoning anomaly).
- Apply an Environmental Audit Overlay (EAO) over all North Road properties.

The request is a straight rezoning request in that there are no specific development plans.

4. Background

Rezoning

The existing properties are currently zoned Commercial 2 Zone which seeks to encourage offices, manufacturing and light industry and bulky goods retailing. Dwellings are prohibited in the Commercial 2 Zone.

The Mixed Use Zone seeks to "provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality'.

The Mixed Use Zone is considered to be a more appropriate zone in this location given that the abutting land to the north (rear) is zoned Neighbourhood Residential.

A new schedule will form part of the Mixed Use Zone. This schedule will incorporate a mandatory maximum building height of 10.5 metres (3 storeys). The schedule will also include rear setback requirements of 4 metres for ground floor, 5.5 metres for first floor and 11.5 metres for second floor levels.

These requirements are in line with Council's new residential zones, namely the General Residential Zone Schedule 2 which was applied to properties which had rear abuttals to land within the Neighbourhood Residential Zone. Land to the north (rear) of the subject properties is within the Neighbourhood Residential Zone.

Should the rezoning of the land be successful, any future development would still need to go through the standard town planning application process, together with public notice of the application. Any application must satisfy the approved mandatory heights and rear setbacks.

The rezoning of parts of the Garfield Avenue properties is required in order to rationalise the title boundaries with zone boundaries. Sometime in the past the Garfield Ave properties acquired a portion of the disused laneway between the residential and commercial properties on North Road. The zoning maps were not updated at the time so the residential properties gained some commercially zoned land.

Environmental Audit Overlay

The application of the Environmental Audit Overlay will ensure land is appropriate for residential and other sensitive land uses.

5. Exhibition

The amendment was exhibited from 15th January -16th February 2015.

Four (4) submissions were received regarding the amendment

The submissions can be summarised as follows:

Amendment specific issues

- The Mixed Use Zone is not appropriate and can be abused.
- The Mixed Use Zone is far worse than the Restricted Business Zone.
- The current subdivision pattern is suboptimal in terms of access arrangements.
- Concern if land is developed in isolation as undesirable vehicle access arrangements will result for future developments.
- Request a suitable planning tool e.g. Development Plan Overlay / Restructure Overlay be applied to the land as part of the amendment.
- Effect on traffic.
- The proposed rezoning will impact on existing business operations.

Other issues

- Concerns about protecting the future amenity of neighbouring land.
- Questions relating to the past sale of the laneway land between the North Road properties and the Garfield Avenue properties.
- Burden imposed by increased rates.

6. Planning Conference

The conference was chaired by Councillor Esakoff and was attended by one submitter, the applicant and Council planning officer.

The key points that were raised at the conference include:

- · Clarification of zoning
- Building height clarification
- · Car parking and traffic concerns.

7. Planning Office Response

In response to the submitters' concerns the following comments are made:

- The Mixed Use Zone facilitates a wide range of land uses which are generally more appropriate to surrounding residential land than the Commercial 2 Zone which has a focus on manufacturing and industry.
- The schedule to the Mixed Use Zone includes a mandatory maximum height limit of 3 storeys (or 10.5 metres). In addition buildings also need to be provide staggered rear setbacks to the adjoining residential properties fronting onto Garfield Avenue. Under the current Commercial 2 Zone there is no mandatory maximum height limit nor are there requirements for rear setbacks. These requirements will ensure that there is no unreasonable amenity or bulk impacts onto the adjoining dwellings to the rear under any future development proposal.
- The introduction of an Environmental Audit Overlay will ensure that the land is cleaned to a standard that is appropriate for a sensitive residential land use.
- VicRoads are a determining authority under the Planning and Environment Act 1987 and are able to refuse future planning permit applications that fail to adequately address vehicle access arrangements. Any vehicle access arrangements to North Road will need to be to the satisfaction of VicRoads.

- The previous sale of the laneway does not form part of this planning scheme amendment.
- This is a map rezoning request only. That is, there is no specific development proposal at this stage. If this rezoning is approved any development proposed will require the grant of a town planning permit before it can proceed. The town planning permit process has built in public consultation opportunities and rights to appeal to VCAT.
- The rezoning will not affect the operation of existing lawful uses or planning approvals that currently apply on the subject properties.

8. Planning Scheme Amendment Process

A planning scheme amendment 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. If Council agrees to exhibit an amendment, it does not necessarily follow that Council supports the proposal. Placing an amendment on public exhibition has an element of "testing the water".
- 2. If there are no submissions Council can 'adopt' or 'abandon' the amendment and forward it to the Minister for certification or approval. It only becomes law when / if it is formally approved and gazetted.
- 3. If there are submission/s opposed to the amendment, the Council has three options abandon the amendment, change the amendment in accordance with the submitter's 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.
- 5. The Panel may make a recommendation to:
 - adopt the amendment;
 - abandon the amendment; or
 - modify the amendment.
- 6. 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).
- 7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval or certification.

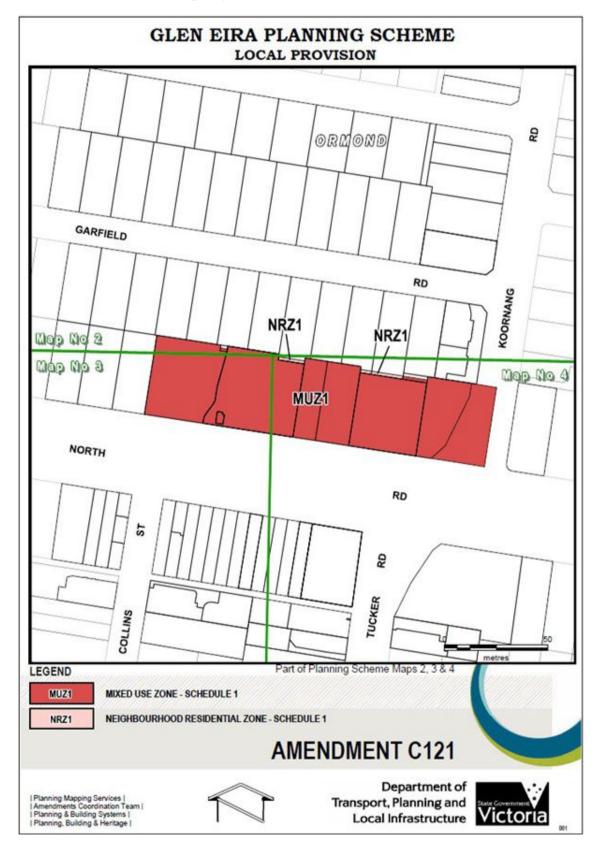
The process required to amend the Glen Eira Planning Scheme is lengthy and provides opportunities for public input from interested parties. With regard to the current proposal, Council is at Step 3.

Crs Pilling/Okotel

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Attachment 1: Zoning Map



Attachment 2: Overlay Map



Item 9.5

305 KOOYONG ROAD ELSTERNWICK PLANNING SCHEME AMENDMENT C117

Enquiries: Tracey Mihalos Principal Strategic Planner



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:

- a) Notes the four (4) submissions received.
- b) Requests the Minister for Planning to refer Amendment C117 to an independent panel to consider submissions.

3. Background

The amendment has been made at the request of Bowden Planning on behalf of the Knight Group Pty Ltd (occupiers of the first floor level at 305 Kooyong Road).

A planning permit was issued in 2009 which allowed the construction of a two storey building and rear car parking (10 spaces) for a medical centre.

The ground floor of the building is currently used as a medical centre (dental practice) in accordance with the above planning permit. However the first floor level has been leased out by the dentist as a separate office to the Knight Building Group.

The planning scheme defines a medical centre as a specific type of office. Whilst a medical centre is a permissible use in the Neighbourhood Residential Zone, all other types of offices are prohibited. This has resulted in the ground floor having a lawful use (medical centre) and the first floor having a prohibited use (office). This amendment seeks to resolve this by allowing the office to continue lawfully.

The land is currently zoned Neighbourhood Residential Zone (NRZ) and, if this amendment is approved will remain NRZ but will have an exemption to allow an office use on the first floor.

This amendment proposes to amend the Glen Eira Planning Scheme by creating a site specific provision (in the form of the attached Incorporated Document) which allows the building to continue to operate as an office at the first floor, despite this use being prohibited under the general provision of the Neighbourhood Residential Zone.

Given that there is an additional use on the site, there is a need to reallocate on site car parking between the two uses. At present, all car parking on site is required to be used by the medical centre.

Other conditions relating to the medical centre also need to be maintained throughout this process. Therefore the original planning permit conditions for the dentist have been included in the Incorporated Document. If this amendment is approved, the existing planning permit will be cancelled. This document is similar to a planning permit in that it sets out conditions by which both uses must adhere

4. Exhibition

The amendment was exhibited from 15th January -16th February 2015.

Four (4) submissions were received regarding the amendment

The submissions can be summarised as follows:

- Potential loss of neighbourhood character and amenity. The special quality of Murray Street has been formally recognised and included in the Neighbourhood Character Overlay.
- Object to the parking and traffic impact. The carpark is not well utilised by patients
- The existing car park will not be utilised by the Knights Building Group (KBG) as they have large four wheel drive utility trucks that are likely to have difficulty negotiating the lane and car park.
- KBG vehicles currently park in Murray Street in breach of parking regulations, leading to congestion and parking problems.
- Frequent use of the lane by patient/staff vehicles will increase noise.
- The amenity of residents has declined with the construction of 305 Kooyong Road, and further declined with the arrival of KBG, because of their lack of regard to neighbours.
- Neighbours have issues with upstairs lights being left on until very late and car parking.

- Disappointing that KBG has been allowed to occupy the site without a planning permit and contrary to regulations.
- Not currently complying with planning permit and have not since the completion of the building. Have little confidence that 305 Kooyong Road will comply with new amendment.
- The proposed amendment is not keeping with the philosophy and intention of Neighbourhood Residential Zone.
- First floor windows need to be screened to avoid overlooking into neighbour's pool/spa.
- Advise patients to use car parks, and not park in the street.
- Lights on the first floor need to be switched off by 6 p.m.
- Council needs to take enforcement action and evict the upstairs tenant.

5. Planning Conference

The conference was chaired by Councillor Sounness and was attended by three (3) Submitters, the proponent and Council planning officer.

The key points that were raised at the conference include:

- · Loss of residential amenity.
- Increase car parking.
- Illegal parking.
- Light pollution.
- Overlooking from first floor windows.
- Increased staff numbers.
- Why enforcement action is not being undertaken

6. Planning Office Response

The main issues arising from the submissions relate to a loss of amenity and impacts onto car parking.

In response to the submitters' concerns the following comments are made:

- The incorporated document will act as a planning control which will include conditions for the medical centre and office uses. The incorporated document will control:
 - Number of staff;
 - o Days and hours of operation;
 - o Number of car spaces for each use; and
 - o General conditions relating to amenity.
- It is considered that these conditions will ensure that there are no
 unreasonable amenity impacts onto the surrounding neighbourhood. If the
 allowable uses do not comply with the conditions contained in the
 incorporated document, enforcement action can be taken against the owner
 and occupiers of the site.

