



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**MINUTES**

8 APRIL 2015

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- 12.1 which relates to the awarding of the contract for Tender number 2015.024 Provision of Services for the Design, Supply, Installation and Commissioning of grid connected Solar Photovoltaic Systems Various sites through the Municipality.

Number of tenders received	5
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	In excess of \$242,000 per annum exclusive of GST.

- 12.2 under s89 (2)(d) “contractual” which relates to disposal of general household waste

- 12.3 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.022 – Specialist Mechanical Engineering Consultant - Major Projects Capital Works Program and other Minor Works

Number of tenders received	11
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	in excess of \$500K

- 12.4 under s89 (2)(d) “contractual” which relates to the awarding of the contract for– Tender number 2015.020 The supply and delivery of retail products to the Glen Eira Sports and Aquatic Centre

Number of tenders received	Seven (7)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	in excess of \$800,000

- 12.5 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2014041 Publication Design Services.

Number of tenders received	Fourteen (14)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$200,00 per annum

**13. CLOSURE OF MEETING**



**MINUTES of the ORDINARY MEETING OF THE  
GLEN EIRA CITY COUNCIL held on WEDNESDAY, 8 APRIL 2015**

**The meeting opened at 7.30 pm in the presence of:**

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

**1. ACKNOWLEDGEMENT**

On behalf of Council the Mayor read the following acknowledgement.

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

**2. APOLOGIES - Nil**

**3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS**

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

The Chairperson also reminded Councillors of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Sections 77 to 79 of the Local Government Act.

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



**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

Copies of Minutes previously circulated.

**Crs Lipshutz/Delahunty**

**That the minutes of the Ordinary Council Meeting held on Tuesday, 17 March 2015 be confirmed.**

**The MOTION was put and CARRIED unanimously.**

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

**6. DOCUMENTS FOR SEALING – Nil**

**7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**

i. Metropolitan Transport Forum, 4 March 2015

Cr Sounness reported on the Minutes of the Metropolitan Transport Forum held on 4 March 2015.



PO Box 89, Elwood, VIC 3184  
incorporation number: A0034315X ABN: 18 683 397 905  
Contact: [mtf@mtf.org.au](mailto:mtf@mtf.org.au) MTF website: [www.mtf.org.au](http://www.mtf.org.au)

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## Minutes – General Meeting

### Wednesday, 4<sup>th</sup> March 2015

6.00 pm refreshments, meeting starts at 6.15 pm

Councillors Meeting Room, 2<sup>nd</sup> Floor, Melbourne Town Hall

**Chair: Cr Tom Melican**

#### 1. Welcome / Attendance / Apologies

##### Present:

Cr Tom Melican	City of Banyule
Bailey Burns	City of Banyule
Ana Caicedo	City of Banyule
Kathleen Petras	City of Banyule
Clare Davey	City of Boroondara
John Tanner	City of Brimbank
Nick Mann	City of Brimbank
Paul Younis	City of Brimbank
Cr Amanda Stapledon	City of Casey
Paul Hamilton	City of Casey
Graeme Read	City of Frankston
Cr Thomas Sounness	City of Glen Eira
Terry Alexandrou	City of Glen Eira
Patricia Fitzsimons	City of Hobsons Bay
Kate Lansell	City of Hume
Cr Rosemary West	City of Kingston
Anthea Jennings	City of Kingston
James Adams	City of Manningham
Cr Martin Zakharov	City of Maribyrnong
Malcolm McDonald	City of Maribyrnong
Sarah Lowcock	City of Melbourne
Nina Hylton	City of Melbourne
Sandra Worsnop	City of Monash
Mary Kennedy	City of Moonee Valley
Craig Griffiths	City of Moreland
Kathleen Kemp	City of Port Phillip
John Bartels	City of Port Phillip
Cr John McMorrow	City of Stonnington

Jordan Allan	City of Stonnington
Tom Haysom	City of Stonnington
Cr Andrew Davenport	City of Whitehorse
Malcolm Johnson	City of Whittlesea
Troy Knowling	City of Whittlesea
Cr Jackie Fristacky	City of Yarra
Cr Roberto Colanzi	City of Yarra
Jane Waldock	City of Yarra
Michael Merret	City of Yarra Disability Advisory Committee
Duncan Smith	Yarra Trams
Ian Woodcock	University of Melbourne
Fahim Zafar	University of Melbourne
Rachel Carlisle	VicRoads
Oz Kayak	Town and Country Planning Association
David Stosser	Smart Passengers Inc
Chris Hale	Chris Hale Infrastructure
Peter Tesdorpf	Rail Futures Institute
Terry Konstandelis	Public Transport Users Association
Peter Cash	Metropolitan Transport Forum
Susie Strain	Metropolitan Transport Forum

### Apologies

Cr Cathy Oke, Melbourne	Cr Lenka Thompson, City of Moreland
Cr Micaela Dreiberg, City of Monash	James Paterson, City of Monash
Frank Vassilacos, City of Manningham	Paul McLeish, City of Manningham
Cr Andrew Bond, City of Port Phillip	Richard Smithers, City of Melbourne
Steven White, City of Bayside	Kevin Peachey, MAV
Cr Carl Marsich, City of Hobsons Bay	Craig Rowley, LeadWest
Cr Catherine Cumming, City of Maribyrnong	Cr Jason Price, City of Hobsons Bay

## 2. Presentation: Transforming Victoria's Public Transport Network, Mark Wild, CEO, Public Transport Victoria (PTV)

Mark spoke about the role and intent of Public Transport Victoria (PTV) as

- Vision - To provide a public transport service that Victorians value and choose to use
- Purpose - Leading a customer focused PT network in an integrated safe and sustainable way that enables an inclusive prosperous and environmentally responsible Victoria.
- Strategic Intent - Transform our customers' experience through knowledge, partnership and innovation to drive a significant increase in public transport by 2020

These guiding statements have been drawn from the Transport Integration Act of 2010 and other related documents to provide a consistent and enduring framework for the organisation. The Ministerial direction has been to consider the network as a whole and as an enabler of economic growth and jobs, as well as a greater customer focus. PTV also intends to increase collaboration with other agencies which earlier was the province of the operators

Mark made the point that PTV does not act as a builder or operator, neither sets policy or regulates, but oversees the public transport network, manages the franchises, sets standards and integrates the modes. Also PTV aims to ensure the public transport expenditure is to best effect. The PTV does not set policy but does provide policy advice to the Department of Transport, Planning and Local Infrastructure

There is continual growth in patronage, the 5 million public transport trips in 2014 expected to grow to 7.3 million in 2031. Overall patronage growth has slowed up in recent years, thought to be due to lower petrol prices and a flatter economy, but peak period public transport trips are still growing at 4% per year, seemingly impervious to external economic variables.

The new government has a coherent transport agenda, and is determined to proceed with it. Highlights are

- Regional Rail Link, to be opened on 21<sup>st</sup> June, and will separate the regional from metropolitan network and relieve pressure on the city loop
- Melbourne Metro underground rail project, much needed to build future rail capacity to enable extensions, major work anticipated in 2018, a big project that will create disruptions and need support through implementation disruptions
- Extend Epping line to Mernda, expected to be completed within 5 years on the existing alignment
- Homesafe –a trial of 24 hour public transport on Friday and Saturday nights, note that all night trains and trams will have some community impact and PTV expects to be engaging with councils
- Cranbourne Pakenham rail corridor project – still to decide whether to proceed, well aware that rail corridor under extreme pressure.
- Removal of Zone2 and introduction of free tram zone, all in place on January 1<sup>st</sup> 2015. Early indications that this has led to patronage increase.
- A Level Crossing Removal Authority, headed by Corey Harnett from the Regional Rail Authority, was established on February 16<sup>th</sup> to implement the promised 50 grade separations. Construction is to commence this year on four sites – Main Road in St. Albans, Blackburn Road in Blackburn, Burke Road in Glen Iris, North Road in Ormond. Another four will be removed as part of the Cranbourne Pakenham rail corridor project at Centre Road, Clayton Road, Koornang Road and Murrumbeena Road.
- Public transport data such as timetables, routes, stops, is being prepared in GTFS format which will enable application developers, including Google, to prepare high quality apps to support customer travel decisions.

PTV has started a process of overhauling the bus network, in many cases the routes have not been reviewed for a long time and often poorly connected to existing land use patterns. Mark described bus as an agile mode that can respond to need relatively quickly as without fixed tracks, but must contend with the road traffic as a major disadvantage. Bus reform in the Pt Cook area saw patronage double, and there has been ongoing work in Wyndham and Brimbank to get bus services connected to the new regional rail link. There is an extra \$100 million allocated to bring bus to areas without public transport. There is a commitment to bus reform, but a challenge ahead in having to reposition services.

Freight is an area that PTV has a greater role to play and intends to increase attention. V/Line is under new leadership and improvements anticipated.

Mark reported that the new government

- Has a good public transport platform and commitment to proceed
- Is keen to get better engagement
- Is committed to bus planning

Questions covered the following

- High capacity signalling
- DART bus and rail to Doncaster
- Southland station
- Superstops in Brunswick and Nicholson Streets
- Graffiti on the Dandenong line
- Airport rail
- South Yarra station not in current business case of Melbourne Metro
- Off peak tickets and general fare policy
- Platform screen doors – good for platform capacity and station safety
- Poor consultation in Manningsham for the route changes in the Transdev contract; this has been a general experience and PTV has reopened consultation in a number of cases
- Role of PTV in major transport decisions

### **3. Minutes of previous meeting, Wednesday 4th February, 2015**

The minutes of the February meeting were held over to the April meeting.

### **4. MTF General Advocacy**

- **Getting best outcomes for community from major infrastructure projects**

Nick Mann, City of Brimbank, gave a presentation on the role of local governments in major infrastructure projects, and how to get the best outcomes for the local community. City of Brimbank had three grade separations as part of the Regional Rail project. City of Brimbank was able to establish a productive partnership and collaborative approach with the Regional Rail Authority and negotiate

- Change in alignment
- Better pedestrian connection, including a council financial contribution for an additional pedestrian bridge
- Much better quality of the pedestrian environment – safer, wider, better lighting, more inviting

City of Brimbank position was that local government has a valid role in the project as will be responsible for much of maintenance around the new infrastructure. Through partnership and collaboration could influence

- Best fit with local urban environment
- Quality urban design outcomes
- Facilitate effective community consultation

From the City of Brimbank experience, Nick advised local governments to

- Establish clear council position early and establish core urban decision principles to support the case for best outcomes

- Develop a multilevel relationship with delivery agency, including CEO, councillors, admin staff and officers
- Be at the design table from day one, embed council into the design process and respond quickly when needed
- Facilitate community views and be prepared to broker solution between local groups with possibly differing views

- **Federal funding for public transport**

Report back from meeting with Federal Greens Senator Janet Rice, attended by Tom Melican and Jackie Fristacky, with proposal to develop a notice of motion for public transport support to be proposed by Greens in Federal Parliament. Letter drafted, to be further discussed at March executive.

## 5. Council Information Sharing

Sarah Lowcock, City of Melbourne, provided an update on discussions with VicRoads about the Principal Traffic Flow Network

- City of Melbourne representatives met with VicRoads on Monday 2<sup>nd</sup> [March](#)
- Consultation on the road use strategy will soon commence as part of the network development plan for road-based public transport
- In addition, as part of the consultation, a forum on the city shaping impact of transport as a Melbourne Conversations event is scheduled for 26<sup>th</sup> March.
- City of Melbourne is also running extended consultation for local freight movements, plus an event on 27<sup>th</sup> March.

## 6. Submissions

MTF usually makes a submission to the state transport budget which for this year is later than usual due to the election. A draft will be discussed at the March executive meeting.

## 7. Regular reports:

- **February Executive Meeting report back** – as part of the advocacy strategy, the executive is planning a series of meetings with people of influence in the transport sector. Also the executive was able to contribute to a meeting Rob Spence had with the new Minister for Public Transport Jacinta Allan, bringing up issues of poor consultation over the changes to bus routes, and the need for greater local government involvement in the grade separation projects.

- **Treasurer's report**

Peter Cash, finance officer, presented the following

### 1. Balances at Bank

Cheque account	\$4,783.28
2 month term deposit	\$82,294.04
Total	\$87,075.32

Term deposit due for rollover on 13<sup>th</sup> March.

Recommend rollover \$76,000 with balance of \$6,900 being transferred to cheque account to meet expenses

2. Subscriptions

23 of 24 members paid, Jackie Fristacky to follow up City of Whittlesea

9 of 12 associates paid, Yarra Trams has notified payment forthcoming

3. Invoices

ATO,GST liability for year to 30 <sup>th</sup> June 2014	\$2,171.00
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Expenses reimbursement for flowers, speakers gifts	\$200.00
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Submission for Principal Traffic Flow Network	\$500.00
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24 bottles olive oil from Great Ocean Road Olives	\$480.00
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8. Meeting close.

**8. REPORTS FROM COMMITTEES**

**a. Advisory Committees - Nil**

**b. Records of Assembly**

- i. 10 March 2015
- ii. 17 March 2015
- iii. 24 March 2015

**Crs Lipshutz/Hyams**

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

**The MOTION was put and CARRIED unanimously.**



**Assembly of Councillors**

**10 March 2015**

**Record under S 80 A (2)**

**Meeting commenced at 6.49PM**

**A. Present**

Cr Jim Magee, Mayor	Andrew Newton
Cr Mary Delahunty (Arr. 6.50PM)	Peter Jones
Cr Margaret Esakoff	Peter Swabey
Cr Jamie Hyams	Peter Waite
Cr Michael Lipshutz	Ron Torres
Cr Oscar Lobo	Karoline Ware
Cr Karina Okotel (Arr. 6.58PM)	Paul Burke
Cr Neil Pilling	
Cr Thomas Sounness	

**B. Matters considered.**

(i) Local Government Performance Reporting.

6.50PM Cr Delahunty entered the briefing room.

(ii) MAV – Auditor General's Report.

6.58PM Cr Okotel entered the briefing room.

(iii) EE Gunn Reserve, Grade Separation.

(iv) Council Papers for the 17 March 2015 Council Meeting comprising seventeen officer reports together with standing items on the Agenda.

(a) Agenda Item 4 – Minutes of the last meeting. Cr Sounness – Agenda Item 9.2.

(b) Agenda Item 9.1 - 1240 Glenhuntly Road, Carnegie.

(c) Agenda Item 9.2 - 27 and 29 Jasper Road Bentleigh.

(d) Agenda Item 9.3 - 629-631 Glen Huntly Road Caulfield.

(e) Agenda Item 9.4 - 641- 685 North Road, Ormond.

(f) Agenda Item 9.5 - 305 Kooyong Road, Elsternwick.

8.26PM Cr Delahunty left the briefing room.

8.27PM the meeting adjourned.

8.40PM the meeting resumed in the presence of:

Cr Magee, Mayor

Cr Esakoff

Cr Hyams

Cr Lipshutz

Cr Lobo

Cr Okotel

Cr Pilling

(g) Agenda Item 9.6 - 236-262 East Boundary Road, Bentleigh East -  
Planning Scheme Amendment C126 - Virginia Park.

8.42PM Cr Sounness returned to the briefing room.

(h) Agenda Item 9.7 - VCAT Watch March 2015.

8.45PM Cr Delahunty returned to the briefing room.

(i) Agenda Item 9.9 - State of Community Assets Report – 2013/2014.

(j) Agenda Item 9.10 - Street Trees and Electric Line Regulations.

(k) Agenda Item 9.11 - Classified Tree Register.

(l) Agenda Item 9.12 - Changes to Delegations from Council to Members  
of Staff.

(m) Agenda Item 9.13 - Foundation for Youth Excellence Committee Grant  
Applications.

(n) Agenda Item 12 – Confidential. Cr Hyams – matter concerning the  
Community Consultation Committee and personnel.

(o) Agenda Item 12.1 – under s89 (2)(d) “contractual” which relates to the  
awarding contract – Provision of Street Cleansing Services in the  
Whole of Municipality.