- Council's Transport Planning Department have viewed the proposed car
 parking arrangement for both uses and do not object subject conditions
 controlling the number of staff and allocation of car parking spaces for each
 use.
- It is noted that no new buildings are proposed as part of this amendment.
 Therefore there will be no impact onto the existing neighbourhood character of the area.

7. Planning Scheme Amendment Process

A planning scheme amendment must go through the following fixed statutory steps:

- 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. If Council agrees to exhibit an amendment, it does not necessarily follow that Council supports the proposal. Placing an amendment on public exhibition has an element of "testing the water".
- 2. If there are no submissions Council can 'adopt' or 'abandon' the amendment and forward it to the Minister for certification or approval. It only becomes law when / if it is formally approved and gazetted.
- 3. If there are submission/s opposed to the amendment, the Council has three options abandon the amendment, change the amendment in accordance with the submitter's 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.
- 5. The Panel may make a recommendation to:
 - adopt the amendment;
 - abandon the amendment; or
 - Modify the amendment.
- 6. 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).
- 7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval or certification.

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 3.

Crs Sounness/Lipshutz

That the recommendation in the report be adopted.

The MOTION was put and LOST with one Abstention.

Crs Hyams/Delahunty

That Planning Scheme Amendment C117 be abandoned.

The MOTION was put and CARRIED.

Attachment 1: Incorporated Document

Planning and Environment Act 1987

Glen Eira Planning Scheme

Incorporated Document

305 Kooyong Road, Elsternwick

October 2014

This document is an incorporated document to the Glen Eira Planning Scheme pursuant to Section 6(2) (j) of the *Planning and Environment Act 1987*.

INTRODUCTION

This document is an Incorporated Document in the Schedule to Clause 52.03 and the Schedule of Clause 81.01 of the Glen Eira Planning Scheme.

Pursuant to Clause 52.03 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document. The specific controls in this document will prevail in the event of inconsistencies between the specific controls in the document and any provision of the Scheme.

ADDRESS OF THE LAND:

The land is known as 305 Kooyong Road, Elsternwick and described in Certificate of Title Volume 04973 Folio 570.

PURPOSE:

To allow the use of the land as a medical centre (dentist) at ground floor and an office at first floor (contrary to the Neighbourhood Residential Zone for the office use).

THIS DOCUMENT ALLOWS:

- A medical centre to operate on the ground floor of the building.
- An office to operate (on the first floor of the building) in the Neighbourhood Residential Zone.

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Endorsed Plans

- Development and use of the land must be in accordance with the endorsed plans prepared by Knight Building Group, Job No KOO001, Revision A01, dated 23.4.2014, and landscaping in accordance with endorsed plan prepared by Facet Design, drawing no. L01 dated November 2014.
- 2. The layout of the site, and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. <u>Note</u>: This does not obviate the need for a permit where one is required.

Use

Medical Centre

- 4. The ground floor of the building must be used as a medical centre in accordance with the endorsed plans.
- 5. No more than 2 people providing health services may operate from the medical centre at any one time.
- 6. No more than 3 additional staff members associated with the medical centre may be present on the site at any one time.
- 7. The medical centre must only operate within the following hours:

Monday to Friday – 8am to 6pm Saturday – 8am to 1pm

Office Use

- 8. The first floor of the building must only be used as an office in accordance with the endorsed plans.
- 9. No more than six (6) staff may be present at the first floor office at any one time.
- 10. The office must operate within the following hours:

Monday to Friday -8am-6pm

- 11. 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.

- 12. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
- 13. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

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

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

- 14. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
- 15. 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;

to the satisfaction of the Responsible Authority.

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

Car Parking

- 16. Not less than ten car spaces must be provided on the land. Five (5) of the onsite car spaces are allocated to the ground floor medical centre and five (5) onsite parking spaces are allocated to the first floor office.
- 17. A sign is to be erected and maintained at the front of the site advising patients of the location of the car parking area and how it can be accessed. The sign is to have a maximum area of 0.5m2 and positioned to be easily visible from Kooyong Road to the satisfaction of the Responsible authority.
- 18. A sign is to be erected and maintained in the waiting room of the surgery alerting patients to the rear car parking area and how to access it. The sign is to be erected in a location easily visible to patients and maintained to the satisfaction of the Responsible Authority.

Expiry

19. If the first floor office use ceases to operate under these conditions, the authorisation for the use of the office on the first floor (under the Incorporated Document) will expire. The use of the ground floor as a medical centre (dentist) can continue to operate if it continues to meet the conditions of the incorporated document.

Item 9.6

236-262 EAST BOUNDARY ROAD, BENTLEIGH EAST PLANNING SCHEME AMENDMENT C126 VIRGINIA PARK **Enquiries: Rocky Camera Co-ordinator Strateigc Planning**



1. Community Plan

Development and Planning

2. Details of the Amendment

The amendment proposes to:

- Rezone the entire Virginia Park Estate to Commercial 1 Zone (it is currently a combination of Commercial 1 and Commercial 2); and
- Amend the existing Development Plan Overlay (DPO) applying to the land to reflect changes to the intended future land uses

3. Recommendation

That Council seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C126.

4. Background

Virginia Park Estate was traditionally used for industry and was known as 'Virginia Park Industrial Estate.'

Due to a decrease in the demand for manufacturing, the owner of Virginia Park (the Gillon Group) lodged a planning scheme amendment in 2011 (Amendment C75) which sought to rezone the land to both Business 2 and Business 3. This was in order to allow for 'office' uses on the land as under the previous zone, Industrial 1, office uses were prohibited. It is noted that as part of the Amendment C75 mandatory maximum building heights and building envelopes were introduced across the Virginia Park Estate under the Development Plan Overlay (DPO). The 'DPO' is the planning document which sets out controls for future buildings and uses that will be occur on Virginia Park Estate. Similar to the Caulfield Village development, the DPO sets out mandatory maximum building heights and building envelopes. These building heights and envelopes went through an extensive public consultation process under Amendment C75 (Appendix 1).

As a consequence of the new State Government commercial zones introduced in 2012, Virginia Park now has a Commercial 1 Zone in the centre and Commercial 2 Zone periphery. Amendment C75 reflected the shift in market demand at the time from industrial to commercial offices.

This latest amendment sees a further transitional shift from commercial office to a potential retail and residential focus. Given that Virginia Park Estate is located in predominately a residential context it could be argued that the proposed land uses would create a better fit into the existing environment. Whilst residential use is permitted by the Commercial 1 zoning it is prohibited by the Commercial 2 zoning.

5. The Proposed Amendment

This amendment solely seeks a rezoning of the land. No development approvals are sought at this stage. Any future development on the land will be subject to a development plan process which will be advertised to the community.

Virginia Park Estate is currently zoned both Commercial 1 and Commercial 2. The centre of the land is Commercial 1 and the periphery is Commercial 2 (Appendix 2).

The Commercial 1 Zone allows for commercial uses ranging from a single shop to a shopping centre. Dwellings are allowed subject to the grant of a permit. The Commercial 2 Zone allows for commercial offices, bulky goods retailing and limited retail uses. Dwellings are prohibited under this zone.

The amendment has been made by 10 Consulting Group on behalf of the Gillion Group. The amendment seeks to rezone the entire Virginia Park Estate to a Commercial 1 Zone (Appendix 3).

The amendment has been sought in order to facilitate a mixed use development comprising of both retail and dwellings throughout the entire Virginia Park Estate land which comprises some 12.35 hectares. The owner has indicated that large areas of Virginia Park Estate are currently underutilized and are occupied by obsolete building stock as a result in the decline in manufacturing.

The amendment proposes to make some minor changes to the existing DPO applying to Virginia Park Estate. Council must approve 'development plans' before construction can commence on the Virginia Park Estate. Before deciding to approve a development plan Council is required to display the development plan for public comment (for a period of between 14-28 days).

The changes to the DPO are required to reflect the future proposed land uses. The current DPO seeks to achieve 'office uses' on the land. The revised DPO seeks to achieve a mixed use development additionally incorporating both commercial and residential land uses.

The amendment does not propose any changes to the existing heights set out in the DPO. Any future residential and commercial development will be constrained by the existing height controls applying to the land. The heights range for 3-10 storeys with the taller buildings centrally located.

At this stage any detailed information about the likely development for the estate should be regarded as indicative. It seems clear however that significant development is envisaged. Likely or possible developments are a shopping centre including a supermarket, office development and some 4,400 dwellings.

6. Open Space

This amendment will result in the opportunity for significant increase in the intensity of land use. Consequently, the applicant proposes to respond to the future intensity with both a strategic open space link (land) as well as the normal open space cash contribution associated with development.

Specifically the developer has offered to provide a strategic open space link of approximately 20 metres width within Virginia Park Estate to connect Virginia Park Reserve and Marlborough Street Reserve. No 1 Barrington Street is owned by the developer and could form part of the open space link. (Appendix 4).

The open space link will benefit existing and new residents of the area. It is also in line with Council's Open Space Strategy that recommends improving the connectivity between Virginia Park Reserve and Marlborough Street Reserve.

In addition to the open space links to be provided by the developer, an open space contribution will be made upon subdivision of Virginia Park (232-262 East Boundary Rd). This will take the form of a monetary contribution at the rate of 5.7% in accordance with Council's adopted Open Space Strategy and amendment C120 which has been approved by the Minister for Planning and is awaiting gazettal (at the time of writing).

The above open space requirements will be included in the amended Development Plan Overlay that forms part of Amendment C126. This will ensure that both items, the link and 5.7% cash contribution are mandatory and must be undertaken by the developer as part of any future development and subdivision of the land.

7. Shopping Centre

Historically town planning theory would oppose a shopping centre at this "out of centre" location. One reason for this would have been a real or perceived economic detriment to established existing traditional nearby shopping centres. The State Government's introduction of the new commercial zones broadened the array of permitted uses and in doing so challenged conventional town planning theory. The Commercial 1 Zone is now regarded as a zone to allow a broad range of land uses and as a means of promoting economic activity and employment.

8. Other Changes

In order to accommodate the open space links the developer is seeking some other modifications to the DPO.

Firstly the developer is requesting that development be allowed within 6 metres from the East Boundary Road frontage (western boundary). Currently the DPO requires an 8 metre wide landscape strip be provided along the East Boundary Road frontage. The DPO will be amended to require that any land development within 6 metres of the East Boundary Road must be to Council's satisfaction.

As a consequence of the open space link, a portion of the Virginia Park Estate will become an 'island' area disconnected from the main Estate. The Developer is requesting that access from Barrington Street be provided to any future residential development which will be disconnected from Virginia Park Estate by the new open space link. This request is considered reasonable. The DPO will be amended to require that any access from Barrington must be to Council's satisfaction.

Finally, the developer is seeking support from Council to allow for any future development to the south to have active frontage to the Virginia Park reserve. Given the change in land use this request is considered reasonable. The DPO will be amended to require that any active frontages to the Virginia Park reserve must be to Council's satisfaction. That is, when Council decides on the development plan the development facing Virginia Park Reserve will be considered.

9. Planning Merits

It is considered that the proposed amendment has merit and should proceed to exhibition.

The proponent has provided a Retail Impact Assessment report which provides an assessment on the likely impacts that the proposed rezoning would have onto other existing shopping strips within close proximity to Virginia Park. This report concludes that there will be no unreasonable impacts onto existing commercial areas. Specifically the report states that "the impacts [of the rezoning] are not of a level that give rise to concerns about increasing vacancy levels of existing centres. Ongoing population growth and a shifting demographic profile will support more retailers and specialised services in the large and small strip centres'.

In addition no changes are proposed to the already approved maximum building heights across the land. This will ensure that future buildings on the land integrate appropriately into the neighbourhood.

Finally the provision of open space links within the development will benefit both the wider community and new residents of the estate.

10. Planning Scheme Amendment Process

A planning scheme amendment must go through the following fixed statutory steps:

- 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. If Council agrees to exhibit an amendment, it does not necessarily follow that Council supports the proposal. Placing an amendment on public exhibition has an element of "testing the water".
- 2. If there are no submissions Council can 'adopt' or 'abandon' 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.

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.

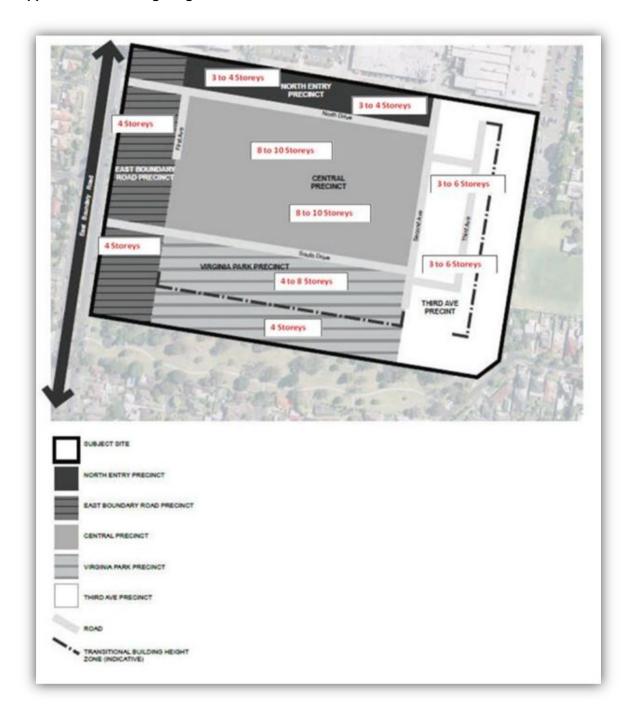
The process required to amend the Glen Eira Planning Scheme is lengthy and provides opportunities for public input from interested parties. With regard to the current proposal, Council is at Step 1.

Crs Magee/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

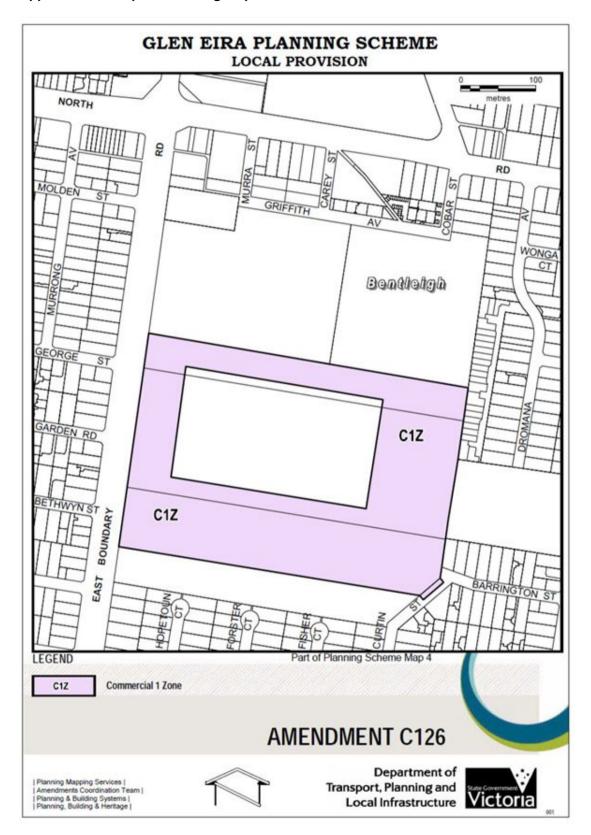
Appendix 1 – Existing Height controls



Appendix 2 – Current Zoning Map



Appendix 3 – Proposed Zoning Map



Appendix 4 – Open Space Links



Item 9.7

VCAT WATCH MARCH 2015 **Enquiries: Michael Henderson Planning Supervisor (VCAT)**

1. Purpose

To report to Council recent VCAT decisions.

The VCAT process allows appellants to amend their proposal between the time that Council makes a decision and the time VCAT considers the matter. Section 84B of the Planning and Environment Act requires VCAT to "take into account" any relevant Planning Scheme, not necessarily apply it.

2. Decisions

ADDRESS	1 FLORENCE STREET, ORMOND
PROPOSAL	CONSTRUCTION OF TWO DOUBLE STOREY
	DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE
CONSIDERED BY	VCAT HEARING
VCAT	
VCAT DECISION	REFUSAL
APPELLANT	TERRY HARPER ARCHITECTS

"This application fails on essentially one issue, that of the adequate protection of existing vegetation, namely, the Box Elder (Tree 2) located in the right of way traversing the eastern boundary and to a lesser extent, the Italian Cypress (Tree 6) to the property to the west. "VCAT Member - Alison Slattery

- The subject site is located within the Neighbourhood Residential Zone, where the residential built form generally consists of single and doublestorey dwellings. A number of multi-dwelling developments are interspersed within the area.
- The application was refused on grounds relating to the visual dominance
 of the proposal and the adverse impact the proposal will have on the
 impact of existing trees on adjoining properties. The development also
 failed to satisfy a number of ResCode Standards, resulting in
 unreasonable overlooking of adjoining properties and inadequate solar
 access to the private open space of each dwelling.
- In determining the application, the Tribunal held that the application did
 not represent an overdevelopment of the site and achieved a high level of
 compliance with ResCode Standards. However, the application
 ultimately failed due to the inability to adequately protect the existing
 vegetation on neighbouring properties.
- On this basis, the Tribunal upheld Council's decision and directed no permit to issue.

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/Hyams

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
9 April 2015	25 May 2015 (3 days)	P114/2015	8 Egan Street, Carnegie	Construction of a 16 storey building comprising 155 dwellings above three levels of basement car parking (with additional parking above ground), two retail tenancies and reduction of statutory car parking requirements.	Commercial 1 Zone	Refusal (Manager)	Refusal (Applicant)
10 April 2015	27 May 2015 (3 days)	P132/2015	322-326 Neerim Road, Carnegie	Construction of a 4 storey building comprising 38 dwellings and associated basement carparking	Residential Growth Zone	Refusal (Manager)	Refusal (Applicant)
17 April 2015	3 June 2015 (3 days)	P191/2015	495-501 Glenhuntly Road, Elsternwick	Construction of a 5 storey building containing 32 dwellings, 2 shops and the reduction of the car parking requirement.	Mixed Use Zone	Permit (Resolution)	Conditions (Applicant)

17 MARCH 2015

NEW APPEALS LODGED

PLANNING AND ENVIRONMENT LIST

APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
P9/2015	2 Ormond Road, Ormond	Construction of a 3 storey building above basement carpark comprising 15 dwellings	General Residential Zone	NOD (DPC)	NOD (Objector)
P32/2015	21 Morgan Street, Carnegie	Demolition of the existing dwelling and construction of 2 double storey dwellings within a Heritage Overlay	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
P159/2015	30 Melby Avenue, St Kilda East	Construction of 2 double storey dwellings	Neighbourhood Residential Zone	Permit (DPC)	Conditions (Applicant)
P180/2015	85 Robert Street, Bentleigh	Construction of a 3 storey building above basement level comprising 10 dwellings	Residential Growth Zone	Refusal (Manager)	Refusal (Applicant)
P182/2015	13 Kean Street, Caulfield	Construction of 2 double storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)

Item 9.8

HALL STREET, McKINNON PARKING CONDITIONS

Enquiries: Ron Torres Director Planning and Transport

1. Proposal

At the 5 November 2014 Ordinary Council Meeting, Council resolved:

"That a report be prepared for the next Ordinary Council Meeting on the traffic and parking situation in and around Hall Street, McKinnon, particularly at the McKinnon Road end of Hall Street, especially around school drop off and pick up times (8:15-9:15 am and 3-4 pm), to ascertain whether any measures should be put in place to improve safety and access for both pedestrians and vehicles, and if so what measures."

2. Community Plan

<u>Transport Planning</u> – 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

<u>McKinnon Road</u> is a major council road which runs in an east-west direction between East Boundary Road in the east and Thomas Street in the west. In the vicinity of Hall Street it is 9.0 metres wide, comprising of a bicycle lane and a traffic lane in each direction. The 50 km/h default speed limit applies to the road with the exception of a full-time 40 km/h school speed limit between Tucker Road and Hall Street (adjacent to the McKinnon Secondary College).

<u>Hall Street</u> is a local street which runs in a north-south direction between Leinster Street in the north and Lindsay Street in the south. At McKinnon Road, Hall Street is staggered and the approaches to McKinnon Road are controlled by *Stop* signs and linemarkings. The street is approximately 7.2 metres wide with unrestricted parking on both sides of the street. The *No Stopping* area immediately north of McKinnon Road has been increased from the minimum statutory requirement of 10 metres to 14 metres.

The intersection of McKinnon Road and Hall Street is depicted in Figure 1.



Figure 1 - McKinnon Road and Hall Street intersection and surrounds

The McKinnon Secondary College is located approximately 50 metres to the east of the intersection.

4. Investigation

An assessment of the pedestrian, traffic and parking conditions at the intersection of McKinnon Road and Hall Street were undertaken:

- from 7.45am to 9am and from 2.30pm to 4pm on Tuesday 10 February 2015; and
- from 7.45am to 9.15am and from 2.45pm to 3:45 pm on Thursday 19 February 2015.

It is apparent that the traffic and pedestrian activity at the intersection increases during the school drop-off and pick-up periods. The increased activity occurs for approximately 15 to 20 minutes in the morning and approximately 10 to 15 minutes in the afternoon.

Pedestrian activity along the northern side of McKinnon Road was highest particularly by students of the secondary college walking to school from the west. Pedestrians were able to safely cross Hall Street at McKinnon Road as there are good sightlines in all directions between pedestrians and drivers.

Drivers turning into Hall Street gave way to pedestrians crossing Hall Street. This does cause traffic to queue behind them, but without any significant delay. Drivers turning out of Hall Street also gave way to pedestrians crossing Hall Street; again this caused no significant delay.

A small number of school staff and a small number of parents park their cars in Hall Street both north of McKinnon Road and to an even lesser extent to the south. (There is adequate availability of parking for residents of the street.) Parked cars on both sides of Hall Street do not allow simultaneous two-way traffic however; drivers are able to give way to oncoming traffic without any significant delays to either Hall Street or McKinnon Road traffic.