- (p) Agenda Item 12.2 – under s89(2)(d) “contractual” which relates to the awarding contract for Building Consultancy Services.
- (q) Agenda Item 12.1 – under s89 (2)(d) “contractual” which relates to the awarding contract – Provision of Street Cleansing Services in the Whole of Municipality.
- (r) Agenda Item 11.1 – Requests for Reports. Cr Lipshutz.
- (v) Records of Assembly.
  - (a) Cr Esakoff – 17 February 2015, Minute B(x)(a) – unnecessary detail.
  - (b) Cr Hyams – 17 February 2015, page 2 spelling of a name and Minute B(v)(b) – spelling of suburb.
  - (c) Cr Hyams – 17 February 2015 – Minute B(vi)(b) – amend wording.
- (vi) Advisory Committee Memberships.
- (vii) Possible new Advisory Committee.
- (viii) General Business raised by Councillors.
  - (a) Cr Esakoff – Current Issue in relation to a business owners request to move infrastructure at a tram stop.
  - (b) Cr Hyams – Report by the Ombudsman Victoria into Complaint handling and Council’s compliance.
  - (c) Cr Hyams – Planning Zones. Articles in the Leader Newspaper are incorrect again.
  - (d) Cr Hyams – Existing use rights in zones.
  - (e) Cr Delahunty – need for a pedestrian crossing on Kooyong Road.
  - (f) Cr Delahunty – Malvern Grove, parking issues and condition of laneway.
  - (g) Cr Delahunty – Theft of public artwork, update.

- (h) Cr Delahunty – Scout Hall near the intersection of Glenhuntly and Grange Roads.
- (i) Cr Delahunty – communication with the State Government in relation to Caulfield Racecourse issues.
- (j) Cr Sounness – inter war/post war buildings in Glen Eira.
- (k) Cr Sounness – Building site management codes.
- (l) Cr Pilling – letter from Nick Staikos MP in relation to the Centenary Park Pavillion.
- (m) Cr Okotel – Caulfield Station Precinct.
- (n) Cr Okotel – 143-147 Neerim Road, Glen Huntly.
- (o) Cr Okotel – Kittens, Glenhuntly Road.

10.05PM Cr Delahunty left the briefing room.

10.08PM Cr Delahunty returned to the briefing room.

- (p) Cr Lipshutz – advised that he has been approached by the editor of the Australian Jewish News about his wish to have a memorial park bench in Caulfield Park.
- (ix) General Business by Officers.
  - (a) DCR – advised that a Lone Pine has been sourced from a specialized nursery in Canberra for planting in Caulfield Park on the site of former Conservatory.
- (x) General Business by Councillors.
  - (a) Cr Magee – heads of Coatesville Primary and Chabad Child Care Centre in Cecil Street have raised traffic issues.

**Fin 10.20PM**

**Council Pre-Meeting**

**17 March 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. Matters considered.**

- (i) Council Papers for 17 March 2015 consisting of seventeen Officer reports together with standing items on the Agenda.
  - (a) Agenda Item 9.1 - 1240 Glenhuntly Road, Carnegie.
  - (b) Agenda Item 9.2 - 27 and 29 Jasper Road Bentleigh.
  - (c) Agenda Item 9.3 - 629-631 Glen Huntly Road Caulfield.
  - (d) Agenda Item 9.8 - Hall Street, McKinnon Parking Conditions.
  - (e) Agenda Item 9.11 - Classified Tree Register.
  - (f) Agenda Item 11.1 – Request for reports – Cr Lipshutz, memorial benches in parks.
  - (g) Agenda Item 11.1 – Requests for reports – Cr Okotel, financial counselling service at Community Information Glen Eira.

- (h) Agenda Item 11.1 – Requests for reports – Cr Lobo, World War II veterans.
- (i) Agenda Item 11.4 – Public Questions.
- (j) Agenda Item 9.5 - 305 Kooyong Road, Elsternwick.
- (k) Agenda Item 9.6 - 236-262 East Boundary Road, Bentleigh East - Planning Scheme Amendment C126 - Virginia Park
- (l) Agenda Item 9.14 – Advisory committees.
- (m) Agenda Item 5 – Petitions.

**Fin 7.17PM**

**Assembly of Councillors**

**24 March 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  
Peter Jones  
Peter Swabey  
Peter Waite  
Ron Torres  
John Vastianos  
Andrew Barden  
Paul Burke

**B. Matters considered.**

- (i) Draft 2015-2016 Annual Budget.
  - (a) Open Space and recreation

**DECLARATIONS OF INTEREST**

Cr Esakoff declared a Conflict of Interest when discussion turned to Hopetoun Gardens.

6.54PM Cr Esakoff left the briefing room.

6.56PM Cr Esakoff returned to the briefing room.

7.01PM Cr Okotel left the briefing room.

7.07PM Cr Okotel returned to the briefing room.

- (b) Capital Works

7.48PM Cr Sounness left the briefing room.

7.54PM Cr Sounness returned to the briefing room.

8.04PM Cr Sounness left the briefing room.

8.05PM Cr Sounness returned to the briefing room.

8.25PM the briefing meeting adjourned.

8.38PM the briefing meeting resumed in the presence of:

Cr Magee, Mayor  
Cr Delahunty  
Cr Esakoff  
Cr Hyams  
Cr Lipshutz  
Cr Lobo  
Cr Okotel  
Cr Pilling  
Cr Sounness

(c) Labour costs.

(d) User Charges and other fees.

(e) Decisions for Council.

(f) User Charges and other fees at GESAC.

(ii) Community Plan Draft

#### DECLARATIONS OF INTEREST

Cr Esakoff declared a Conflict of Interest when discussion turned to Community Information Glen Eira.

10.23PM Cr Esakoff left the briefing room.

10.24PM Cr Esakoff returned to the briefing room.

(iii) General Business by Councillors.

(a) Cr Magee – Centenary Park Pavillion.

10.29PM Cr Okotel left the briefing room.

10.30PM Cr Okotel returned to the briefing room.

(b) Cr Delahunty – St Aloysius Primary School, traffic issues.

(c) Cr Hyams – use of old library books.



- (d) Cr Hyams – asked about Council maintaining a list of non-Council halls for hire to the community.
- (e) Cr Hyams – Packer Park West, bowls green. Are bowls available.
- (f) Cr Hyams – contacted by a resident in relation to potential vibration damage to homes from the works being undertaken on the Mazda site on Nepean Hwy.
- (g) Cr Hyams – sought an update on the Council resolution to write to the Caulfield Park Sports Club in relation to breach of lease issues.
- (h) Cr Hyams – public consultation meeting on the refurbishment of the Carnegie Swim Centre.
- (i) Cr Lipshutz – tree removals on Rosemont and Kooyong Roads.
- (j) Cr Esakoff – contact from a resident in relation to a property bordering Boyd Park.

10.43PM Cr Sounness left the briefing room.

- (k) Cr Esakoff – complaints from residents about Telstra yellow temporary covers on footpaths.

10.45PM Cr Sounness returned to the briefing room.

- (l) Cr Esakoff – Tram stop Glenhuntly Road between Shooobra and Victoria Streets, a depression forming a trip hazard requires fixing.
- (m) Cr Okotel – Wattle Avenue, laneway.
- (n) Cr Okotel – ANZAC Day 100<sup>th</sup> Anniversary preparations.

**Fin 10.49PM**

**9. PRESENTATION OF OFFICERS REPORTS**

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## Item 9.1

817-819 Centre Road BENTLEIGH EAST  
APPLICATION NO. GE/PP-27344/2014

File No: GE/PP-27344/2014  
Enquiries: Karoline Ware  
Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	A three storey building above basement car park comprising of twenty six (26) dwellings.
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit, with conditions to increase setbacks to the street and the rear, reduce number of dwellings to 24 and a requirement for full visitor car parking
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Compliance with the General Residential Zone</li> <li>• Car parking</li> <li>• Streetscape, height, bulk and mass</li> <li>• Impact on amenity of adjoining properties</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Housing Diversity Area – Bentleigh East Neighbourhood Centre
<b>APPLICANT</b>	Centre Development Victoria Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• General Residential Zone – Schedule 1</li> <li>• Road Zone Category 1</li> </ul>
<b>EXISTING LAND USE</b>	Two single storey dwellings
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 7 properties notified</li> <li>• 10 notices sent (owners and occupiers)</li> <li>• 2 signs erected on site</li> <li>• 22 objections received</li> </ul>

**Item 9.1 (cont'd)****1. Community Plan**

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Permit for Application No.GE/PP-27344/2014 allowing the construction of a three storey building comprising of up to twenty four (24) dwellings and alteration 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 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999.
- Housing Diversity Policy – Adopted by Council on 18th October 2003, approved by the Minister on 28th October 2004

**4. Reasons For Recommendation**

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

- All written objections and matters raised at the planning conference
- Council's MSS
- ResCode
- Other relevant considerations of the planning scheme

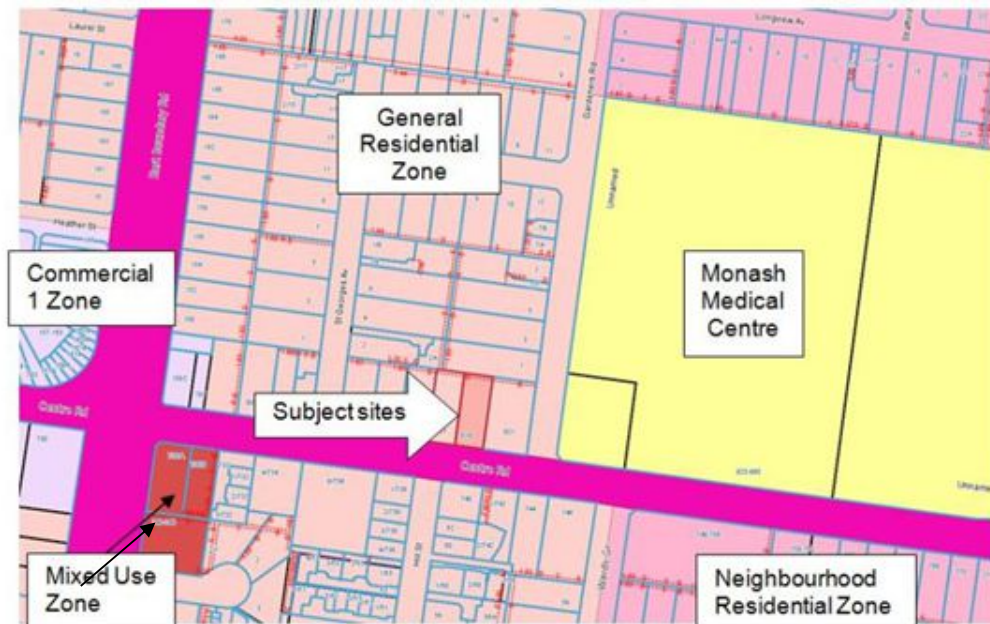
The key issues influencing the recommendation are as follows:

Policy and Zoning

The site and all adjoining properties are within the General Residential Zone. The zone boundaries reflect the boundaries of the Bentleigh East Neighbourhood Centre.

The Housing Diversity Area Policy and General Residential Zone, seek to guide suitable development into appropriate locations for medium density housing given their strategic proximity to shops, services and public transport.

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 9.6 metres, whilst the lift overrun extends an additional 1.7 metre above this height, which complies with the zone.

**Item 9.1 (cont'd)****Neighbourhood Character and streetscape**

The immediate neighbourhood character consists of various housing types and styles, including single and double storey detached dwellings and multi-unit developments. Whilst the existing neighbourhood is relatively intact, three storey residential development has been approved on Centre Road (including directly to the west) and on East Boundary Road. The Monash Medical Centre buildings also form part of the character of the area.

Given the surrounding context, and the zoning of the land which allows heights up to 10.5m in this instance, a three storey building in this location is considered acceptable.

The development requires some modifications to improve the outlook from adjoining properties and from the street. It is recommended that increased setbacks be adopted for the first and second floor of the development as follows:

- The ground and first floor setback a minimum of 8 metres from the street frontage; and
- The second floor setback a minimum of 10 metres from the street frontage.

The above changes will result in a reduction of two dwellings. This can be addressed by permit conditions.

**Item 9.1 (cont'd)**Amenity impacts

Directly to the north and east are residential properties which abut the subject site. The northern and eastern elevations require increased setbacks to improve the outlook when viewed from adjoining properties. To address this, additional setbacks are recommended to the first and second floor from the north and east.

Habitable room windows located on the first and second floor, north east and west facades and balconies require screening in accordance with ResCode. This is recommended as condition of approval.

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. No walls on boundaries are proposed.

Overshadowing to adjoining properties meets ResCode requirements.

Parking and Traffic

State Government Guidelines require 31 car spaces (26 for the dwellings and 5 for visitors). A total of 27 car spaces have been provided on site with no visitor car parking (the applicant has proposed there to be one surplus residential car space). All dwellings have two bedrooms and therefore require one on-site car space.

Given the high flow of traffic on Centre Road and the proximity of the Monash Medical Centre to the east (which generates additional parking demand in the area), full compliance of visitor car parking is recommended to be provided on the site.

The recommendation includes a reduction in the number of dwellings to 24 (which will result in a surplus of three car spaces). One additional car space within the basement will be required to be provided in the basement. The provision of four visitor car spaces fully complies with the State Government Guidelines.

Councils Transport Planning Department and Vic Roads have 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.

Management Plan Requirements

A Construction Management Plan, Waste Management Plan and Car Stacker Management Plan (CMP and CSMP) are required. Conditions have been included in the Appendix outlining their requirements.

**Item 9.1 (cont'd)****APPENDIX**

**ADDRESS: 817-819 Centre Road, Bentleigh East**  
**APPLICATION NO: GE/PP-27344/2014**

**1. Proposal**

Features of the proposal include:

- Demolition of the existing dwellings
- Basement car parking comprising of 27 car spaces (one for each dwelling and one surplus residential car space). No visitor parking provided
- Reduction of 5 visitor car spaces
- Vehicular access via a new crossover onto Centre Road
- All dwellings have two bedrooms
- Maximum overall building height of 9.6 metres (Note: the height includes a lift overrun that projects 1.7 metre above the remainder of the building)
- Site coverage of 54 per cent

**2. Public Notice**

- 7 properties notified
- 10 notices sent (owners and occupiers)
- 2 signs erected on site
- 22 objections received

The objectors' concerns are summarised as follows:

- Neighbourhood character
- Front setbacks
- Traffic and car parking
- Overlooking
- Overshadowing
- Noise
- Impact on existing infrastructure
- Excessive height
- Visual bulk and mass
- Overdevelopment

**3. Referrals***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 817 Centre Road to be removed at the cost of the applicant/developer.
- Street tree located in front of 819 Centre Road is to be retained (tree protection fencing is required).

**Item 9.1 (cont'd)***Landscape Assessment Officer*

- The 2 trees in the natural ground alongside the basement and whilst not optimal, this will work and the planter and smaller tree will also work.
- No objection, subject to conditions

*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 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:

- Increased parking and traffic problems.
- Overlooking and loss of privacy for the adjoining properties.
- The density of this development and other proposals in the area will change the character of the neighbourhood.

Undertakings by the Applicant

- Will add 3 car spaces in the basement.
- Will increase some of the setbacks of the second floor.

**5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP03-TP09 dated 3/1/14 drawn by D'Orio Architects Group) but modified to show:

**Design**

- (a) The ground and first floor (including balconies) to be setback a minimum of 8 metres from Centre Road and the second floor to be setback a minimum of 10 metres from Centre Road. These changes, which result in the deletion of two dwellings, must be generally absorbed within the remaining building envelope and any consequential design changes/modifications to the façade/internal alterations are to be to the satisfaction of the Responsible Authority;
- (b) Apartment 15 (at first floor) to be setback a minimum of 4.5 metres from the eastern boundary and absorbed within the remaining building envelope;



**Item 9.1 (cont'd)**

- (c) Apartment 22 and 23 (at second floor) to be setback a minimum of 6.0 metres from the northern and eastern boundaries. The balconies to these dwellings be offset no more than 1.6m from the building envelope;
- (d) All north, east and west facing first and second floor habitable room windows and balconies to have fixed obscure glazing or fixed screening (no more than 25% transparent) to 1.7m above finished floor level;
- (e) The location of any substation/services/metres to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority. Any on-site substation must not be located in the front setbacks and must not reduce any open space for each apartment;
- (f) A schedule of construction materials, external finishes and colours (incorporating paints and render samples) to the satisfaction of the Responsible Authority;
- (g) Windows to be setback within window frames to create deep reveals and shadow lines for architectural interest and all external timber cladding to be a durable and weather resistant material and maintained to the satisfaction of the Responsible Authority;

**Car Parking/Basement**

- (h) Revised plans to show the roller door pushed back into the garage so that a passing area of at least 7 metres is provided (a requirement of CI 52.06-8 Design Standard 1; Accessways) (*condition required by VicRoads*);
- (i) Revised plans to show the first 5 metres of the accessway is no steeper than 1:10 (CI52.06-8 Design Standard 3; Gradients) (*condition required by VicRoads*);
- (j) 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*);
- (k) All car spaces to be clearly allocated to dwellings/visitors as required and the provision of at four visitor car spaces within the basement car park, located in close proximity to the lift to the satisfaction of the Responsible Authority;
- (l) The provision of an intercom system to the basement setback a minimum of 3m from the frontage. The intercom must include remote access from each apartment;
- (m) The proposed crossover to be clearly shown on the plans measuring a minimum of 6.0m in width and be directly aligned with the driveway with the access ramp to have a minimum width of 5.5m and minimum 300mm kerbs on each side (total of 6.1m);
- (n) The 1:8 transition section of the ramp to be increased to a minimum 2.5m in length. Dimensions of each ramp grade to be annotated on the plans in accordance with Clause 52.06 of the Planning Scheme;
- (o) The make/model of the car stackers and dimensions to be clearly annotated on the plans and a cross-section provided showing stacker pits and dimensions;
- (p) The three car spaces adjacent to the basement ramp to be widened to a minimum of 2.7m;

**Item 9.1 (cont'd)**

- (q) Any columns within the basement (if required) to be shown on the plans and to be located no less than 250mm and no more than 1.25m from the car park aisle;
- (r) The three bollards adjacent to the lift area to be relocated 1.0m to the west (in line with the wall);
- (s) Pedestrian sight triangles measuring 2.5m (along the driveway edge) by 2.0m (along the property line) is required on both sides of the driveway with these areas to be clear of any objects or vegetation greater than 600mm in height;
- (t) The provision of two visitor bicycle hoops at ground floor adjacent to the main entrance of the building and the bollards at the entrance of the bicycle parking area to allow for a 1m wide pedestrian path;
- (u) The design and layout of all bicycle spaces to accord with AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and dimensions be clearly annotated on the plans;
- (v) A minimum height clearance of 2.25m is required along the proposed ramp to the underside of the ground floor building and within the basement car park. Headroom clearance above the ramp is required to be measured as per Figure 5.3 of AS2890.1:2004;

**Landscaping**

- (w) The proposed crossover to be setback 2.4m from the street tree in front of 819 Centre Road and the provision of raised planter boxes in the front setback (with minimum depth of 950mm above the basement);
  - (x) A Landscape Plan in accordance with Condition 2;
- 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.
  - (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) Two (2) trees within the front setback (eastern and western sides);
    - (ii) Western boundary POS; x 4 small trees;
    - (iii) Eastern boundary POS; x 3 trees;or nine (9) 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.