A very small number of drivers illegally parked in *No Stopping* areas to drop off students although there was adequate availability of parking within a short distance. This is a matter that can be resolved through patrolling and enforcement.

The observations indicate that the intersection is busiest for a very short period of time during each of the school-drop off and pick-up periods. It operates satisfactorily without any significant delays to motorists and pedestrians.

There were no significant safety issues identified apart from motorists unlawfully parking in *No Stopping* areas. This will be addressed through enforcement. The existing traffic conditions at the intersection of McKinnon Road and Hall Street do not warrant any further traffic management treatments.

5. Recommendation

That Council notes this report.

Crs Esakoff/Okotel

That Council

- a) Note the Report
- b) That another assessment take place further into the school year, to determine whether the increased enforcement of illegal parking has changed the behaviour of motorists.

The MOTION was put and CARRIED unanimously.

Item 9.9

STATE OF COMMUNITY ASSETS REPORT – 2013/2014

File Number: Enquiries: Peter Waite Director Assets & Facilities

1. Purpose

To consider Council's State of Community Assets Report – 2013/2014.

2. Community Plan

To enhance and develop community assets and infrastructure to meet the needs of current and future generations.

3. Background

Attached is Council's first *State of the Assets Report* and relates to 2013/14 Financial Year.

The report provides a high level overview of the state of the major physical infrastructure and community assets managed by Council to provide services to its community. These assets make vital contributions to the quality of life at Glen Eira.

The Report is an action arising from Council Asset Management Strategy 2014-2018 that Council adopted November 2014.

5. Recommendation

That Council note this report.

Crs Hyams/Lipshutz

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

STATE OF COMMUNITY ASSETS REPORT

2013-2014



"the primary object of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions."

- s3c(1) Local Government Act

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1 Introduction

This is Council's first State of the Assets Report and relates to the 2013/14 Financial Year.

The report provides a high level overview of the state of the major physical infrastructure and community assets managed by Council to provide services to its community. These assets make vital contributions to the quality of life at Glen Eira.

The Report is an action arising from Council Asset Management Strategy 2014-2018 that Council adopted in November 2014. The Report covers community infrastructure of the groupings listed below.

Physical Infrastructure Asset Group	Description	Replacement Value ^{1 2}	% of all Infrastructure Assets
Roads	Road pavement, road surface, kerb & channel, car parks, Right of Ways and Local Area Traffic Management devices (LATMs) are included in this asset group.	\$241m	29%
Pathways	Street footpaths and shared paths on local and arterial roads and state highways.	\$111m	14%
Drainage	Drainage pits, drainage pipes, open drains and culverts are included in this asset group.	\$166m	20%
Open Space and Recreation	Sports grounds, synthetic playing surfaces, playgrounds, cricket nets, tennis courts, netball courts, bowling greens, play equipment, park furniture etc.	\$63m	8%
Buildings	Council buildings, swim centres, libraries, community centres, child care centres, maternal and child health care, kindergartens, accommodation buildings, pavilions, toilets, pergolas, rotundas, sheds.	\$239m	29%
	Total Value:	\$820m	100%

The report does not consider other Council assets such as plant, equipment, trees and land.

The report makes no allowance for Victorian Government Policy on "Rate Capping", details of which have not yet been determined.

This report uses two main methods to determine replacement value: The insured value of the whole of an asset and estimated value to replace individual components of an asset. The difference methods lead to different total values by up to 10 percent. Due to the different methods used the sum of values in the tables may not match the sum of values in the condition profiles.

Figures in this table are derived from Council's 2013-14 Annual Report

2 Financial Indicators

Good asset management practice relies on Council being financially sustainable. Council considers its finances regularly through various means including its Annual Report and quarterly Financial Reports. For a detailed assessment of Council's finances refer to copies of these documents on Council's website.

One of the more useful financial indicators relating to asset management is the *Capital Replacement Ratio* the Victorian Auditor-General uses. The indicator shows whether Council's spending on capital works has kept pace with the rate of consumption (i.e. depreciation) of its assets.

The Auditor-General views a Capital Replacement Ratio as follows:

- 1. More than 1.5 low risk of insufficient spending on asset base.
- 2. Between 1.0-1.5 may indicate insufficient spending on renewal of existing assets.
- 3. Less than 1.0 spending on capital works has not kept pace with consumption of assets.

The following graph is constructed from data in the Auditor-General's report of February 2015. It shows that Council has the highest level of capital replacement of all inner Melbourne Metropolitan Councils.

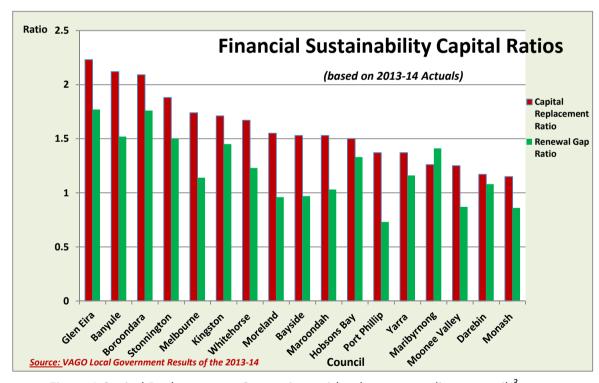


Figure 1 Capital Replacement – Comparison with other metropolitan councils³

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³ The figure also shows the Renewal Gap Ratio which compares the rate of spending through renewing, restoring and replacing existing assets with the rate that they depreciate. Spending more than the rate an asset is used indicates that an entity is sufficiently renewing its assets.

Council has increased capital expenditure from around \$13m per annum in 1999-2000 to around \$26m to \$30m per annum now. Council Strategic Resources Plan allows for this to continue while keeping average Rates low as shown in Figure 2.

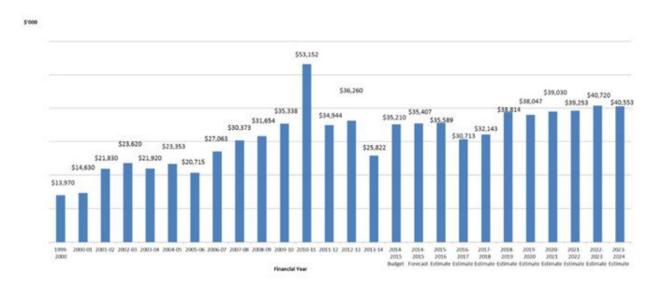


Figure 2 Capital Expenditure 1999 to 2024

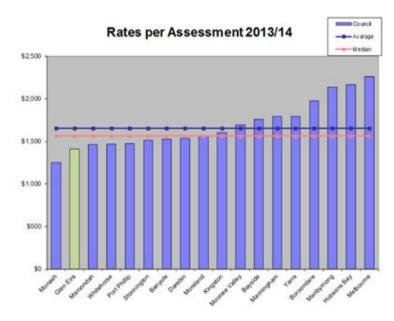


Figure 3 Rates per assessment - Comparison with other metropolitan councils

3 Condition of Community Assets

This report uses a five point grading system to assess the condition of its community assets:

Condition Grading Scale	Description of Condition of the Asset
1	Excellent: Assets in as new condition
2	Very Good: only planned maintenance required
3	Good: Minor maintenance required plus planned maintenance
4	Fair: significant maintenance required
5	Poor: significant renewal/rehabilitation required

Most of the condition data Council has about its community assets is now reliable and up to date. It shows that Council's assets, on average, are in very good condition. Further, over 90 percent of the assets are in good to excellent condition – see Figure 4.

With a robust financial strategy in place, Council is in a good position to continue to maintain its existing community assets to the standard the community expects. This is a substantial turnaround from 1999 when Council became increasingly aware that many of its assets were run down and not financially sustainable. Council's 2002-03 Annual Report disclosed that all categories of assets were unsustainable in 1999 – following years of rate capping. It also disclosed that between 1999 and 2003, investment had increased and the condition of assets had improved.



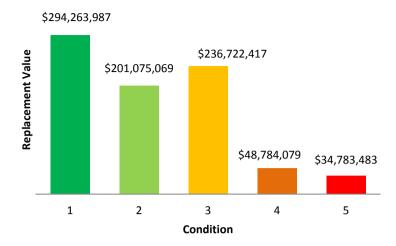


Figure 4 All Groups Condition Profile

The following sections consider each asset group in more detail. In each case, individual assets have been graded and their replacement value aggregated against each point score to arrive at a condition profile.

3.1 Roads Group

Council manages the roads and road related infrastructure of 465km of local roads and laneways in Glen Eira while VicRoads manages the arterial roads and state highways.

Roads is Council's largest group of assets by replacement value. It includes:

Asset Subgroups	Quantity	Average useful life (years)	Replacement Value ¹
Roads pavement (465 Km)	3,230,000 m ²	150	\$79.0m
Roads surface (465 Km)	3,230,000 m ²	15 to 30	\$39.0m
Kerb & Channel	832,000 m	95 to 110	\$81.0m
Carparks	162,000 m ²	Surface: 35 Pavement: 100	\$7.9m
Laneways (267 nos)	110,150 m ²	80 to 110	\$11.5m
Local Area Traffic Management Devices	1,188 units	40	\$18.5m
Street furniture	2,658 units	18	\$1.6m
Street Lighting (Non-standard) ⁴	83 lights	15	\$0.1m

Council now has reliable data about the condition of assets in the Roads Group which shows 68 percent by value is in very good to excellent condition. Less than one percent is in poor condition (refer to Figure 5).

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⁴ Electricity distribution companies own standard street lights. VicRoads and Council pay for the companies to provide the lights, the contribution which depends on which road. There are over 8500 street lights in Glen Eira.

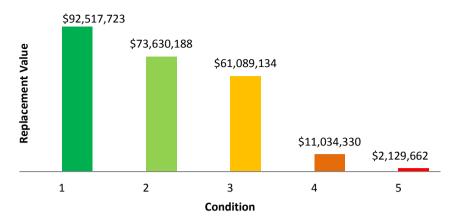


Figure 5 Roads Group Condition Profile 2014

The condition of Council's roads have improved since 2010 when around 55 percent of the roads were in very good to excellent condition and around six percent were in poor condition (refer to Figure 6). The trend shows that Council's various road renewal and maintenance programs have been effective.

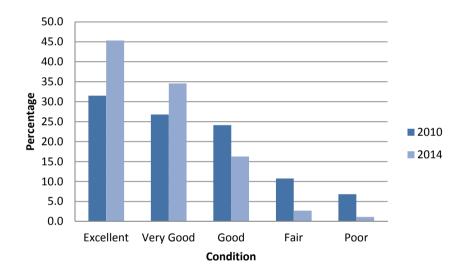


Figure 6 Roads Group Condition Trend 2010 to 2014

While overall the condition of the Group is improving, some sub-groups such as street furniture (with over 34 percent in fair to poor condition) needs some additional attention. More work on street furniture is planned in 2015.

In recent years, Council has also allocated additional funds to deal with the backlog of laneways in poor condition.

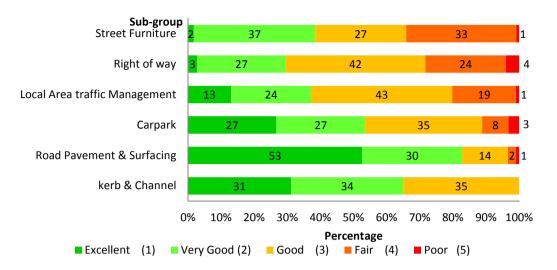


Figure 7 Roads Sub-groups Condition Profile 2014

Council current funding levels for its Roads Group will remain at financially sustainable levels of at least the next 3 to 5 years. After that time, a large number of Road assets are likely to start moving into fair to poor condition. To replace these assets in a timely manner it may be necessary to increase funding levels.

Council will next audit the condition of its roads in 2018. At that time, Council should gain a clearer understanding as to whether current funding levels for its roads remains sustainable in the longer term.

3.2 Pathways Groups

Pathways in this Group are the footpaths and bike/pedestrian paths beside roads. It includes the footpaths in strip shopping centres. Pathways in parks are included in the Open Space and Recreation Group.

Council manages almost all pathways on local, arterial and state highways in Glen Eira. Most are concrete; some are asphalt or brick pavers. The average age of a section of pathway in Glen Eira is 31 years.

Group	Quantity	Average useful life (years)	Replacement Value ¹
Pathways (865km)	1,488,000 m ²	32 to 53	\$111m

Council has reliable condition data relating to pathways having audited pathway condition regularly since 2006.

Concrete pathways would last a long time but environmental factors means most sections of pathways are damaged or are replaced before the end of life. Tree roots are a contributing factor in over 50 percent of pathways damage. The need to access services underneath and damage due to adjacent building works are the other main reasons sections of pathways get replaced prior to end of useful life.

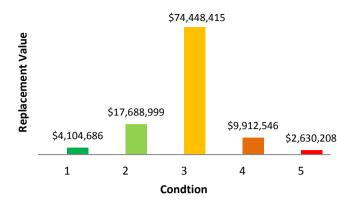


Figure 8 Pathway Condition Profile 2013

The nature of how sections of pathways get replaced means that most pathway segments comprises of a patchwork of new and old sections. The consequence is the average condition of pathways segments trends towards the median or "good" using five-point system. This phenomenon is illustrated in Figure 9.

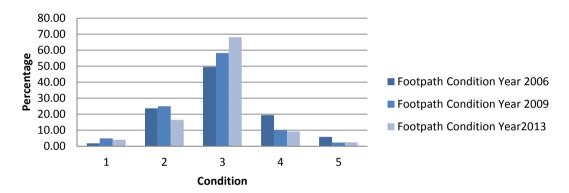


Figure 9 Pathway Condition Trend 2006 to 2013

Overall, the pathway condition trend shows good improvement since 2006 with the weighted average footpath condition improving from 3.04 to 2.90 (around 5 percent improvement).

The improving condition of Council's pathways demonstrates that Council's approach to managing its pathways is financially sustainable.

Assuming Council maintains its current approach to managing its pathways, modelling suggests the average condition of Council's pathways should stabilise over the next few years.

3.3 Drainage Group

There are no natural waterways in Glen Eira. Stormwater from properties drain to Council drains which flow to Melbourne Water drains then to the Yarra River or Port Phillip Bay. Council's 558km of drains generally services drainage catchments of less than 60 hectares and vary in size from 100mm to over 2.1m in diameter. Most are made from concrete. Other materials include brick and plastic.

Most drains will last a long time (over 100 years). The average age of Council's drains is around 58 years.

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Asset Subgroups	Quantity	Replacement Value ¹	Average useful life (years)
Pipes	558,000 m	\$126m	100
Pits	22,900	\$40m	100

Being underground and often in easements at the rear of properties, auditing the condition of drains is difficult and time consuming so Council only audits a small sample of drains each year. In recent years about 8% of Council's drains have been audited for condition.

The drainage condition profile in Figure 10 is based on what condition data Council has. It should be reasonably accurate.⁵

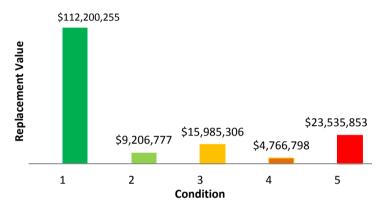


Figure 10 Drainage Condition Profile

The audits suggest around 73 percent of drains are in very good to excellent condition while around 17 percent are in fair to poor condition. It is likely that around \$23.5m of Council's drains currently warrant replacement.

The sample audits suggest that Council's drains are lasting longer than expected and in better condition. Being old however, some drains are easily infiltrated by tree roots or have some degree of settlement. Keeping these old drains clear of blockages continues to be an ongoing challenge.

A further challenge is that Melbourne Water drains no longer cope with major storm events. To a lesser extent this also applies to Council drains.

In recent years, Council has allocated \$3.5m towards renewing and upgrading (to increase capacity) of its drains on a priority basis. Ongoing condition audits and drainage improvement investigation works will help Council assess whether this level of funding is sufficient in the longer term.

⁵ Statistically speaking: 95 percent confidence level with 2.5 percent margin of error.

3.4 Open Space and Recreation Group

The Open Space and Recreation Group comprises of:

Asset Subgroups	Quantity	Replacement Value ¹	Average useful life (years)
Active reserve (Sports grounds etc.)	41	\$17.3m	15
Lighting (Parks, Pathway and Sports)	589	\$5.0m	15
Play Equipment	71	\$6.7m	15
Synthetic Playing Surfaces	21	\$2.6m	20
Park furniture	191	\$17.4m	20

While most of the major assets in this Group are in good to excellent condition, 31 percent by value are in fair to poor condition. As Figure 12 shows, sub-groups in poorer condition include synthetic surfaces, active reserves and park furniture.



Figure 11 Open Spaces and Recreation Group Condition Profile 2011⁶

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⁶ This condition profile relates to an audit from 2011, it includes some assets not included in the table above (such as fixed plant and equipment and some cultural assets) as these could not be easily separated out from the data set. It does not include new assets from 2011 so total valuations differ to that in Section 1.

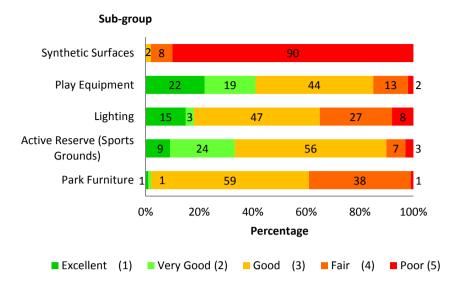


Figure 12 Open Space and Recreation Sub-group Condition Profile 2011

Council is attending to open space and recreation assets in poor condition through a number of programs. For example, in recent years Council has rolled out a *Sports Ground Drought Tolerant Grasses Program* that not only makes the grounds more sustainable but also corrects the surface profile and replaces aging irrigation systems.

Council will need to consider replacing a number of synthetic surfaces in the next few years including the athletics track and netball courts at Duncan McKinnon Reserve, Murrumbeena. Works to replace the velodrome surface at Packer Park, Carnegie are currently underway.

In providing open space and recreational services into the future a particular challenge is that Glen Eira has the lowest amount of public open space per person of any Victorian Council:

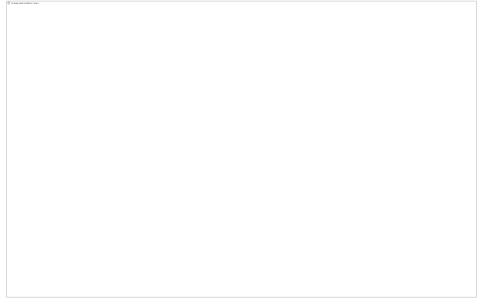


Figure 13 Public Open Space Per Person

This shortage is made more critical by significant development under State planning policies. An additional 1,713 dwellings received planning permission in Glen Eira in 2013-14.

In April 2014, following independent analysis and widespread consultation, Council adopted a 300 page *Open Space Strategy* to remedy this very high Community priority. The *Strategy* calls for expenditure over thirteen years of \$201,296,600. This is made up of:

- \$124,648,500 for land and
- \$76,648,100 for capital works.

As the new open space and recreation assets are developed, Council will need to ensure it provide sufficient ongoing funding for maintenance, repair and renewal of this group of assets.

3.5 Buildings Group

By replacement value, Buildings is Council's second largest asset group. To assess the condition of assets in this group, the buildings and facilities are audited at the component level, namely:

Asset Subgroups	Quantity	Replacement Value ¹	Average Useful Life (years
Structure long life ⁷	292	\$182.7m	80
Structure short life	161	\$14.0m	40
Roof structure	404	\$11.0m	40
Mechanical Services	214	\$20.1m	20
Building Fit Out	424	\$41.2m	25

The improvement in the condition of Council's Building Group of assets is one of the success stories. In 2002, many of Council's buildings and facilities were in poor condition. Notable examples included the pavilions in Caulfield and Princes Parks and the old Bentleigh East Swim Centre. These have now all been replaced and updated.

As a consequence of Council's significant investment in this area, the condition profile now looks favourable with 95 percent of assets in good to excellent condition.

In addition to ensuring the visible elements of Council's buildings and facilities are fit for purpose, Council has been careful to ensure that less visible elements of buildings continue to be renewed in a timely manner. For example, Council has invested heavily in replacing heating and cooling systems in its buildings in recent years. Sixty-six percent of *Building Mechanical Services* assets are now in good to excellent condition (see Figure 15).

Of Council's major building assets, the Carnegie Swim Centre is the last that remains in fair to poor condition. Council's 10 year Strategic Resources Plan provides for Council to renew key components of this facility in 2017-18 and 2018-19 financial years.

⁷Examples: Long Life structures, Pavilion, Town Hall; Short Life structures, Bicycle shelters, Rotundas
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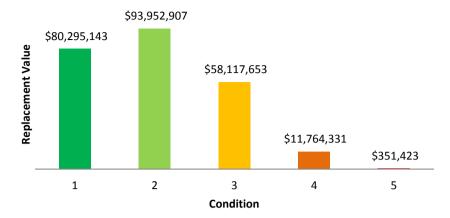


Figure 14 Buildings Group Condition Profile 2014

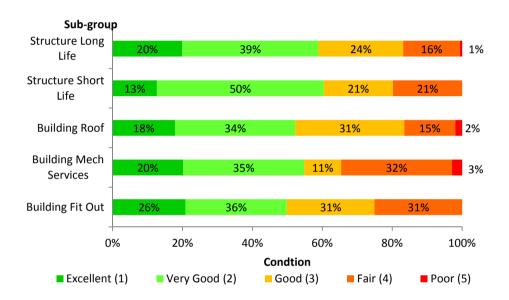


Figure 15 Building Sub-group Condition Profile2014

4 Risk Management

Council has a well-developed and mature risk management framework that complies with ISO 31000:2009 Risk Management – Principles and Guidelines. Council was rated number one in the state after the last MAV Liability Mutual Insurance audit in 2012 with a score of 100 percent, the highest ever achieved by a council.