**Item 9.1 (cont'd)**

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.
9. 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
10. 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.

**Item 9.1 (cont'd)**

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.

**Item 9.1 (cont'd)**

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.

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.

15. Prior to the commencement of the development, a fee of \$1172.00 must be paid to the Responsible Authority for the removal and replacement of the existing street tree located in front of 817 Centre Road. Removal of the street tree may only be undertaken by the Responsible Authority.
16. 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.
17. The proposed works must not cause any damage to the existing street tree located in front of 819 Centre 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.
18. 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 819 Centre Road at a radius of 2.4 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.

**Item 9.1 (cont'd)**

19. 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.
20. No excavation is to come within 2.4 metres of the existing street tree located in front of 819 Centre 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.
21. 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.
22. 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) (or 1 to every 5 dwellings) marked accordingly.
23. 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.
24. 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.

**Item 9.1 (cont'd)**

25. 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.)
26. 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.
27. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note B.
28. 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.

**VicRoads Conditions**

29. 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)*
30. 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)*
31. 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)*
32. 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)*
33. The edges of the vehicular crossover must be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions, to the satisfaction of the Responsible Authority *(Condition required by VicRoads)*

**Item 9.1 (cont'd)****Notations**

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



**Item 9.1 (cont'd)**

- 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. 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.
- M. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

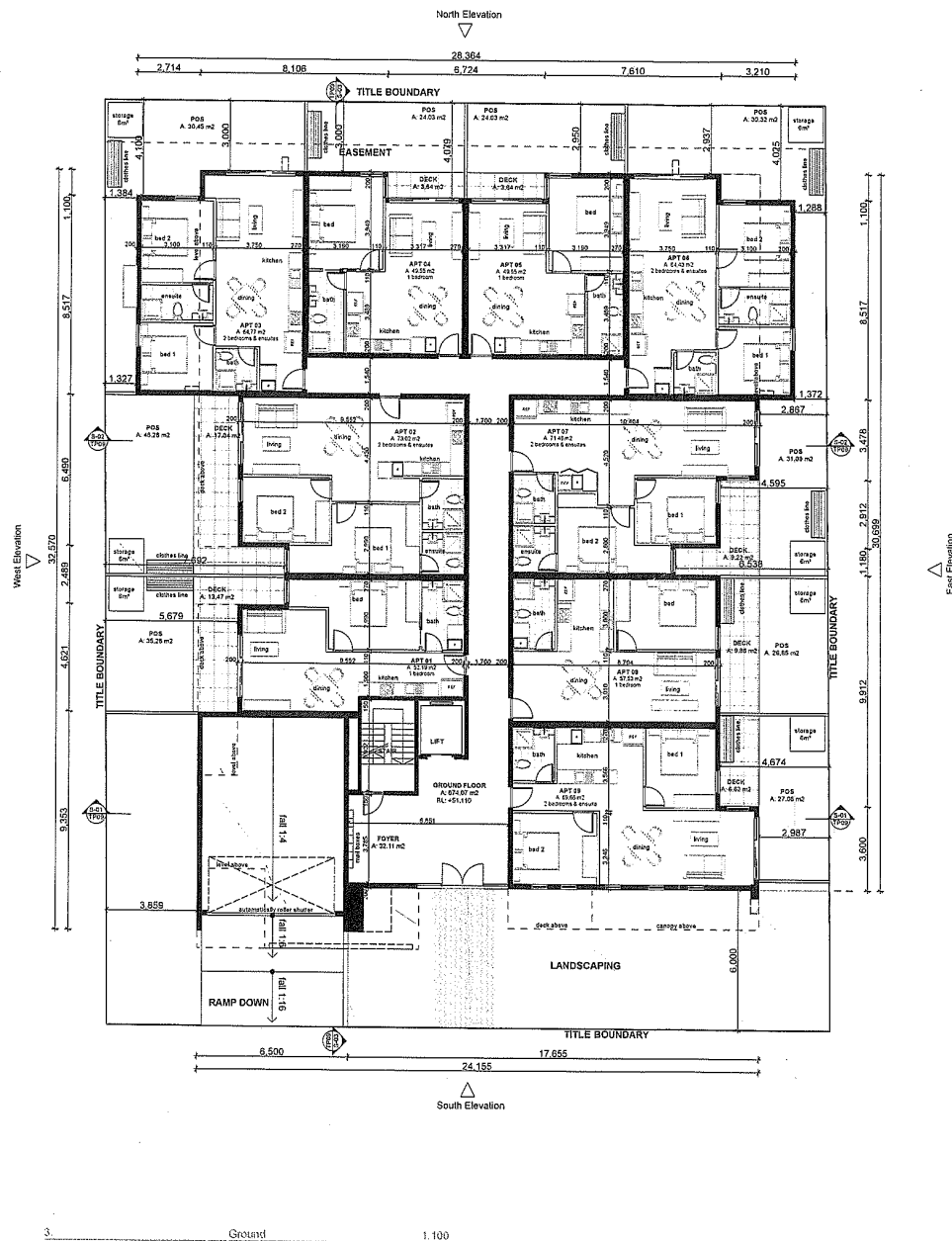
**Crs Lobo/Delahunty**

**That the recommendation in the report be adopted except that the words at Condition 1(d) be deleted and replaced with the following words:**

- (d) All north, east and west facing first and second floor habitable room windows and balconies to have fixed obscure glazing or fixed screening (solid translucent panels) to 1.7m above finished floor level.**

**The MOTION was put and CARRIED unanimously.**





## DEVELOPMENT SCHEDULE

### GROUND FLOOR LEVEL

APARTMENTS 01-09 INCLUSIVE  
SIX BEDS & SIX BED

APT No.	AREA	BEDROOMS	BATHROOMS	P.O.S	CARS	PUBLIC AREAS	AREA
APT 01	51.16 sqm	1	1	45 sqm	-	-	55.5 sqm
APT 02	72.03 sqm	2	2	48 sqm	-	-	55.5 sqm
APT 03	64.77 sqm	2	2	31 sqm	-	-	55.5 sqm
APT 04	46.55 sqm	1	1	24 sqm	-	-	55.5 sqm
APT 05	46.55 sqm	1	1	24 sqm	-	-	55.5 sqm
APT 06	64.43 sqm	2	2	31 sqm	-	-	55.5 sqm
APT 07	71.45 sqm	2	2	39 sqm	-	-	55.5 sqm
APT 08	57.73 sqm	1	1	27 sqm	-	-	55.5 sqm
APT 09	69.66 sqm	2	1	28 sqm	-	-	55.5 sqm
SITE AREA 120.335 SQ.M.							
GROSS FLOOR AREA 874.1 SQ.M.							

Revisions  
Rev Description Date Drawn

Client  
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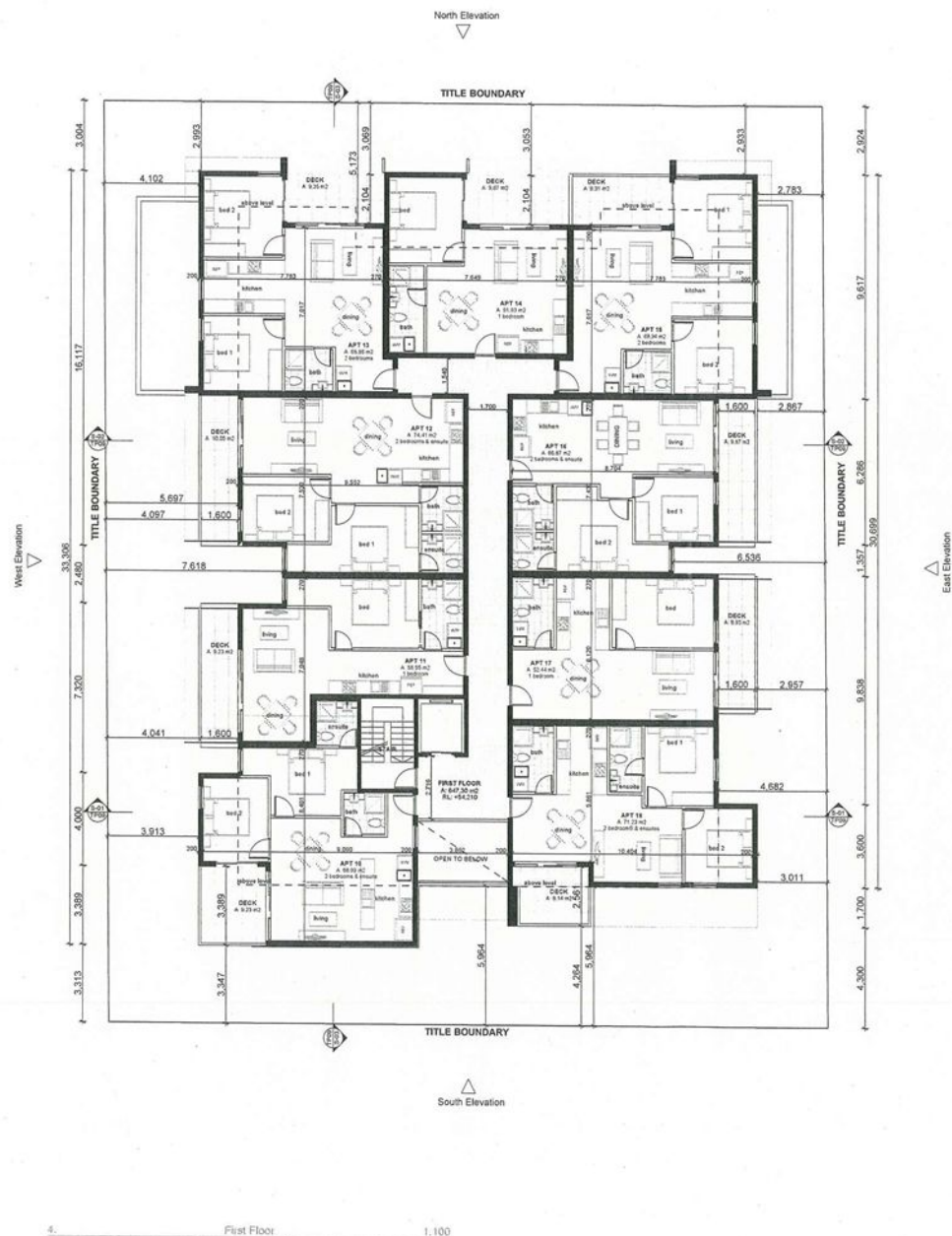
Project  
PROPOSED RESIDENTIAL  
DEVELOPMENT,  
817-819 CENTRE ROAD

Drawing title  
Ground Floor Plans

Drawn SD  
Approved SD  
Creation date 00/12/2014  
Plot date  
Scale 1:100  
Project Drawing

C200 TP04

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#### DEVELOPMENT SCHEDULE

FIRST FLOOR LEVEL						
APARTMENTS 10-18 INCLUSIVE						
EXZ DEZ 1: 2X12D						
APT NO.	AREA	BEDROOMS	BATHROOMS	DECK	GARS	PUBLIC AREAS
APT 10	98.00 sqm	3	3	8.2 SQ.M	-	COMMONS STAIRCASE 47.28 sqm
APT 11	98.00 sqm	1	1	8.2 SQ.M	-	
APT 12	74.4 sqm	2	2	10.0 SQ.M	-	
APT 13	98.00 sqm	2	1	8.4 SQ.M	-	
APT 14	51.90 sqm	1	1	8.7 SQ.M	-	
APT 15	88.90 sqm	2	1	8.3 SQ.M	-	
APT 16	88.90 sqm	2	2	10.0 SQ.M	-	
APT 17	82.4 sqm	1	1	10.0 SQ.M	-	
APT 18	88.5 sqm	2	1	8.8 SQ.M	-	
SITE AREA 1230.00 SQ.M.						
COVERED FLOOR AREA 453.2 SQ.M.						

Revisions	Date	Drawn
Rev Description		

Client  
#Client

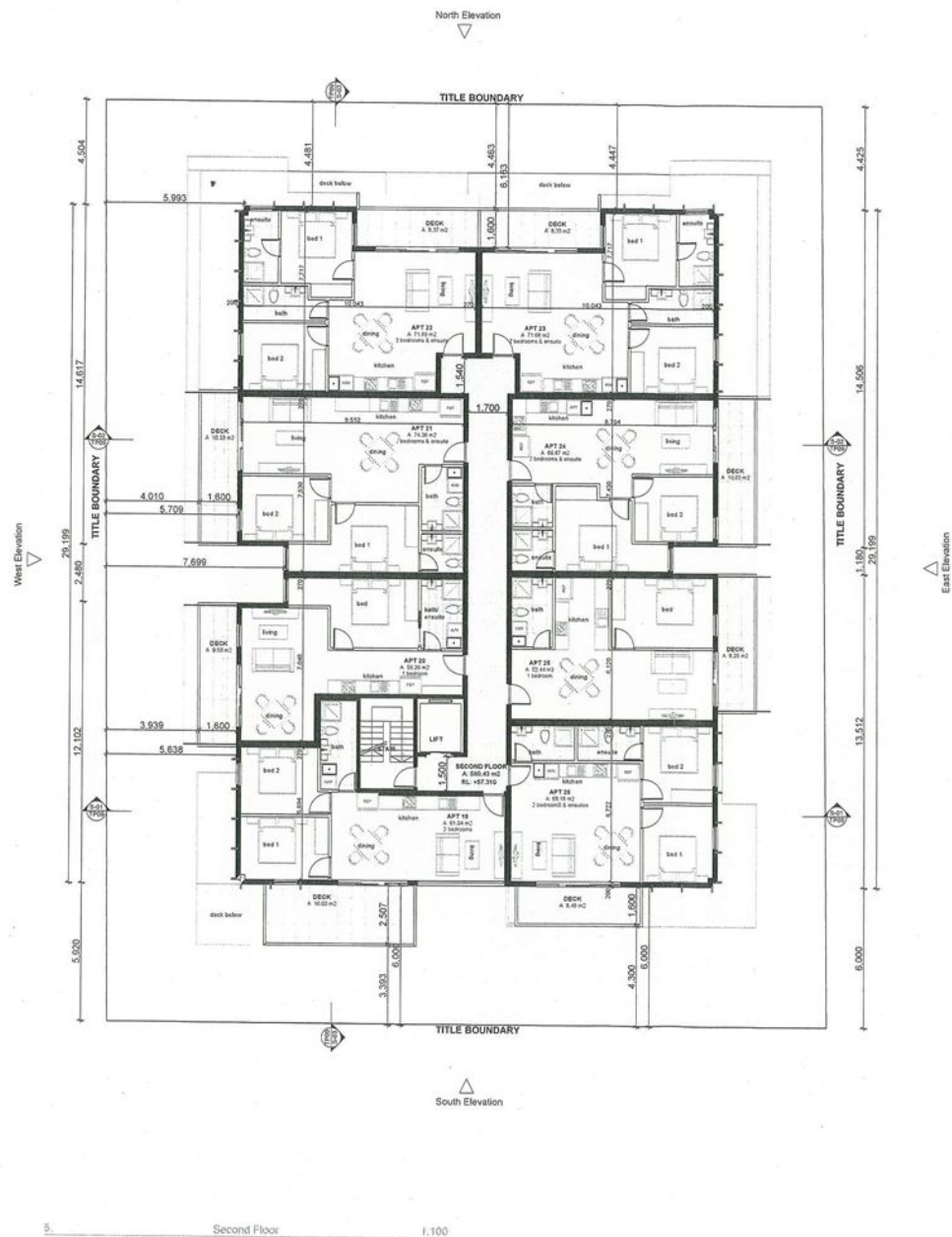
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Project  
PROPOSED RESIDENTIAL  
DEVELOPMENT,  
817-819 CENTRE ROAD

Drawing title  
First Floor Plan

Drawn: SD  
Approved: SD  
Creation date: 03/12/2014  
Plot date: 11/01/2015  
Scale: 1:100  
Project: C200  
Drawing: TP05





#### DEVELOPMENT SCHEDULE

##### SECOND FLOOR LEVEL

APARTMENTS 19-28 INCLUSIVE  
6X3 BEDS & 2X1 BED

APT NO.	AREA	BEDROOMS	BATHROOMS	DECK	CARS	PUBLIC AREAS	AREA
APT.18	61.04 sqm	3	1	18 sqm	-	COMMONS STAIRCASE	37 sqm
APT.20	58.28 sqm	1	1	0.56 sqm	-		
APT.21	74.20 sqm	3	2	10.33 sqm	-		
APT.22	71.68 sqm	2	2	8.37 sqm	-		
APT.23	71.68 sqm	2	2	8.35 sqm	-		
APT.24	68.87 sqm	2	2	10 sqm	-		
APT.25	52.44 sqm	1	1	9.25 sqm	-		
APT.26	68.18 sqm	2	2	8.49 sqm	-		
TITLE AREA 1235.83 SQ.M.							
GROSS FLOOR AREA 180.41 SQ.M.							

Revisions  
Rev. Description Date Drawn

Client  
#Client

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Project

PROPOSED RESIDENTIAL  
DEVELOPMENT,  
817-819 CENTRE ROAD

Drawing title

Second Floor Plans

Drawn SD  
Approved SD  
Creation date 03/01/2014  
Plot date  
Scale 1:100  
Project

C200 TP06











Front View 01



Front View 02



Back View 01



Back View 02



Revisions	Date	Drawn
Rev	Description	

Client  
#Client

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Project  
PROPOSED RESIDENTIAL  
DEVELOPMENT  
817-819 CENTRE ROAD

Drawing title  
Perspectives

Drawn SD  
Approved SD  
Creation date 03/01/2014  
Plot date  
Scale  
Project C200  
Drawing TP10



NOTES: (Impressions only) Not for construction. All dimensions are in millimeters. All dimensions are to the center of the wall unless otherwise stated. All dimensions are to the center of the wall unless otherwise stated.

## Item 9.2

143-147 Neerim Road GLEN HUNTLY  
APPLICATION NO. GE/PP-27628/2015

File No: GE/PP-27628/2015  
Enquiries: Karoline Ware  
Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	A three storey building comprising 32 dwellings above a basement car park.
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit with conditions requiring increased rear setbacks at second floor.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Design</li> <li>• Rescode</li> <li>• Basement and landscape opportunities</li> <li>• Internal amenity</li> <li>• Parking and traffic</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Glen Huntly Neighbourhood Centre (Housing Diversity Area Policy)
<b>APPLICANT</b>	145 Neerim Road Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• General Residential Zone Schedule 1</li> </ul>
<b>EXISTING LAND USE</b>	Residential
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 27 properties notified</li> <li>• 46 notices sent (owners and occupiers)</li> <li>• 3 signs erected on site</li> <li>• 17 objections received</li> </ul>



**Item 9.2 (cont'd)****1. Community Plan**

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to grant a permit for *Construction of a three storey building comprising up to 32 dwellings above a basement car park and alteration of access to a Road Zone Category 1* for Application No. GE/PP-27628/2015 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 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999.
- Housing Diversity Area Policy

**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 including Council's MSS
- ResCode

The key issues influencing the recommendation are as follows:

State and Local Planning Policy

State planning policies broadly support development in this location which increases housing supply in an existing urban area with good access to employment, services, open space and public transport.

The site is located in a residential area of the Glen Huntly Neighbourhood Centre. The development is consistent with the objectives of policy by providing a mix of dwelling types and layouts at a density, mass and scale that is appropriate for the site location on the periphery of the Glen Huntly Activity Centre.

**Item 9.2 (cont'd)**

The site is the consolidation of three properties which is encouraged by policy as it affords greater opportunity for multi-unit development. The development is of greater height and scale than dwellings in its immediate context, however, the built form has been sited and designed so that it does not dominate the streetscape noting more intense building forms are already emerging in strategic locations along Neerim Road and this trend is expected to continue.

Design

The General Residential Zone has a mandatory maximum building height of 10.5m. The building has a maximum height of 10.1m (measured to the top of the roof plant equipment).

Despite the development spreading across 3 lots, the north elevation presenting to Neerim Road is highly articulated through staggered and visually recessive walls and balconies combined with varied colours and materials which add visual interest to the built form.

The site has a relatively non-sensitive interface with the two storey townhouse development under construction to the east. This development utilises a 'reverse living' arrangement with main living areas and private open space (balconies) located at first floor and facing internal to the site. As a result the amenity impacts from the proposed development are minimised.

The development essentially reads as a two storey podium building due to the use of lightweight construction materials and colour combined with a recessed upper level with setbacks to the wall of between 7.6m – 11.0m from Neerim Road. This is considered an appropriate design response given the emerging character of the immediate neighbourhood for single dwellings being replaced with more intense 2 and 3 storey building forms.

Whilst the presentation of the development to Neerim Road is considered acceptable, the second floor setback must be increased to improve the outlook when viewed from the sensitive rear yards to the south and west. Consequently further setbacks at second floor from the rear boundary (9.0m minimum) are recommended. This will ensure that the second floor is visually recessive and only partially visible from adjoining areas of private open space to achieve the balance sought by policy between existing amenity and providing an increased density of housing.

Rescode

Side and rear setbacks comply with prescriptive requirements.

The development will not result in any unreasonable overlooking of neighbouring properties due to screening (to a minimum 1.7m above floor level) for habitable room windows and balconies at first and second floor

The submitted shadow diagrams show that there will be a marginal increase in shadow cast by the building to the west at 9am across the private open space of 141 Neerim Road. After 10am this area is unaffected by shadow from the proposed building.

**Item 9.2 (cont'd)**

Properties to the south are impacted by overshadowing between 9am and 12pm to varying degrees. The development has been designed to ensure that from 10am at least 40m<sup>2</sup> of these areas of private open space remains unaffected in accordance with the Rescode Standard for Overshadowing.

Conditions will ensure there is no increase in overshadowing to neighbouring properties (above that which currently exists) between 9am and 3pm. The recommended increase in rear setbacks at second floor will further assist in achieving this outcome.

**Basement and landscape opportunities**

The basement footprint provides setbacks at the side and rear (where the site has an interface with sensitive areas of private open space on adjoining properties) that allows for mature tree planting.

The generous ground floor setbacks from Neerim Road will allow for mature canopy tree planting to soften the visual impacts of the three storey built form (spread across 3 lots) within the streetscape.

The proposed crossover will require the removal of the existing street tree located on the nature strip of 147 Neerim Road. This has been agreed to by Parks Services at the developer's cost and subject to the retention and protection of the remaining street trees along Neerim Road during construction.

**Internal amenity**

Each apartment is designed to maximise natural light to habitable areas in response to the north-south 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 terraces at ground floor and balconies at upper levels.

The number of apartments with solely south facing terraces or balconies has been minimised based on the orientation and constraints of the site (4 out of 32 dwellings). Conditions will require skylights to be provided to habitable rooms of south facing dwellings at first and second floor to improve natural light.

**Parking and Traffic**

The application does not seek a reduction of car parking. Guidelines require 32 on site car parking spaces for the dwellings and 6 car spaces for visitors (38 total). A total of 39 car spaces are provided on site which exceeds this requirement.

The provision of bicycle parking meets planning scheme requirements however a minimum of 3 spaces should be conveniently located for visitors at ground floor near the entrance to the building

A note on the permit will highlight that residents of this development will be ineligible for parking permits.

**Item 9.2 (cont'd)**

Minor modifications and notations relating to the accessway and basement layout are addressed with conditions to ensure vehicle access is safe and practical.

VicRoads have consented to the proposed new crossover to access the site from Neerim Road subject to conditions.

**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 by Waste Services. A condition has been included in the Appendix outlining the requirements of the WMP.

**Item 9.2 (cont'd)****APPENDIX**

**ADDRESS: 143-147 Neerim Road, Glen Huntly**  
**APPLICATION NO: GE/PP-27628/2015**

**1. Proposal**

Features of the proposal include:

- Construction of a 3 storey residential apartment building comprising 32 dwellings (1 x one bedroom dwellings, 31 x two-bedroom dwellings) across 3 land parcels.
- Basement car park with provision for 39 car spaces (comprised of 33 resident spaces and 6 x visitor spaces). Provision for 13 bicycle spaces.
- Resident spaces are provided partly at grade and within car stacker systems.
- Waste storage and resident storage provided within the basement.
- Maximum building height of 9.27m (10.1m measured to the top of the roof plant).
- Vehicle access via a double width crossover in the north-west corner of the site (143 Neerim Road). Remaining crossovers reinstated.
- Main pedestrian entry located centrally within the Neerim Road frontage. Lift and stairwell located within the building.
- Private open space in the form of ground floor terraces and balconies to upper floors.
- Contemporary architectural style with flat room form, two storey podium and recessed upper level.

**2. Public Notice**

- 27 properties notified
- 46 notices sent (owners and occupiers)
- 3 signs erected on site
- 17 objections received

The objectors' concerns are summarised as follows:

- Height, scale and massing of the development inconsistent with neighbourhood character
- Setbacks from Neerim Road and neighbouring properties are inadequate
- Contemporary design is not in keeping with other recent developments
- Density of the area is increasing too rapidly
- Development does not provide housing diversity
- Visual bulk and loss of outlook
- Landscaping is minimal
- Traffic congestion and car parking
- Overshadowing and overlooking of neighbouring private open space
- Noise emissions from roof plant, air conditioning units and car stackers
- Impacts of basement excavation on water table / adjoining properties
- Infrastructure needs to be upgraded
- The rail crossing already creates congestion on Neerim Road
- Impacts on energy efficiency of existing dwellings
- Increased pollution

**Item 9.2 (cont'd)**

- Canopy trees should not be planted along shared boundary
- More public open space should be provided in the area as opposed to developments

**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 provision of car parking for the development exceeds the requirement for car parking (38 car spaces required, 39 car spaces proposed).
- The requirement for bicycle spaces has been satisfied.
- Traffic generated by the development would not have a major impact on the operation and function of Neerim Road and the surrounding road network.
- Residents of this development would be ineligible for parking permits.

Asset Engineering

- The proposed crossover from Neerim Road constructed to VicRoads requirements. Redundant vehicle crossovers removed and reinstated.
- All relevant permits must be obtained from Engineering Services prior to commencement of works.

Landscape Assessment Officer

- No high value trees on the subject site and no vegetation on any neighbouring property that has the potential to be significantly impacted by the development.
- Landscaping should be carried out in the open areas of the site.

Parks Services

- The existing street tree (Queensland Brush Box) must be removed at the cost of the developer to allow the proposed crossover.
- The remaining street trees must be retained and protected during construction.

Waste Services

- Developer proposes private collection. Waste Management Plan approved.

**4. Planning Conference**

The Conference, chaired by Cr Okotel, 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:

**Item 9.2 (cont'd)**

- Visual mass and bulk impacts on adjoining properties to south and west.
- Loss of sunlight and daylight.
- Overshadowing
- Overlooking (Balcony screens were a particular concern).
- Non-compliances with street, side and rear setbacks.
- Preference for a development more like the one at 149-153 Neerim Road (12 double storey townhouses)
- Extent of basement and structural impacts on adjoining properties.
- Land may be polluted from the old petrol station that was at 135 Neerim Road (45m to the west of the subject site).
- Noise from stackers.
- Traffic and parking.

**Undertakings by the Applicant**

The applicant provided a detailed submission and response to objector concerns, and gave the following undertakings to make modifications to the proposed development.

- Provide fixed obscure panels behind the metal balcony screens to further limit overlooking.
- Raise the balcony screens and window screening treatments to 1.8m above the finished floor level.
- Carry out a dilapidation report for the adjoining properties before the development commences.
- Negotiate with the neighbours on the types of trees to be planted along the side and rear boundaries

**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 TP04 – TP09 (Rev. B) dated 20/01/2015 prepared by Perkins Architects) but modified to show:
  - (a) The second floor setback a minimum of 9.0m from the south (rear) boundary and absorbed within the approved building envelope. Any consequential changes must be to the satisfaction of the Responsible Authority.
  - (b) The balcony of Unit 17 at first floor setback a minimum of 4.0m from the east boundary and recessed within the building.
  - (c) The balcony of Unit 20 at first floor setback a minimum of 4.0m from the west boundary and recessed within the building.
  - (d) All south facing units at first and second floor to have provision of skylights to maximize natural light to the satisfaction of the Responsible Authority.
  - (e) A roof plan showing details of plant equipment and any other services.
  - (f) The decking of Unit 1, 10, 11 & 12 at ground floor reduced by 1.0m in depth.
  - (g) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the Tree 2 (Japanese Maple) at a radius of 2.4m, Tree 8 (Shining Privet) at a radius of 2.6m and Tree 9 ('Variegatum' Silver Tarata) at a radius of 2.2m as identified in the Tree Assessment Report dated November 2014 prepared by John Patrick Pty Ltd and measured from the base of the trunks to define a 'tree protection zone'.

**Item 9.2 (cont'd)**

- (h) The location of any substation/services/meters to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority. Any on-site substation must not be located in the front setbacks and must not reduce any open space for each apartment;
  - (i) Redundant vehicle crossovers removed and the nature strip and kerb to be reinstated.
  - (j) The accessway to the basement maintaining a minimum width of 6.1m (5.5m including 300mm kerbs either side) throughout the length of the ramp in accordance with AS2890.1 and Clause 52.06 of the Planning Scheme. The access ramp must align with the proposed crossover.
  - (k) The intercom system on the eastern side of the access ramp setback a minimum of 5.0m from the front (north) boundary. The intercom system should include video with remote access from each apartment;
  - (l) The storage relocated to a shared area within the basement to the satisfaction of the Responsible Authority.
  - (m) The central car spaces 22-27 increased to a minimum 5.5m in length with any consequential changes to the satisfaction of the Responsible Authority.
  - (n) Car space 29 widened to 2.9m or a clearance of 300mm provided from adjacent walls.
  - (o) The columns within the basement car park located no less than 250mm and extend no more than 1.25m from the car park aisle. The columns should be dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme. This also means that an addition 250mm is required between the columns adjacent to the car stackers and the 6.4m access aisle;
  - (p) All car spaces allocated to a dwelling / visitor.
  - (q) The pedestrian sight triangle shown on the western side of the accessway at the frontage dimensioned on the plans measuring minimum of 2.5 metres (along the driveway edge) by 2.0 metres (along the property line). This area should be clear of any objects or vegetation greater than 600mm in height;
  - (r) The design and layout of the bicycle parking spaces in accordance with AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and dimensions be clearly annotated on the plans.
  - (s) The three (3) required visitor bicycle spaces provided in bicycle hoops (or towel rails) at the ground floor near the main entrance and/or foyer of the building.
  - (t) A minimum height clearance of 2.25m provided for the access ramp and within the basement car park in accordance with AS2890.3
2. Before the commencement of buildings and works, a detailed Landscape Plan generally in accordance with L-TP01 dated December 2014 prepared by John Patrick Pty Ltd 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) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (c) Landscaping and planting within all open space areas of the site.