Council has in place the following corporate risk documentation, data and systems that comprises of:

- Risk Management Policy
- Risk Management Strategy
- Strategic Risk Management System

With respect to risk associated with managing community assets, Council focuses on network and critical assets that may result in loss of service or a reduction in service level.

4.1 Network Level Risks

Network level risks are those that result in a reduction in service levels at a network level over time due to low levels of maintenance and asset renewal.

These risks may result from reduced budget funding levels, assets becoming less useable, increasing liability for personal injuries from defective assets and repair costs on failure.

Asset renewal funding requirements and the renewal gap assessments provide the long term sustainable financial plan for addressing the potential reduction in service at the network level. Regular condition surveys play an important role in monitoring and measuring the likelihood of failure and loss of service levels due to poor asset condition.

4.2 Critical Asset Risks

Critical assets are those individual assets that have the potential to cause loss or reduction of service in a specific location. They have a high consequence of failure but not necessarily a high likelihood of failure. Council larger drains are an example of a critical asset, the failure of which can cause property flooding in the upstream catchments.

The risk management plans are developed in detail in the relevant internal working documents including:

- Roads Asset Management (AM) Plan
- Footpath AM Plan
- Drainage AM Plan
- Buildings AM Plan
- Recreation and Open Space AM Plan

4.3 Road Management Act 2004

In addition to asset management related documentation, Council manages road related risk through its Road Management Plan in accordance with the Road Management Act 2004. Council periodically reviews and updates this plan in consultation with the community to ensure that Council continues to appropriately manage its road and road relating infrastructure

5 Continuous Improvement – Asset Management Systems

Council has rigorous long-term planning, developed through widespread community consultation. On 14 September 2011, the Auditor General tabled a Report on *Business Planning for Major Capital Works and Recurrent Services in Local Government*. The Report stated:

- Benchmarking audits in 2010 found Glen Eira's asset management framework was generally outperforming the local government sector (p16).
- Glen Eira's planning and budgeting is well integrated and generally effective. However the quality of the strategic, financial and asset management plans at the three remaining councils is poor (p13).
- Glen Eira had an ongoing program of community consultation, but the remaining three councils had not adequately consulted their communities on the feasibility of their priorities in initially developing their council plans (p13).

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- Glen Eira [and two other councils] has a community engagement policy but only Glen Eira applied it as intended when developing its council plan (p13).
- Investments in capital works are not supported by rigorous business cases at the councils examined except for Glen Eira... Similarly, except for Glen Eira, investments in recurrent services by the other three councils are not supported by adequate analysis of service need, value-for-money, cost and financial sustainability" (p22).

Federal Government policy regarding local government assets is set out in the National Assessment Framework (NAF). It sets targets for councils to achieve *Core* and *Advanced* levels of asset management practice maturity by 2015 and 2018 respectively.

The AMS supports Council's use of the Framework to improve asset management practice over time. Council is presently working towards *Core Maturity*.

Every year Council assesses itself against the eleven NAF functions scoring itself from 0 – *Not started* to 100 through to 100 – *Core Capability*. The diagram shows Council's score as at June 2014.

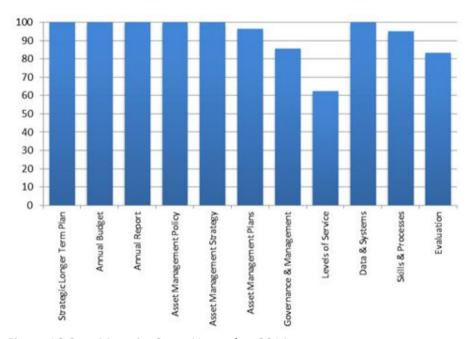


Figure 16 Core Maturity Score November 2014

The diagram illustrates Council's Community Plan, Strategic Resource Plan, Annual Budget, Asset Management Policy, 2006 AM Strategy, Plans data and software systems met NAF minimum requirements for Core Maturity. Council still has some more work to do on governance and management of its assets; documenting its levels of service; managing staff skills and experience; documenting AM related processes; and evaluation and monitoring of asset performance.

Council is on track to achieve Core Maturity during 2015.

Item 9.10

STREET TREES AND ELECTRIC LINE REGULATIONS

File No:

Enquiries: Peter Waite

Title: Director Assets and Facilities

1. Proposal

To report on compliance with the proposed 2015 Electricity Safety (Electric Lines) Regulations.

2. Community Plan

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

3. Background

Street trees are highly valued by the Glen Eira community. Council manages approximately 47,000 street trees. As part of the implementation of the *Open Space Strategy*, Council has increased the number of street trees planted each year from 1,600 to 2,000.

The interface between street trees and power lines is governed by regulations. The regulations are administered by Energy Safe Victoria (ESV). The regulations are remade every five years. Draft regulations were released in 2014 to take effect in 2015.

The Government is likely to adopt revised 2015 Regulations on Electric Line clearance in the next couple of months. Every indication is that the new Regulations will be similar to the draft the Government has already exhibited.

The proposed Regulations are generally less threatening than the 2010 Regulations for Council's tree population with smaller clearance spaces (see illustration below) for some types and lengths of spans of power lines.



Item 9.10 (cont'd)

A disappointing aspect of the proposed Regulations is that foliage (leaves and branches less than 10mm wide) are still not permitted within the clearance spaces. This was allowed in the 2005 Regulations and it remains common practice for councils to prune to the extent of the clearances and allow foliage to grow back in between prunes.

4. Compliance

Council has annual clearance programs to trim trees away from power lines. Council accepts the need to cut foliage well away from high voltage lines and cannot have tree branches in permanent contact with any power lines. There are a small number of trees in those two categories which are being managed.

5. Insulating Battens

There is a possibility of a more cost effective approach to trees where branches are not in constant contact with power lines but are within 300mm. The Regulations hold the promise that Energy Safe Victoria (ESV) may approve the use of low cost engineering solutions to reduce minimum clearances to vegetation in some circumstances. The Regulations refer to these as *Alternative Compliance Mechanisms* (ACMs). The process for obtaining approval is outlined in section 32 of the proposed Regulations. It involves also obtaining the approval of the owner of the relevant power lines.

A possible Alternative Compliance Mechanism is insulation battens. These are a sheath of insulating material that covers uninsulated low voltage power lines immediately adjacent to branches. Designed correctly, the battens should allow the same minimum clearance as insulated low voltage power lines (typically 300mm).

The electricity distribution companies have informally used them near some trees. A photo of such an insulating batten, used in a large tree in Niddrie, is shown below.

Item 9.10 (cont'd)



To date, however, the electricity companies have been reluctant to use battens as a permanent solution to branches close to power lines.

Uninsulated low voltage is by far the most common power line in Glen Eira and many of Council's trees have structural branches (greater than 130mm wide) within the clearance space of these lines. Battens would be a cost-effective approach and would avoid heavy pruning or removal of the non-compliant tree.

6. Cost

The draft 2015 Regulations would require a greater level of clearance and additional cost. The appropriate level of resourcing will be addressed in the budget.

The Victorian Government has foreshadowed some form of rate capping but is yet to provide details. If the Government imposes additional costs of compliance, it would need to recognise the costs as a factor in rate setting or accept non-implementation.

Item 9.10 (cont'd)

7. Recommendation

That Council:

- i. Seek approval to use insulating battens as described in this report including obtaining Energy Safe Victoria approval.
- ii. Continue to advocate for the Victoria Government to amend the above mentioned Regulations to allow foliage within the clearance space of power lines in certain circumstances.

Crs Pilling/Okotel

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Item 9.11

CLASSIFIED TREE REGISTER

1. Purpose

To report on item 7i in the 2014-15 Community Plan Action Plan: "Introduce a Local Law which creates the framework for a Classified Tree Register".

2. Background

The normal processing of town planning applications provides on going protection of over 200 valued existing trees and the planting of over 1,000 future canopy trees each year.

All sites which are subject to a planning application are evaluated by Council's landscape architect. This role is to identify trees that are considered worthy of retention.

Where valued trees are identified, the town planning assessment will regularly incorporate permit conditions which require protection during construction and a tree management condition to ensure the ongoing retention of the tree/s. Where a tree to be retained is near a proposed building, further conditions are applied for special foundations which do not disturb or damage the root system. Similarly, the proposed building is protected from future damage from the tree roots. Such foundations often add thousands of dollars to construction costs.

Such trees are thereby protected from removal. This is an ongoing obligation because town planning permits and conditions run with the land and not a particular owner. Given around 1,200 planning applications per year, many being for residential development, it is estimated that over 200 valued existing trees are protected each year. Removal of a tree contrary to a planning permit is a breach of the Planning and Environment Act which can attract court penalties far in excess of any breach of a local law. Penalties of between \$5,000 to \$20,000 are relatively common.

Additionally, every approved multi dwelling proposal has a permit condition which requires a landscape plan to be submitted and approved by Council. The landscape plan process is an opportunity to ensure the planting of well advanced (between 2m to 3m in height when planted) future canopy trees. The landscape plans are prepared by a suitably qualified person and, importantly, signed off by Council's landscape architect. For a standard 2 dwelling proposal, the normal requirement would be a need to provide a minimum of 4 advanced/canopy trees. It is estimated that this process creates over 1,000 future canopy trees each year.

Glen Eira has also raised the bar in terms of normal ResCode standards. In the Neighbourhood Residential Zone we have a 4 m rear setback (normal ResCode zero), a site coverage of 50% (normal ResCode 60%) and 60m2 private open space (normal ResCode 40m2). Glen Eira's increased ResCode standards combine to provide greater opportunities for canopy tree planting.

The retention of valued existing trees and the addition of future canopy trees via the normal town planning process is an impost on applicants/developers but with broad and ongoing community benefits.

Item 9.11 (cont'd)

Historically it was common for a developer to completely strip the site of all vegetation prior to lodging an application for a town planning permit. This practice is known as "moonscaping" a site. Glen Eira initiated a change which subsequently resulted in ResCode being changed by the State Government to discourage moonscaping. The ResCode mechanism is that any tree removed within 12 months of a town planning application being lodged must be assessed as though the "removed" tree is still in place. This has proven to be somewhat of a defacto tree retention control because it has effectively removed any advantage a developer could gain from moonscaping. This means that any town planning application for medium density dwellings needs to consider existing trees/vegetation.

The trigger for the above controls is the need for a town planning permit. The controls are focussed in that they apply at the appropriate time. That is, at a time when an existing valued tree is under potential threat by virtue of a proposed development. The controls are therefore not applicable for single residences.

Approaches to supplement existing levels of tree protection include the following.

- Introduce a Local Law to require a permit to remove any tree of more than a specified size, usually measured by circumference of the trunk. This involves property owners applying for a permit, paying a fee, possibly requiring a report by an arborist, with the Council determining whether to grant the permit or not. Many Councils have this approach.
- Introduce a Classified Tree Register where there is a Local Law requiring a
 permit but only for those high quality trees which Council has included in the
 Register.

During the last Term, Council set an action to develop and implement a Classified Tree Register. During this Term, it was discussed in the Local Laws Advisory Committee on a number of occasions. Various considerations, both for and against, were considered.

3. Options

- (a) Proceed to publish and consult on a Classified Tree Register and enabling Local Law.
- (b) Resolve not to proceed with item 7i in the Community Plan Action Plan for 2014-15

4. Recommendation

That Council give direction.