**Item 9.2 (cont'd)**

- (d) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the Tree 2 (Japanese Maple) at a radius of 2.4m, Tree 8 (Shining Privet) at a radius of 2.6m and Tree 9 ('Variegatum' Silver Tarata) at a radius of 2.2m as identified in the Tree Assessment Report dated November 2014 prepared by John Patrick Pty Ltd and measured from the base of the trunks to define a 'tree protection zone'.
- (e) 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) Neerim Road frontage; x 7 trees
  - (ii) Rear (south) areas of private open space; x 2 canopy trees and 5 small trees
  - (iii) West areas of private open space; x 4 small trees

or 9 canopy trees + 9 small trees (18) 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 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. All existing vegetation shown on the endorsed plan(s) must be suitably marked before any development (including demolition) commences on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
- 7. Prior to the commencement of the buildings and works (including demolition), tree protection fencing must be erected around Tree 2 (Japanese Maple) at a radius of 2.4m, Tree 8 (Shining Privet) at a radius of 2.6m and Tree 9 ('Variegatum' Silver Tarata) at a radius of 2.2m as identified in the Tree Assessment Report dated November 2014 prepared by John Patrick Pty Ltd and measured from the base of the trunks to define a 'tree protection zone'.

**Item 9.2 (cont'd)**

These fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.

The tree protection fences must remain in place until the construction within the tree protection zones 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 any tree protection zone.

No storage or dumping of tools, equipment or waste is to occur within the tree protection zones.

The ground surface of the tree protection zones 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.

8. Any pruning that is required to be done to the canopy of any trees retained on-site or where the canopy of neighbouring property tree/s overhang the site, is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.
9. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.
10. The proposed works must not cause any damage to the existing street trees 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.
11. Prior to the commencement of the development, a fee of \$886 must be paid to the Responsible Authority for the removal and replacement of the existing street tree (Queensland Brush Box) located in front of 143 Neerim Road. Removal of the street tree may only be undertaken by the Responsible Authority.
12. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 2.0m for the Queensland Brush Box located in front of 145 Neerim Road measured from the base of each trunk to define 'tree protection zones'. 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.

**Item 9.2 (cont'd)**

13. 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.

14. No excavation is to come within 2.0m of the Queensland Brush Box located in front of 145 Neerim 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.

15. 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 for each 3 bedroom dwelling.
  - Visitor parking car spaces at the rate of 1 space per 5 dwellings.
16. 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.

**Item 9.2 (cont'd)**

17. 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.

18. 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.
19. 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.
20. 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.

**Item 9.2 (cont'd)**

21. 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.

22. Prior to the occupation 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) 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.
- (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- (d) Details for best practice waste management once operating.
- (e) Frequency of collection.

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

**Item 9.2 (cont'd)**

23. Before the commencement of the development, including any associated buildings and works (other than works for investigation/remediation of the site) hereby approved, an Environmental Site Assessment Report must be submitted to the Responsible Authority containing the following information, as appropriate:

Establish a chronological history of the land uses on the site and identify any uses that may have resulted in contamination of the site. This may include an analysis of historical information including the following;

- Aerial Photographs.
- Street Directories.
- Zoning and Planning Permits.
- Rate records,
- Municipal Records.
- Land Titles.
- How long the land use or activity took place on the subject site and where the site is contaminated.
- A description, of the contamination on, under or from the subject site and its extent.

How any contamination is being managed or may be managed to prevent any detrimental effect on the 'use and development of the subject site or adjoining land or on buildings and works.

The report is to advise, having regard to the proposed use and/or development permitted under this permit, whether:

- an Environmental Audit is required, or
- Based on a land use history of the site, the proposed development and land use is considered acceptable and no management plan is required.
- Based on a land use history of the site, the proposed development and land use is considered acceptable provided that the conditions in the attached Environmental Management Plan are undertaken.

This report is to be prepared by either a suitably qualified environmental professional (who must be a member of the Australian Contaminated Land Consultants Association) or an approved environmental auditor by the EPA, in accordance with the National Environmental Protection Measure (Assessment of Site Contamination) 1999, as amended. This report is open to peer review at the reasonable cost to the permit holder/owner of the land at any time.

If an Environmental Management Plan is required, then all the conditions in the Environmental Management Plan 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.

**Item 9.2 (cont'd)**

Where there are conditions in an Environmental Management Plan that require, but not limited to:

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated

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 conditions outlined in the Environmental Management Plan. 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 cost of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.

If the Site Assessment Report concludes that an Environmental Audit is required for the proposed use, the Applicant must submit to the Responsible Authority either:

- A certificate of environmental audit is issued for the land in accordance with Part IXI 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 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, but not limited to:

- ongoing maintenance and/or monitoring of any ongoing sources contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated

**Item 9.2 (cont'd)**

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 draining 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 the Title are to be paid by the permit holder/owner.

All the conditions (with the exception of on-going 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.

24. 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.
25. 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.

26. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
27. 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.
28. 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.
29. 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.)



**Item 9.2 (cont'd)**

30. 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.
31. 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.
32. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note D' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
33. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority in accordance with the endorsed plans prior to the occupation of the building hereby approved. (*VicRoads condition*)
34. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved. (*VicRoads condition*)
35. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6m inside the property to allow vehicles to store clear of the Neerim Road pavement and footpath. (*VicRoads condition*)
36. 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.

**Item 9.2 (cont'd)****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. 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.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- 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.

**Item 9.2 (cont'd)**Asset Engineering Advice:

- H. Existing Telstra pits shall be relocated to the satisfaction of that responsible authority.
- I. The redundant vehicle crossings must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
- J. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- K. Connect storm water runoff from the development via an outfall drain to Council storm water pit/pipe located in front of 150 Neerim Road. The design and construction of the outfall drain must be approved by Engineering Assets and all costs associated with the outfall drain design and construction must be borne by the developer.
- L. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- M. 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.
- N. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- O. 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.
- 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.

**Item 9.2 (cont'd)**

**Crs Esakoff/Okotel**

**That Council:**

**Issues a Notice of Decision to grant a permit for Construction of a three storey building comprising up to 30 dwellings above a basement car park and alteration of access to a Road Zone Category 1 for Application No. GE/PP-27628/2015 in accordance with the following conditions;**

**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 TP04 – TP09 (Rev. B) dated 20/01/2015 prepared by Perkins Architects) but modified to show:**
  - (a) Deletion of apartments 28 and 29 at third floor in their entirety. Any consequential changes must be to the satisfaction of the Responsible Authority.**
  - (b) The balcony of Unit 17 at first floor setback a minimum of 4.0m from the east boundary and recessed within the building.**
  - (c) The balcony of Unit 20 at first floor setback a minimum of 4.0m from the west boundary and recessed within the building.**
  - (d) All south facing units at first and second floor to have provision of skylights to maximize natural light to the satisfaction of the Responsible Authority.**
  - (e) A roof plan showing details of plant equipment and any other services.**
  - (f) The decking of Unit 1, 10, 11 & 12 at ground floor reduced by 1.0m in depth.**
  - (g) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the Tree 2 (Japanese Maple) at a radius of 2.4m, Tree 8 (Shining Privet) at a radius of 2.6m and Tree 9 ('Variegatum' Silver Tarata) at a radius of 2.2m as identified in the Tree Assessment Report dated November 2014 prepared by John Patrick Pty Ltd and measured from the base of the trunks to define a 'tree protection zone'.**
- Item 9.2 (cont'd)**
- (h) The location of any substation/services/meters to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority. Any on-site substation must not be located in the front setbacks and must not reduce any open space for each apartment;**
- (i) Redundant vehicle crossovers removed and the nature strip and kerb to be reinstated.**
- (j) The accessway to the basement maintaining a minimum width of 6.1m (5.5m including 300mm kerbs either side) throughout the length of the ramp in accordance with AS2890.1 and Clause 52.06 of the Planning Scheme. The access ramp must align with the proposed crossover.**

**Item 9.2 (cont'd)**

- (k) The intercom system on the eastern side of the access ramp setback a minimum of 5.0m from the front (north) boundary. The intercom system should include video with remote access from each apartment;
  - (l) The storage relocated to a shared area within the basement to the satisfaction of the Responsible Authority.
  - (m) The central car spaces 22-27 increased to a minimum 5.5m in length with any consequential changes to the satisfaction of the Responsible Authority.
  - (n) Car space 29 widened to 2.9m or a clearance of 300mm provided from adjacent walls.
  - (o) The columns within the basement car park located no less than 250mm and extend no more than 1.25m from the car park aisle. The columns should be dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme. This also means that an addition 250mm is required between the columns adjacent to the car stackers and the 6.4m access aisle;
  - (p) All car spaces allocated to a dwelling / visitor.
  - (q) The pedestrian sight triangle shown on the western side of the accessway at the frontage dimensioned on the plans measuring minimum of 2.5 metres (along the driveway edge) by 2.0 metres (along the property line). This area should be clear of any objects or vegetation greater than 600mm in height;
  - (r) The design and layout of the bicycle parking spaces in accordance with AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and dimensions be clearly annotated on the plans.
  - (s) The three (3) required visitor bicycle spaces provided in bicycle hoops (or towel rails) at the ground floor near the main entrance and/or foyer of the building.
  - (t) A minimum height clearance of 2.25m provided for the access ramp and within the basement car park in accordance with AS2890.3
2. Before the commencement of buildings and works, a detailed Landscape Plan generally in accordance with L-TP01 dated December 2014 prepared by John Patrick Pty Ltd 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) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (c) Landscaping and planting within all open space areas of the site.

**Item 9.2 (cont'd)**

- (d) **The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the Tree 2 (Japanese Maple) at a radius of 2.4m, Tree 8 (Shining Privet) at a radius of 2.6m and Tree 9 ('Variegatum' Silver Tarata) at a radius of 2.2m as identified in the Tree Assessment Report dated November 2014 prepared by John Patrick Pty Ltd and measured from the base of the trunks to define a 'tree protection zone'.**
  - (e) **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) **Neerim Road frontage; x 7 trees**
    - (ii) **Rear (south) areas of private open space; x 2 canopy trees and 5 small trees**
    - (iii) **West areas of private open space; x 4 small trees or 9 canopy trees + 9 small trees (18) 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 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. All existing vegetation shown on the endorsed plan(s) must be suitably marked before any development (including demolition) commences on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.**
- 7. Prior to the commencement of the buildings and works (including demolition), tree protection fencing must be erected around Tree 2 (Japanese Maple) at a radius of 2.4m, Tree 8 (Shining Privet) at a radius of 2.6m and Tree 9 ('Variegatum' Silver Tarata) at a radius of 2.2m as identified in the Tree Assessment Report dated November 2014 prepared by John Patrick Pty Ltd and measured from the base of the trunks to define a 'tree protection zone'.**

**Item 9.2 (cont'd)**

**These fences must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority.**

**The tree protection fences must remain in place until the construction within the tree protection zones 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 any tree protection zone.**

**No storage or dumping of tools, equipment or waste is to occur within the tree protection zones.**

**The ground surface of the tree protection zones 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.**

- 8. Any pruning that is required to be done to the canopy of any trees retained on-site or where the canopy of neighbouring property tree/s overhang the site, is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 – 1996, Standards Australia.**
- 9. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.**
- 10. The proposed works must not cause any damage to the existing street trees 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.**
- 11. Prior to the commencement of the development, a fee of \$886 must be paid to the Responsible Authority for the removal and replacement of the existing street tree (Queensland Brush Box) located in front of 143 Neerim Road. Removal of the street tree may only be undertaken by the Responsible Authority.**
- 12. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 2.0m for the Queensland Brush Box located in front of 145 Neerim Road measured from the base of each trunk to define 'tree protection zones'. 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.**

**Item 9.2 (cont'd)**

- 13. 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.**

- 14. No excavation is to come within 2.0m of the Queensland Brush Box located in front of 145 Neerim 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.**

- 15. 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 for each 3 bedroom dwelling.**
- Visitor parking car spaces at the rate of 1 space per 5 dwellings.**

- 16. 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.**



**Item 9.2 (cont'd)**

- 17. 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.**

- 18. 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.**
- 19. 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.**
- 20. 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.**

- 21. 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:**

**Item 9.2 (cont'd)**

- (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.

22. Prior to the occupation 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) 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.
- (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
- (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- (d) Details for best practice waste management once operating.
- (e) Frequency of collection.

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

23. Before the commencement of the development, including any associated buildings and works (other than works for investigation/remediation of the site) hereby approved, an Environmental Site Assessment Report must be submitted to the Responsible Authority containing the following information, as appropriate:

**Item 9.2 (cont'd)**

**Establish a chronological history of the land uses on the site and identify any uses that may have resulted in contamination of the site. This may include an analysis of historical information including the following;**

- **Aerial Photographs.**
- **Street Directories.**
- **Zoning and Planning Permits.**
- **Rate records,**
- **Municipal Records.**
- **Land Titles.**
- **How long the land use or activity took place on the subject site and where the site is contaminated.**
- **A description, of the contamination on, under or from the subject site and its extent.**

**How any contamination is being managed or may be managed to prevent any detrimental effect on the 'use and development of the subject site or adjoining land or on buildings and works.**

**The report is to advise, having regard to the proposed use and/or development permitted under this permit, whether:**

- **an Environmental Audit is required, or**
- **Based on a land use history of the site, the proposed development and land use is considered acceptable and no management plan is required.**
- **Based on a land use history of the site, the proposed development and land use is considered acceptable provided that the conditions in the attached Environmental Management Plan are undertaken.**

**This report is to be prepared by either a suitably qualified environmental professional (who must be a member of the Australian Contaminated Land Consultants Association) or an approved environmental auditor by the EPA, in accordance with the National Environmental Protection Measure (Assessment of Site Contamination) 1999, as amended. This report is open to peer review at the reasonable cost to the permit holder/owner of the land at any time.**

**If an Environmental Management Plan is required, then all the conditions in the Environmental Management Plan 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.**

**Item 9.2 (cont'd)**

**Where there are conditions in an Environmental Management Plan that require, but not limited to:**

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated

**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 conditions outlined in the Environmental Management Plan. 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 cost of the preparation and execution of the Agreement and entry of the memorandum on Title are to be paid by the owner.**

**If the Site Assessment Report concludes that an Environmental Audit is required for the proposed use, the Applicant must submit to the Responsible Authority either:**

- A certificate of environmental audit is issued for the land in accordance with Part IXI) 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 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, but not limited to:**

- ongoing maintenance and/or monitoring of any ongoing sources of contamination on the site; or
- no amendments to the development plans/pattern of land use prior to the acceptance of another audit assessment
- a requirement to notify the Environment Protection Authority of any contamination that will not be remediated

**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**

**Item 9.2 (cont'd)**

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 draining 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 the Title are to be paid by the permit holder/owner.

All the conditions (with the exception of on-going 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.

24. 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.
25. 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.

26. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
27. 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.
28. 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.
29. 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.)

**Item 9.2 (cont'd)**

30. 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.
31. 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.
32. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to ‘Note D’ that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
33. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority in accordance with the endorsed plans prior to the occupation of the building hereby approved. (*VicRoads condition*)
34. All disused or redundant vehicle crossings must be removed and the area reinstated the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved. (*VicRoads condition*)
35. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6m inside the property to allow vehicles to store clear of the Neerim Road pavement and footpath. (*VicRoads condition*)
36. 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.

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

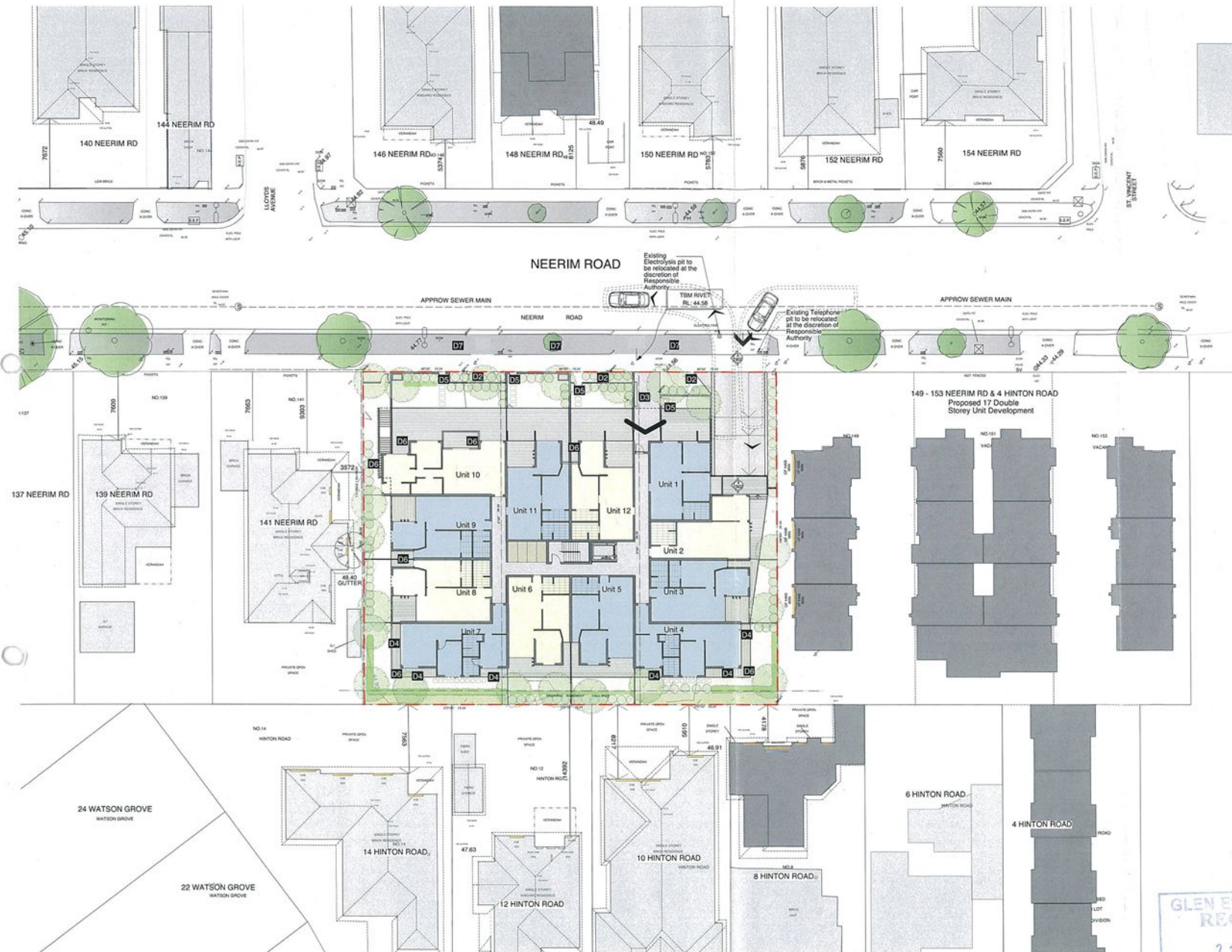
- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.**
- C. 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.**
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).**
- 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.**

**Item 9.2 (cont'd)****Asset Engineering Advice:**

- H. Existing Telstra pits shall be relocated to the satisfaction of that responsible authority.**
- I. The redundant vehicle crossings must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.**
- J. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.**
- K. Connect storm water runoff from the development via an outfall drain to Council storm water pit/pipe located in front of 150 Neerim Road. The design and construction of the outfall drain must be approved by Engineering Assets and all costs associated with the outfall drain design and construction must be borne by the developer.**
- L. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.**
- M. 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.**
- N. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.**
- O. 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.**
- 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.**

**The MOTION was put and CARRIED unanimously.**





Development Summary		
	AREA (m2)	%
Site Area	1872.4 m <sup>2</sup>	
Site Coverage (Ground Floor)	975.9 m <sup>2</sup>	
Additional impermeable area	263.4 m <sup>2</sup>	
Total Site Coverage	1239.3 m <sup>2</sup>	74.1%
Permeable Area	408.4 m <sup>2</sup>	24.4%
Number of Dwellings		
1 Bedroom	1	
2 Bedrooms	31	
<b>Total</b>	<b>32</b>	
Car Spaces	39	
Bicycle Spaces	13	
Storage Spaces (2 sq m min)	32	

- ### Design Response
- \* The subject sites are 143, 145 and 147 Neerim Road, Glenhurlty VIC.
- D1** Crossovers to site are consolidated into one double crossover to single level basement, minimising traffic impact
  - D2** Landscape buffers along Neerim Rd respect landscape character of the area
  - D3** Defined and legible pedestrian entry set back from street leads to accessible foyer and accessible ground floor apartment entries
  - D4** Setbacks of building bulk from residential interfaces appropriate to maximise visual bulk
  - D5** Dedicated pedestrian entries to Apartments 1, 10, 11, 12 creates sense of address
  - D6** Massing is articulated to break down scale to that appropriate for the subject site
  - D7** Reduction of crossovers allows the rhythm of street trees to be retained. Provision for three street trees to be added to the satisfaction of council

### Abbreviations Key / Legend

- Habitable Window (Ground Floor)
- Habitable Window (Upper level)
- SPOS - Secluded Private Open Space
- WIN - Window
- Car Entry/Exit
- Existing vegetation to be removed
- Site Boundary

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Proposed Apartment Development  
**145 Neerim Road Pty Ltd**  
 143 - 147 Neerim Road, Glen Hurlty VIC 3163

Drawing Scale: 1:200 at A1 or 50% at A3  
 Print Date: 20/1/15  
 File Name: MI NR - Site Analysis & Design Response.vwx  
 & AMEND: 20/1/15  
 DATE: 20/1/15  
 Team Planning Issue

GLEN EIRA COUNCIL  
 RECEIVED  
 21 JAN 2015  
 STATUTORY PLANNING  
 Town Planning Issue

Design Response  
**TP 03**  
 Amendment: A





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**Proposed Apartment Development**  
**145 Neerim Road Pty Ltd**  
143 - 147 Neerim Road, Glen Huntly VIC 3163

Drawing Scale: 1:100 at A1 or 50% at A3  
Print Date: 20/1/15  
File Name: MI NR - TP PLANS 20150119.VWK

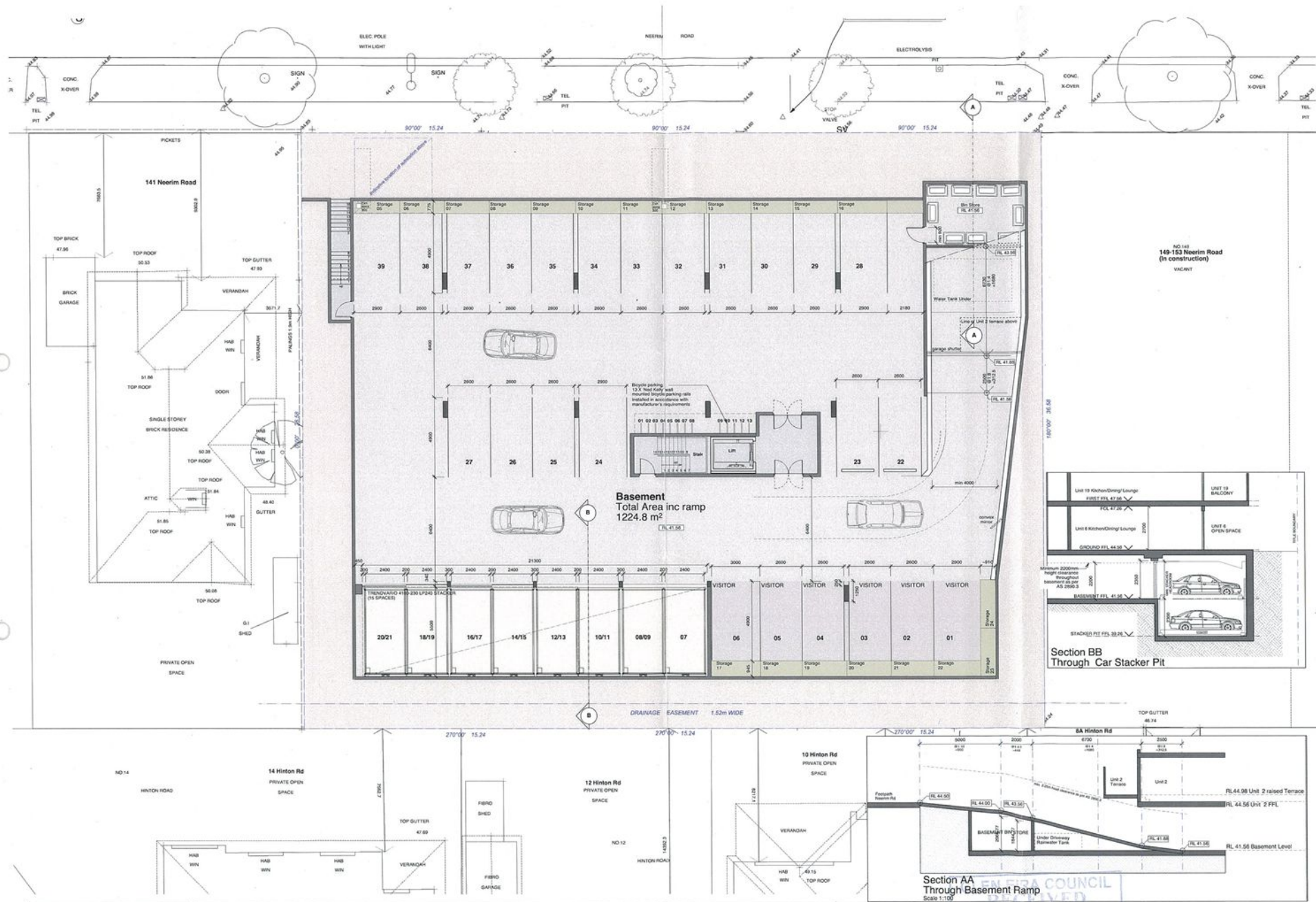
20/1/15 Town Planning Issue  
20/1/15 Indicates validation  
DATE NOTE



**Proposed Ground Floor Plan**  
**Town Planning Issue TP 04**  
Amendment: B

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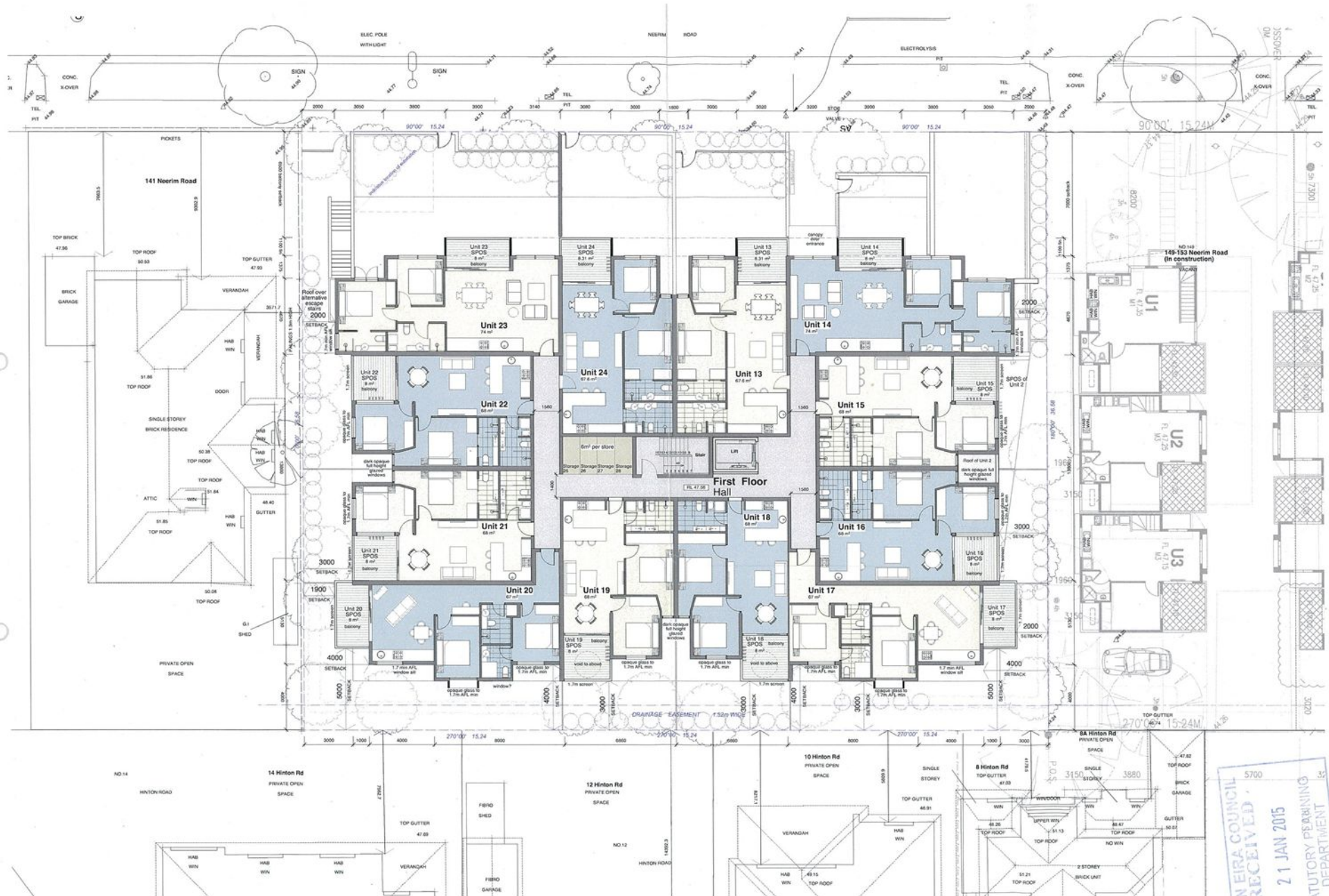
**Proposed Apartment Development**  
**145 Neerim Road Pty Ltd**  
143 - 147 Neerim Road, Glen Huntly VIC 3163

Drawing Scale: 1:100 at A1 or 50% at A3  
Print Date: 20/1/15  
File Name: MI NR - TP PLANS 20150119.VWX

20/1/15 Town Planning Issue  
20/1/15 Information submitted  
DATE: 20/1/15  
NOTE:

21 JAN 2015  
STATUTORY PLANNING  
DEPARTMENT

**Proposed Basement Floor Plan**  
Town Planning Issue **TP 05**  
Amendment: B



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**Proposed Apartment Development**  
**145 Neerim Road Pty Ltd**  
 143 - 147 Neerim Road, Glen Huntly VIC 3163

Drawing Scale: 1:100 at A1 or 50% at A3  
 Print Date: 20/1/15  
 File Name: MI NR - TP PLANS 20150119.vwx

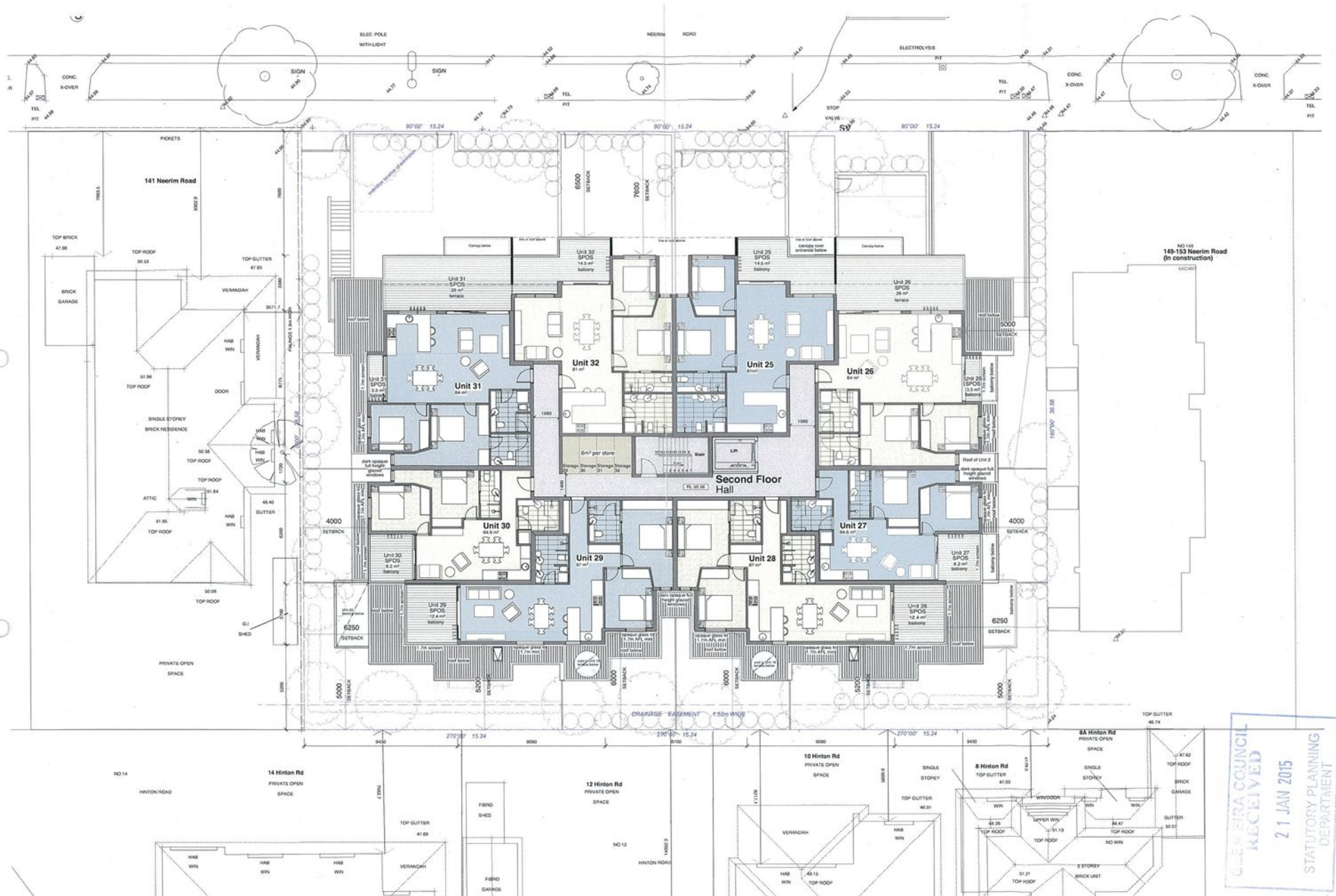
20/1/15 Town Planning Issue  
 20/1/15 Indicative Submission  
 ARK: DATE: NOTE:



**Proposed First Floor Plan**  
 Town Planning Issue **TP 06**  
 Amendment: B

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**Proposed Apartment Development**  
**145 Neerim Road Pty Ltd**  
143 - 147 Neerim Road, Glen Huntly VIC 3163

Drawing Scale: 1:100 at A1 or 50% at A3  
Print Date: 20/1/15  
File Name: MI NR - TP PLANS 20150119.VWX

20/1/15  
20/1/15  
20/1/15



**Proposed Second Floor Plan**  
**Town Planning Issue TP 07**  
Amendment: B

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[illegible]

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DEPARTMENT

**Elevations**  
**TP 08**  
Amendment: A





Proposed South Elevation  
Scale: 1:100



Proposed East Elevation  
Scale: 1:100

EXTERNAL FINISHES SCHEDULE	
1201	Light Paint / Render Finish
1202	Charcoal Paint / Render Finish
1203	Dark Charcoal Paint / Render Finish
1204	Feature Paint / Render Finish
1205	Brick Cladding - Colour 1
1206	Brick Cladding - Colour 2
1207	Vertical Metal Balcony Screen / Balustrade Powdercoat / Paint Finish
1208	Timber Cladding Or Similar, Stain Finish
1209	Vertical Metal Screen - Perforated Powdercoat Entry Wall, Gates / Fences



TOWN PLANNING ISSUE



**Item 9.3**

**198-202 BALACLAVA ROAD CAULFIELD  
NORTH  
APPLICATION NO. GE/PP-23913/2011/A**

**File No: GE/PP-23913/2011/A  
Enquiries: Karoline Ware  
Manager Statutory Planning**



<b>APPLICATION SUMMARY</b>	
<b>PROPOSAL</b>	Amendments to an existing planning permit that originally allowed a four storey building with 14 dwellings, a shop, and an office by <ul style="list-style-type: none"> <li>Deleting the office</li> <li>Adding one dwelling at third floor (total of 15);</li> <li>Revising the car parking layout</li> </ul>
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions to improve vehicle access
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Car parking design and layout</li> <li>Streetscape</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Housing Diversity Area – Caulfield Park Neighbourhood Centre
<b>APPLICANT</b>	Terry Harper Architects
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>Commercial 1 Zone</li> <li>Special Building Overlay</li> <li>Parking Overlay</li> </ul>
<b>EXISTING LAND USE</b>	Three single storey shops
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>6 properties notified</li> <li>26 notices sent (owners and occupiers)</li> <li>4 signs erected on site</li> <li>7 objections received</li> </ul>

<b>PROPOSAL</b>	Amendments to an existing planning permit that originally allowed a four storey building with 14 dwellings, a shop, and an office by <ul style="list-style-type: none"> <li>Deleting the office</li> <li>Adding one dwelling at third floor (total of 15);</li> <li>Revising the car parking layout</li> </ul>
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions to improve vehicle access
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<b>MUNICIPAL STRATEGIC STATEMENT</b>	Housing Diversity Area – Caulfield Park Neighbourhood Centre
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**Item 9.3 (cont'd)****1. Community Plan**

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Amend a Planning Permit for Application No. GE/PP-23913/2011/A allowing the development and use of the land for the purpose of a four storey building (with a basement car park) comprising shops, 15 dwellings, a reduction in the car parking requirement and waiver of the loading bay requirement on land affected by the Special Building Overlay in accordance with the conditions contained in the Appendix.

**3. Applicable Policies and Codes**State Government

- Plan Melbourne

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

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

Background

Planning Permit GE/PP-23913/2011 was issued on 9 April 2013 allowing for the construction of a four (4) storey mixed use development comprising of fourteen dwellings, a shop and office and a reduction in the associated car parking requirements.

No works associated with the development have commenced. The permit has been extended and will expire on 11 October 2015.

**Item 9.3 (cont'd)**Comparison with the Current Permit

Various modifications to the floor plans and elevations are proposed, however the main changes can be summarised as follows:

- Deletion of the ground floor office fronting Stanley Parade and replacement with at grade car parking;
- Increase the number of dwellings by one (total of fifteen);
- Revise the car parking layout, (including the provision of five car spaces at ground floor);

Amenity Impacts

The amended proposal seeks permission for one additional dwelling. All dwellings continue to have good internal amenity and well-proportioned balconies. All first and second floor habitable room windows and balconies continue to have fixed obscure glazing or screening to 1.7m above finished floor level.

There are some modifications proposed to the overall heights (by less than 500mm). This will have a negligible impact to the streetscape and is considered reasonable for this context.

The provision of one additional dwelling is considered reasonable given the setbacks to the residential property to the north have not been reduced and the policy context of the site (within a Housing Diversity Area and Commercial 1 Zone).

Streetscape

An additional shop is proposed along Balaclava Road (total of three). This will replicate the current conditions of the subject site. It is considered that the intent of the Commercial 1 Zone has been achieved.

The office previously facing Stanley Parade has been deleted and replaced with at grade parking. A laser cut screen has been provided for visual interest. This will provide an appropriate transition from the commercial uses on Balaclava Road to the residential interface of Stanley Parade.

The front, side and rear elevations continue to incorporate a variety of materials, colours and architectural features that provide visual interest.

Car Parking and Traffic

The current approval allows for one visitor car space for 14 dwellings. The amendments result in a total of 3 residential visitor car spaces and 15 residential spaces (all dwellings have 2 bedrooms).

Visitor car spaces are now to be located at ground floor which are more accessible and is considered a better outcome.

The amendments will meet State Government Guidelines for residential and visitor car parking. Access continues to be from the rear laneway as previously approved. The provision of car parking for visitors and staff is now at ground floor.

**Item 9.3 (cont'd)**

The level of traffic in the laneway will not be impacted by the amendment. The original permit did not require upgrading of the laneway and the building footprint and pedestrian sightlines are unchanged.

Whilst a reduction in car parking for the shops continues to be proposed, a total of 3 shop car spaces have been provided (ie one per tenancy). Council's Transport Planning Department supports the parking provision, subject to conditions to improve access which are recommended to form part of the approval.

**Management Plan Requirements**

A Waste Management Plan (WMP) continues to be a required condition of permit, however a Construction Management Plan (CMP) is also recommended to be included. A condition has been included in the Appendix outlining this requirement.

**Item 9.3 (cont'd)****APPENDIX**

**ADDRESS: 198-202 BALACLAVA ROAD, CAULFIELD NORTH**  
**APPLICATION NO: GE/PP-23913/2011/A**

**1. Proposal**

The proposal consists of the following amendments:

- Deletion of the ground floor office
- Increase in number of dwellings by one (total of fifteen)
- Revise the car parking layout, (including the provision of five car spaces at ground floor)
- Modification to elevations

**2. Public Notice**

- 6 properties notified
- 26 notices sent (owners and occupiers)
- 4 signs erected on site
- 7 objections received

The objectors' concerns are summarised as follows:

- Access from laneway – excessive traffic, conflict with pedestrians, lack of parking, poor condition of laneway, amenity impacts to neighbouring properties

**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*

- Adequate number of parking spaces proposed.
- No objection subject to conditions

*Asset Engineering*

- Asset Protection Permit must be obtained from Council Engineering Services Department prior to commencement of any building works.
- All relevant Engineering Permits must be obtained prior to any works within the Road Reserve and or stormwater connection to Council drainage network

**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:

**Item 9.3 (cont'd)**

- Additional traffic within laneway and congestion within Stanley Parade.
- Laneway was not designed to support traffic from residential developments
- Visitors would be unlikely to park on site and would rather use Stanley Parade
- Increase in density of the development cannot be supported by laneway.
- Pedestrian safety will be compromised as laneway doesn't provide sight lines
- Access should be from Balaclava Road
- Increase in height and reduced setbacks to North boundary should not be supported

**5. Conditions**

- The Permit preamble be amended as follows:

The development and use of the land for the purpose of a four storey building (with a basement car park) comprising shop, 15 dwellings, a reduction in the car parking requirements and waiver of the loading bay requirement on land affected by the Special Building Overlay in accordance with the conditions contained in the Appendix.

- Condition 1 of the Permit be replaced with the following:

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP01-TP03 Rev L dated 23/10/14, TP05 Rev M dated 23/10/14, TP05 Rev I dated 23/10/14 and External Finishes all drawn by Terry Harper Architects) but modified to show:

- (a) Removal of the crossover in the north-western corner of the site and reinstatement of kerb and channel to Council's satisfaction;
- (b) Relocation of the security grille to the northern boundary and provision of remote access from each apartment to the satisfaction of the Responsible Authority;
- (c) Plans to specify that the Klaus Multibase 2072-195 system is to be used;
- (d) The vehicle access ramp to have 300mm wide kerbs on each side with a height of 150mm;
- (e) The lower transition gradient of the 1:8 portion of the ramp to be extended to 2.5m in length;
- (f) Columns within the car park to be located within 250mm of the accessway and within 3650mm of the rear of the car space;
- (g) The blind aisle at ground floor adjacent to car space 1 to be extended to 1m;
- (h) The provision of a convex mirror on the eastern basement wall to the north of car space 6;
- (i) Two visitor bicycle spaces to be provided at ground floor or another location to the satisfaction of the Responsible Authority;

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

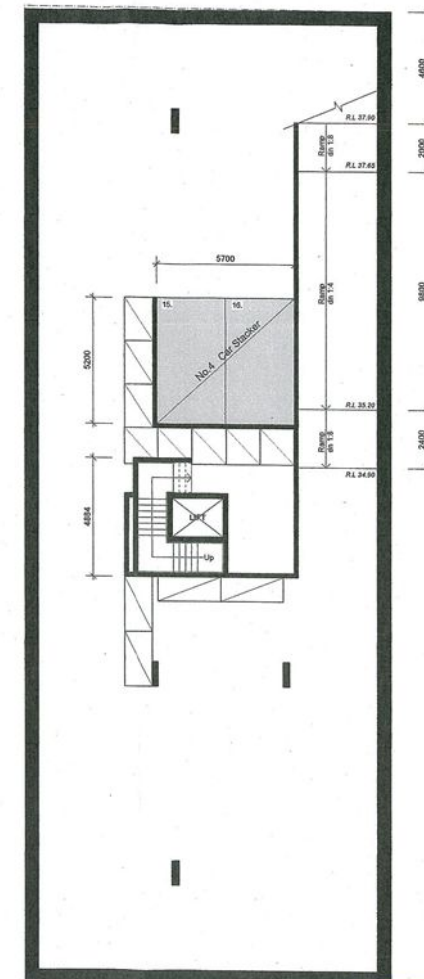
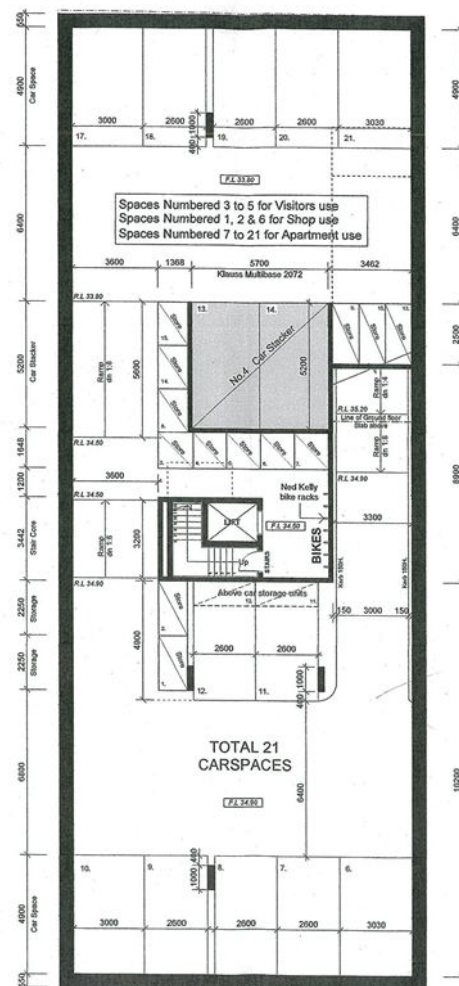
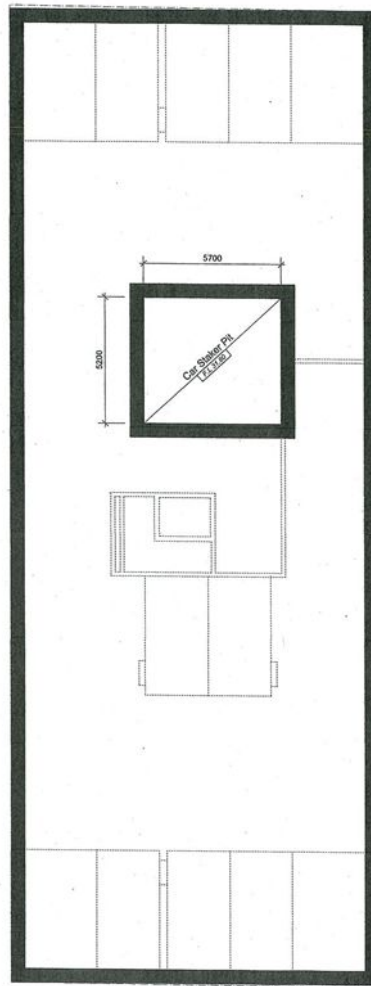
**Item 9.3 (cont'd)**

- Amend Condition 6 as follows;
  - 6. 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 three (3) car spaces for the shop/s; and
    - Three (3) visitor car spaces marked accordingly.
- Amend Condition 8:
  - 8. 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.
- Inclusion of Condition 14
  - 14. 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.