Item 9.11 (cont'd)

Crs Lipshutz/Okotel

That Council resolve not to proceed with item 7i in the Community Action Plan for 2014-15.

PROCEDURAL MOTION

Crs Hyams/Lipshutz

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.

DIVISION

Cr Delahunty called for a DIVISION on the voting of the SUBSTANTIVE MOTION.

FOR AGAINST
Cr Lipshutz Cr Delahunty
Cr Okotel Cr Pilling
Cr Esakoff Cr Sounness
Cr Magee Cr Hyams

Cr Lobo

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

Item 9.12.

CHANGES TO DELEGATIONS FROM COUNCIL TO MEMBERS OF STAFF

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 the existing "Instrument of Delegation – Council to members of staff – *Road Management Act* 2004" are required as a result of changes to the organisational structure within Council.

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

4. Recommendation

- 4.1 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 4.1(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.

Item 9.12 (cont'd)

Crs Hyams/Lipshutz

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 – 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):

- 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' means Director Planning and Transport;

'GMESS' Group Manager Environmental Strategy and Services;

'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

- declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 17 March3 February 2015; 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 subparagraph 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
 - 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 he 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 2	Column 3	Column 4		
THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	DAF			
Duty to include details of arrangement in public roads	DAF			
register.	MIA			
Power to enter into an arrangement under s.15.	DAF			
Duty to enter details of determination in public roads register.	DAF			
Duty to register public road in public roads register.	DAF	Duty of coordinating road authority.		
	MIA			
Power to decide that a road is reasonably required for general public use.	DAF	Power of coordinating road authority.		
	DPT			
Duty to register a road reasonably required for general public use in public roads register.	DAF	Duty of coordinating road authority.		
	MIA			
Power to decide that a road is no longer reasonably	DAF	Power of coordinating road authority.		
required for general public use.	DPT			
	THING DELEGATED Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority. Duty to include details of arrangement in public roads register. Power to enter into an arrangement under s.15. Duty to enter details of determination in public roads register. Duty to register public road in public roads register. Power to decide that a road is reasonably required for general public use. Duty to register a road reasonably required for general public use in public roads register.	THING DELEGATED DELEGATE Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority. Duty to include details of arrangement in public roads register. DAF MIA Power to enter into an arrangement under s.15. DAF Duty to enter details of determination in public roads register. Duty to register public road in public roads register. DAF MIA Power to decide that a road is reasonably required for general public use. DAF DAF DAF DAF DAF DAF DAF DA		

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)	.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 f public inspection.	Duty to ensure public roads register is available for	DAF		
	public inspection.	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	DAF		
	made under section 22 by the Minister in its annual report.	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	DAF		
	not a public road.	MW		
		MIA		
		<u>GMESS</u> 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,	DAF		
	inspection, maintenance and repair	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	DAF	
	stopping point and action taken by Council.	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	Where Council is the coordinating road	
		DPT	authority.	
		MIA		
		MBCC		
		MOCC		
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	Where Council is the infrastructure manager.	
		DPT		
		MIA		
		MW		
s.64(1)	Duty to comply with clause 13 of Schedule 7.	DAF	Where Council is the infrastructure manager or works manager.	
		DPT		
		MIA		
		MW		

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	Where Council is the coordinating road	
		DPT	authority.	
		MIA		
		MW		
		MBCC		
		MOCC		
s.67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill.	DAF	Where Council is the coordinating road	
		DPT	authority.	
		MIA		
		MW		
		MBCC		
		MOCC		

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	Where Council is the coordinating road authority.	
		DPT		
		MIA		
		MW		
		MBCC		
		MOCC		
s.68(2)	Power to request information.	DAF	Where Council is the coordinating road	
		DPT	authority.	
		MIA		
		MW		
s.71(3)	Power to appoint an authorised officer.	DAF		
		DPT		
s.72	Duty to issue an identity card to each authorised. officer	DAF		
		DPT		

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	
		DPT	
		<u>GMESS</u>	
		MIA	
		MW	
		MS	
s.86	Duty to keep register re s.85 matters.	DAF	
		DPT	
		<u>GMESS</u>	
		MVV	
		MS	
s.87(1)	Function of receiving complaints.	DAF	
		DPT	
		<u>GMESS</u>	
		MW	

ROAD MANAGEMENT ACT 2004			
Column 2	Column 3	Column 4	
THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
	MS		
	MIA		
Duty to investigate complaint and provide report.	DAF		
	DPT		
	<u>GMESS</u>		
	MIA		
	MW		
	MS		
Power to authorise institution of legal proceedings.	DAF		
	DPT		
	MBCC		
Power to recover damages in court.	DAF		
	DPT		
Power to cause or carry out inspection.	DAF		
	THING DELEGATED Duty to investigate complaint and provide report. Power to authorise institution of legal proceedings. Power to recover damages in court.	Column 2 THING DELEGATED DELEGATE MS MIA Duty to investigate complaint and provide report. DAF DPT GMESS MIA MW MS Power to authorise institution of legal proceedings. DAF DPT MBCC Power to recover damages in court. DAF DPT	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		DPT	
		<u>GMESS</u>	
		MW	
		MS	
s.119(2)	Function of consulting with VicRoads.	DAF	
		DPT	
		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	
		DPT	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MW	
s.121(1)	Power to enter into an agreement in respect of works.	DAF	
		DPT	
		MW	
s.122(1)	Power to charge and recover fees.	DAF	
		DPT	
		MBCC	
		MW	
		MIA	
s.123(1)	Power to charge for any service.	DAF	
		DPT	
		MW	
Schedule 2	Power to make a decision in respect of controlled	DAF	
Clause 2(1)	access roads.	DPT	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Function of receiving details of proposal from VicRoads.	DAF	
Clause 4		DPT	
Schedule 2	Duty to publish notice of declaration.	DAF	
Clause 5		DPT	
Schedule 7	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve.	DAF	Where Council is the infrastructure manager or
Clause 7(1)		DPT	works manager.
		MW	
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	Where Council is the infrastructure manager of
		DPT	works manager.
		MW	
Schedule 7	Duty to comply with request for information form a coordinating road authority, an infrastructure manager or a works manager responsible for existing or	DAF	Where Council is the infrastructure manager or
Clause 9(1)		DPT	works manager responsible for non-road infrastructure.

ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
	proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works.	MW		
Schedule 7	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	Where Council is the infrastructure manager or	
Clause 9(2)		DPT	works manager.	
		MW		
Schedule 7 Clause 10(2)	Where Schedule 7 clause 10(1) applies, duty to, Where possible, conduct appropriate consultation with persons likely to be significantly affected.	DAF	Where Council is the infrastructure manager or works manager.	
		DPT		
		MW		
Schedule 7	Power to direct infrastructure manager or works manager to conduct reinstatement works.	DAF	Where Council is the coordinating road authority.	
Clause 12(2)		DPT		
		MW		
		MIA		
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed.	DAF	Where Council is the coordinating road	
		DPT	authority.	
		MW		

ROAD MANAGEMENT ACT 2004					
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
		MIA			
Schedule 7	Duty to ensure that works are conducted by an	DAF	Where Council is the coordinating road		
Clause 12(4)	appropriately qualified person.	DPT	authority.		
		MW			
		MIA			
Schedule 7 Clause 12(5)	Power to recover costs.	DAF	Where Council is the coordinating road		
		DPT	authority.		
		MW			
		MIA			
Schedule 7	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2).	DAF	Where Council is the works manager.		
Clause 13(1)		DPT			
		MW			
		MIA			
Schedule 7 Clause 13(2)	Power to vary notice period.	DAF	Where Council is the coordinating road authority.		

ROAD MANAG	EMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
		DPT			
		MW			
Schedule 7	Duty to ensure works manager has complied with	DAF	Where Council is the infrastructure manager.		
Clause 13(3)	obligation to give notice under Schedule 7, Clause 13(1).	DPT			
		MW			
Schedule 7	Power to consent to proposed works.	DAF	Where Council is the coordinating road		
Clause 16(1)		DPT	authority.		
		MIA			
Schedule 7	Duty to consult.	DAF	Where Council is the coordinating road		
Clause 16(4)		DPT	authority, responsible authority or infrastructure manager.		
		MIA			
Schedule 7	Power to consent to proposed works.	DAF	Where Council is the coordinating road		
Clause 16(5)		DPT	authority.		
		MIA			

ROAD MANAGEMENT ACT 2004						
Column 1	Column 2	Column 3	Column 4			
PROVISION THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS			
Schedule 7	Power to set reasonable conditions on consent.	DAF	Where Council is the coordinating road			
Clause 16(6)		DPT	authority.			
Schedule 7	Power to include consents and conditions.	DAF	Where Council is the coordinating road			
Clause 16(8)		DPT	authority.			
Schedule 7	Power to refuse to give consent and duty to give	DAF	Where Council is the coordinating road			
Clause 17(2)	reasons for refusal.	DPT	authority.			
Schedule 7 Clause 18(1)	Power to enter into an agreement.	DAF	Where Council is the coordinating road authority.			
Schedule 7	Power to give notice requiring rectification of works.	DAF	Where Council is the coordinating road			
Clause 19(1)		DPT	authority.			
Schedule 7	Power to conduct the rectification works or engage a	DAF	Where Council is the coordinating road			
Clause 19(2) and (3)	person to conduct the rectification works and power to recover costs incurred.	DPT	authority.			
Schedule 7	Power to require removal, relocation, replacement or	DAF	Where Council is the coordinating road			
Clause 20(1)	upgrade of existing non-road infrastructure.	DPT	authority.			
		MIA				
Schedule 7A	Power to cause street lights to be installed on roads.	DAF	Power of responsible road authority where it is			

ROAD MANAGEMENT ACT 2004					
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
Clause 2		DPT	the coordinating road authority or responsible road authority in respect of the road.		
		MIA			
Schedule 7A Clause 3(1)(d)	Power to pay installation and operation costs of street	DAF	Where Council is the responsible road		
	lighting – where road is not an arterial road.	MIA	authority.		
Schedule 7A	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.	DAF	Where Council is the responsible road		
Clause 3(1)(e)		MIA	authority.		
Schedule 7A	Duty to pay installation and percentage of operation	DAF	Duty of Council as responsible road authority		
Clause 3(1)(f)	Costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4.	MIA	that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs).		

Column 1	Column 2	Column 3	Column 4 CONDITIONS & LIMITATIONS	
PROVISION	THING DELEGATED	DELEGATE		
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	Where Council is the coordinating road	
		MIA	authority.	
		DPT		
		MBCC		
		МОСС		

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005				
Column 1	Column 2	Column 3	Column 4 CONDITIONS & LIMITATIONS	
PROVISION	THING DELEGATED	DELEGATE		
r.501(4)	Power to charge fee for issuing a permit under	DAF	Where Council is the coordinating road	
	r.501(1).	MIA	authority.	
		DPT		
		MBCC		
		MOCC		
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	DAF		
	giving consent to structure, etc. under s.66(1).	DPT		
		MIA		
		MBCC		
		MOCC		
r.508(3)	Power to make submissions to Tribunal.	DPT	Where Council is the coordinating road	
		MBCC	authority.	
r.509(1)	Power to remove object, refuse, rubbish or other material left on road	DAF	Where Council is the coordinating road	
	material left on road	DPT	authority.	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005					
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
		<u>GMESS</u>			
		MS			
		MIA			
		MW			
		MBCC			
		MOCC			
r.509(2)	Power to sell or destroy things removed from road or	DAF	Where Council is the coordinating road		
	part of road (after first complying with r.509(3).	DPT	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.		

Item 9.13

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/Pilling

That the recommendation in the report be adopted.

Item 9.13 (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, Jessica

Category: Sport Level: National

Applicant selected to represent Victoria at the Gilley's Shield 2015 Australian Women's Softball Championship in Perth W.A.

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

Item 9.13 (cont'd)

CZUPRYNSKI, Dominic

Category: Creative and performing arts

Level: International

Applicant selected to represent Australia at the 2015 International All Star Cheer &

Dance World Championships in Orlando, Florida

Recommendation: \$1,200

Funding to contribute towards registration and competition expenses.

CAMPBELL, Kylie

Category: Creative and performing arts

Level: International

Applicant selected to represent Australia at the NCA All Star Cheerleading

Championships in Dallas, Texas

Recommendation: \$1.200

Funding to contribute towards registration and competition expenses.

NASH-FERRY, Elyse

Category: Creative performing arts

Level: International

Applicant selected to represent Australia at the 2015 International All Star Cheer &

Dance World Championships in Orlando, Florida.

Recommendation: \$1,200

Funding to contribute towards registration and competition expenses.

KAHONDE, Tadiwanashe

Category: Sport Level: National

Applicant selected to represent Victoria at the Australian Indoor Netball Junior

National Championships in Perth, W.A.

Recommendation: Nil

Not eligible for FFYE funding. Applicant does not meet FFYE funding criteria as

applicant is not a resident of Glen Eira.

Item 9.14

MEMBERSHIP OF ADVISORY COMMITTEES

1. Purpose

To adjust memberships of Advisory Committees and appointments as Delegates.

1. Community Plan

All objectives in the Community Plan apply to committees to varying extents.

2. Advisory Committees

Councillors have discussed memberships of advisory committee and appointments as Delegates to peak bodies and arrived at a revised list of arrangements (Attached).

Councillors are also considering establishing a Sustainable Transport Advisory Committee, including community representatives. Councillors Sounness, Lobo and Esakoff are to discuss possible terms of reference for Council authorisation.

3. Recommendation

That Council adopt revised arrangements for advisory committees and delegates as set out in the attachment.

That Council consider a further report on the proposed establishment of a Sustainable Transport Advisory Committee.

Crs Sounness/Lipshutz

That the recommendation in the report be adopted.

01-March-2015				COL	INCILLOR	S			
Appointment	Cr Delahunty	Cr Esakoff	Cr Hyams	Cr Lipshutz	Cr Lobo	Cr Magee	Cr Okotel	Cr Pilling	Cr Sounness
ROADS SPECIAL COMMITTEE				✓		✓			√
ADVISORY COMMITTEES									
Arts and Culture		√	✓		✓				
Audit	✓			✓					
Citizen of the Year				✓		✓		✓	
Community Grants		✓				✓			✓
Community Consultation	✓		✓		✓		✓		
Environment							✓	✓	✓
Local Laws			✓	✓			✓	✓	
Sport and Recreation	√			✓	✓	✓	✓		
APPOINTMENT AS DELEGATE									
Municipal Association of Victoria		Delegate							Substitute
Metropolitan Waste	Delegate							Substitute	
Metropolitan Transport Forum									Delegate
GOVERNMENT APPOINTMENTS									
Caulfield Racecourse Reserve Trustees		✓	√	✓					

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
- 11.1 Requests for reports from Officers
- (a) Crs Lipshutz/Delahunty

That a Report be prepared encompassing: A draft policy in relation to individuals or corporations wishing to donate park furniture.

- 1. The policy should address the following:
- 1.1 Whether the park furniture to be donated is to be supplied by the donor or the Council;
- 1.2 Whether the donor can nominate the park in which the donated park furniture is to be situated.
- 1.3 Whether the donor can nominate where in the park the donated park furniture is to be situated.
- 1.4 What acknowledgment is to be provided for the donation; eg a plaque on the donated park furniture.
- 1.5 Whether the Council may re-site the donated park furniture.
- 1.6 What if any rights and entitlements the donor may have following the donation.
- 1.7 What acknowledgment (if any) is to be provided should the donated park furniture be destroyed or permanently removed
- 2. The report should identify which if any other municipal Councils in Victoria have provision for such donations and the terms in relation thereto.
- 3. Any issue which may derogate from adopting such policy.
- 4. The report is to be submitted at the next but one Council meeting.

(b) Crs Okotel/Sounness

That council provide a report for the Ordinary Meeting of 7 5 df] 2015 detailing the impact of the loss of the financial counselling service provided by Community Information Glen Eira for Glen Eira and whether there is budgetary scope for council to fund this service.

DECLARATIONS OF INTEREST

Cr Esakoff declared a Conflict of Interest in this item under s78B of the Local Government Act, an indirect interest, conflicting duties as she is the Vice President of the management committee of Community Information Glen Eira.

10.12PM Cr Esakoff left the Chamber.

The MOTION was put and CARRIED unanimously.

10.17PM Cr Esakoff returned to the Chamber.

- 11.2 Right of reply Nil.
- 11.3 Councillor questions
- (a) Cr Hyams asked: "The VicSport Awards were held tonight at the MCG. I am just wondering if Glen Eira City Council had any success."

The Director Community Relations responded. He said:

"At 8.30pm this evening Council received advice that Glen Eira City Council's Open Space Strategy had won the VicSport Development Initiative Award.

The Awards are being held tonight at the MCG.

This is a major award and reflects highly favourably on Council and its Open Space Strategy.

(b) Cr Hyams asked: "As we have discussed many times at Council Meetings over the last little while our Open Space Strategy has been hamstrung a bit by the slow progress of Planning Scheme Amendment C120. As at the last Council Meeting the amount the Council has lost from the time we actually tried to put it through to now was \$659,463. Can an update be provided on Planning Scheme Amendment C120.

The Director Community Relations responded. He said:

"Planning Scheme Amendment C120 was finally Gazetted last Thursday so the Council is no longer at risk of losing further open space developer contributions. The contributions will now start to come into Council where they can be used to expand open space and improve open space."

11.4 Public questions to Council

From: J Walker

Subject: Caulfield Park conservatory

1a. When was the glasshouse conservatory in Caulfield Park removed? and b. Who paid for the demolition and removal of the glasshouse conservatory? and

c. What was the cost of the demolition and removal?

The Mayor read Council's response. He said:

"a. The Conservatory has been relocated by the National Trust to its original home at Rippon Lea. It will result in the National Trust creating a new free public access amenity / cultural hub on Gordon Street, Elsternwick in the Open Space Strategy E1 Gap Area.

In December 2014 the Chief Executive Officer of the National Trust of Australia (Victoria) emailed Council's Chief Executive Officer (CEO) confirming the National Trust's wish to have the historical parts of the Conservatory relocated to Rippon Lea as part of a major redevelopment being undertaken by the Trust at Rippon Lea. The National Trust said:

- "It will be located at the rear of the site close to where it was originally
- We do not anticipate any heritage issues with Heritage Victoria.
- The project will allow the Trust to open up the rear of the site to public access by the Spring of next 2015 for visitors and vehicles."

In January 2015 the Department of Environment, Land, Water and Planning provided consent saying:

"Please be advised that the Department approves Council's request to relocate the salvageable aspects of the Caulfield Park conservatory to Ripponlea Estate at Council's expense.

DEPI supports the proposal as it will ensure:

- the structural metalwork is conserved and eventually reused for its original purpose, in its original setting;
- most of the plants are reused;
- the plants and metalwork remain in Glen Eira for current and future generations to enjoy; and
- an increase in open space for Glen Eira local residents."

Information signage was installed and the structure was dismantled by the National Trust during February/March 2015.

- b. Council funded the relocation of the Conservatory to its original home as part of a project that results in greater public access to open space in the area Gordon Street, Elsternwick which is listed as Gap Area E1 in Council's recently adopted Open Space Strategy.
- c. The cost of this project that results in greater public access to open space in Gap Area E1 was \$40,439.00.

From: R Manaszewicz Subject: Virginia Park

"In 2011 Council resolved that the schedule for Amendment C75 maintain the 8 metre setback to East Boundary Road. The officer report now states: "The DPO will be amended to require that any land development within 6 metres of the East Boundary Road must be to Council's satisfaction". Why and on what basis has it been recommended to renege on a previous council resolution and the terms of the gazetted Schedule 2?"

The Mayor read Council's response. He said:

"The request to change the existing DPO is a new amendment process and is totally separate to Amendment C75.

The proposed changes to the existing DPO will be required to go through a full public exhibition and independent panel process. At the conclusion of the amendment process, Council can decide to either support or reject this amendment."

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:

- 12.0 under s89(2)(a) "personnel", minutes of Community Consultation
 Advisory Committee meeting of 19 February 2015 relating to
 nominations received for Community Representatives on the Committee
- 12.1 under s89 (2)(d) "contractual" which relates to the awarding contract for Tender number Tender 2015.025 Provision of Street Cleansing Services in the Whole of Municipality

Number of tenders received	Six (6)
Number of evaluation criteria tenders	Three (3)
assessed against	
Estimated contract value	\$11.25 million

12.2 under s89 (2)(d) "contractual" which relates to the awarding contract for Tender number 2015.023 Building Consultancy Services

Number of tenders received	Two (2)
Number of evaluation criteria tenders	
assessed against	Three (3)
Estimated contract value	\$500,000 over 3 years

OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS

Item 12.1

Crs Lipshutz/Pilling

- 1. That Council appoints Citywide Service Solutions Pty Ltd, ACN 066 960 085 as a contractor under tender number 2015.025 in accordance with the Schedule of Rates submitted.
- 2. That the contract be prepared in accordance with the Conditions of Contract in the tender and including minor changes requested by the tenderer, subject to finalisation of these clauses to the satisfaction of Council's Corporate Counsel.
- 3. That the contract be executed in an appropriate manner including 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.

Item 12.2

Crs Lipshutz/Hyams

- That Council appoints Thomas Frederick Dunbar, trading as Thomas Dunbar and Associates, ABN 47 719 340 225 as the contractor under Tender number 2015.023 in accordance with the Schedule of Rates submitted.
- 2. That the contract be prepared in accordance with the Conditions of Contract included in the tender. With item 15(a) of the annexure A to the contract (clause 10.1) that the minimum level of Professional Indemnity insurance cover be amended to require \$1 Million cover.
- 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.

	Crs Lipshutz/Pilling That the meeting be resumed in open Council. The MOTION was put and CARRIED unanimously.
13.	CLOSURE OF MEETING The meeting closed at 10.27PM.
CONFIR	RMED THIS 8 APRIL 2015 CHAIRPERSON