**Crs Hyams/Lipshutz**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**



GLEN EIRA COUNCIL  
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28 NOV 2014  
STATUTORY PLANNING  
DEPARTMENT

### Basement Floor Plan

**PROPOSED RETAIL PREMISES AND 15 APARTMENTS**  
198-202 Balacava Road, Caulfield

PROJECT:

REVISION:

DRAWING No.: TP01

REVISION No.: L

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_

TERRY HARPER ARCHITECTS

Suite 2 / 66 Wellington Street Collingwood Victoria 3068

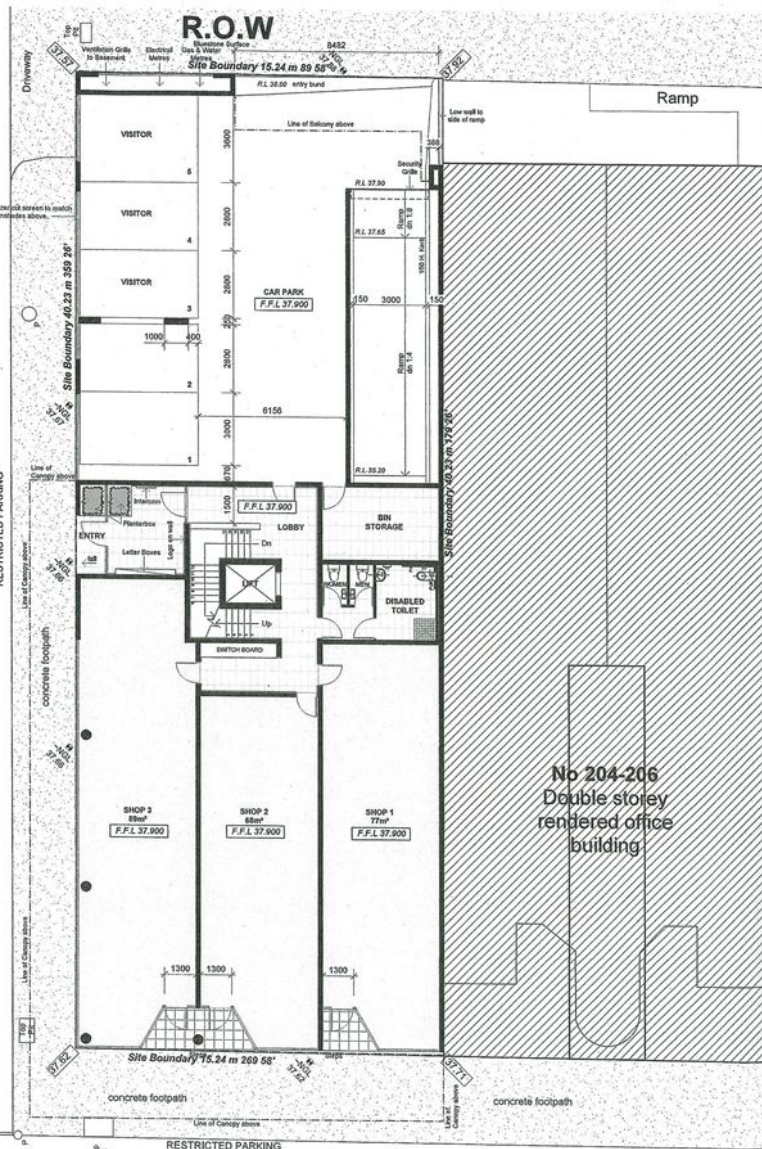
E 03) 9419 5568

58 [info@tembaturarchitects.com](mailto:info@tembaturarchitects.com)

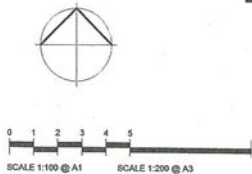


Stanley Parade

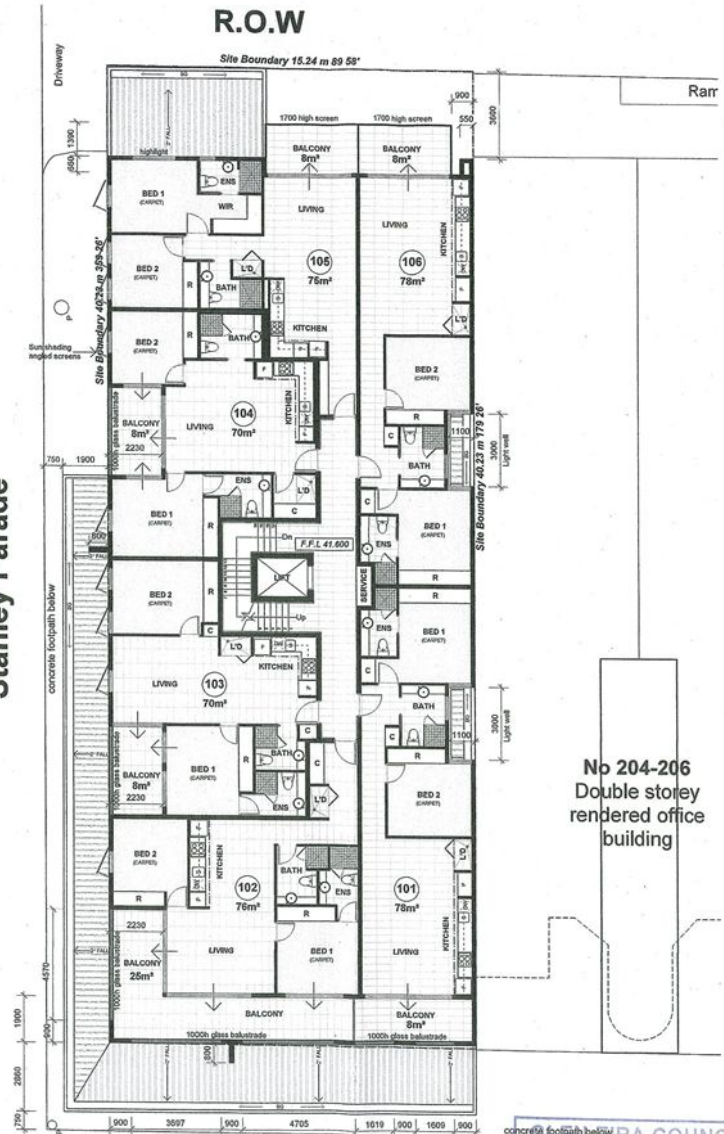
RESTRICTED PARKING



Balaclava Road  
Level One Floor Plan



Stanley Parade



Balaclava Road  
Level Two Floor Plan

Level 1 & 2 Floor Plan  
PROPOSED RETAIL PREMISES AND 15 APARTMENTS

198-202 Balaclava Road, Caulfield

PROJECT: 13-09

REVISION: 1

TP02

DATE: 23.10.2014

SCALE: 1:100

TERRY HARPER ARCHITECTS

198-202 Balaclava Road, Caulfield

PROJECT: 13-09

REVISION: 1

TP02

DATE: 23.10.2014

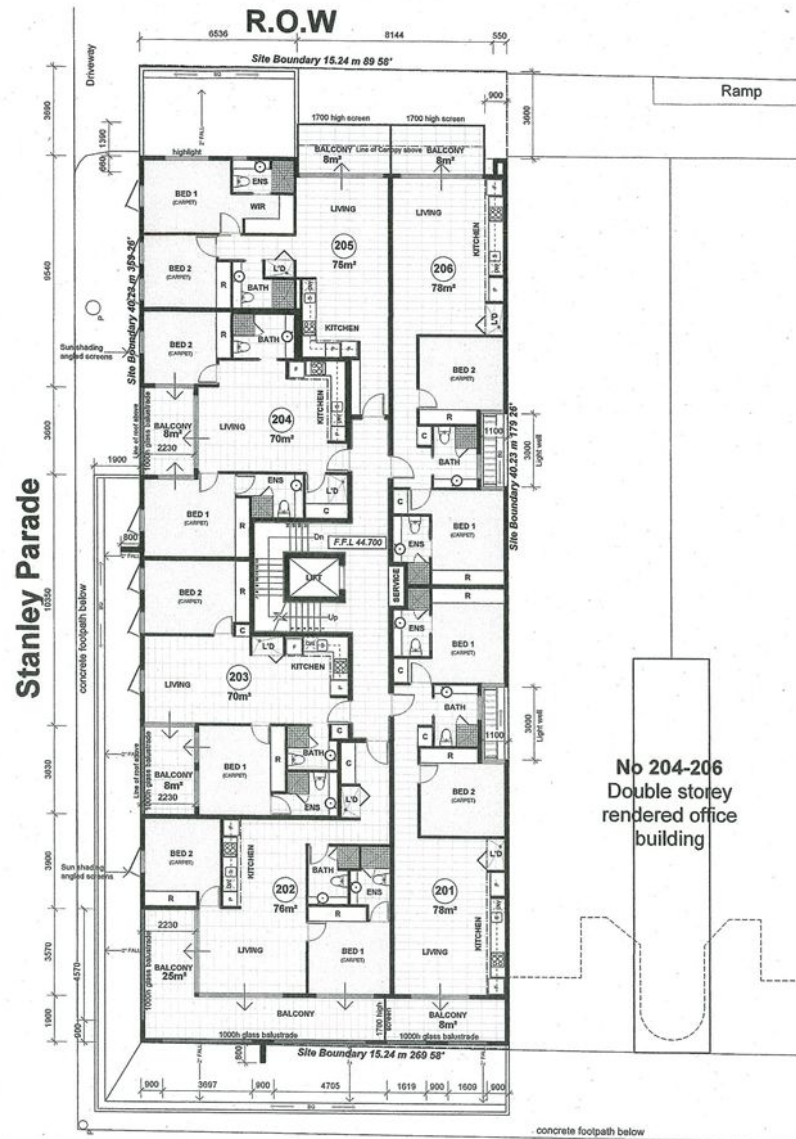
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TERRY HARPER ARCHITECTS

No 204-206  
Double storey  
rendered office  
building

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STATUTORY PLANNING  
DEPARTMENT

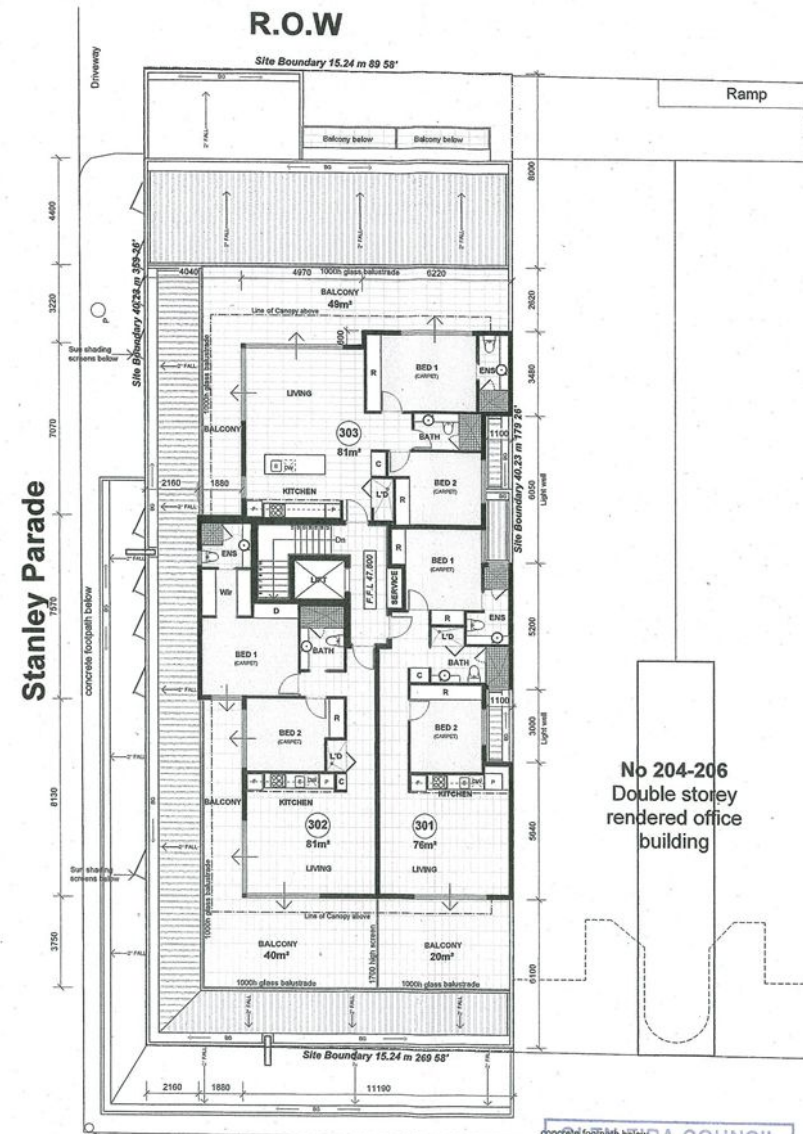




**Balaclava Road  
Level Three Floor Plan**



0 1 2 3 4 5  
SCALE 1:100 @ A1  
SCALE 1:200 @ A3



**Balaclava Road  
Level Four Floor Plan**

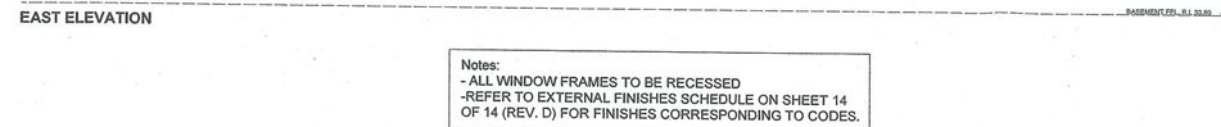
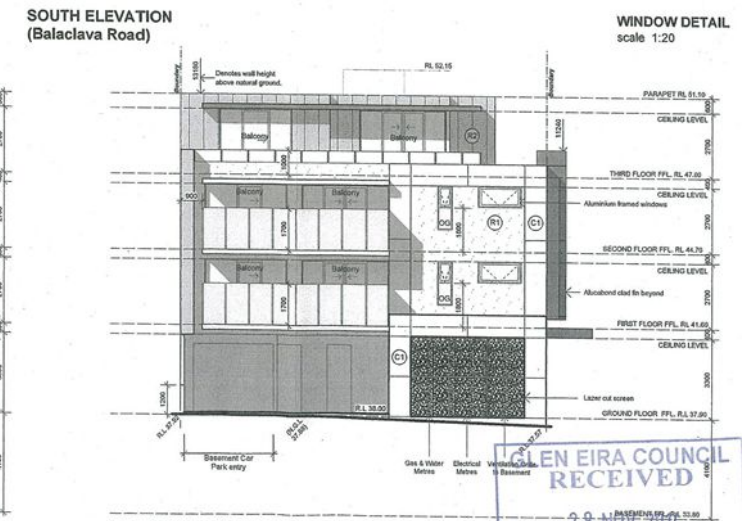
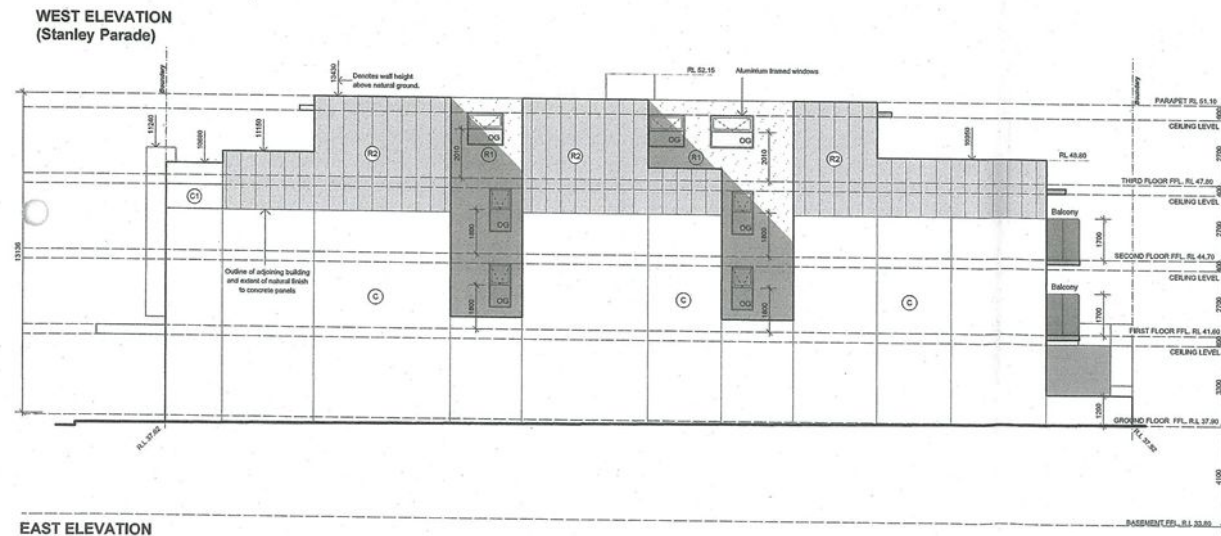
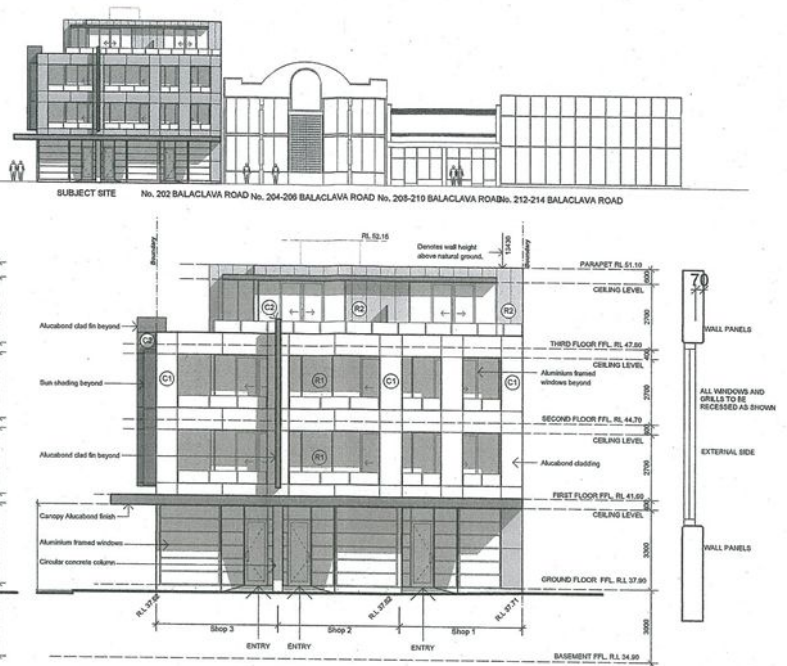
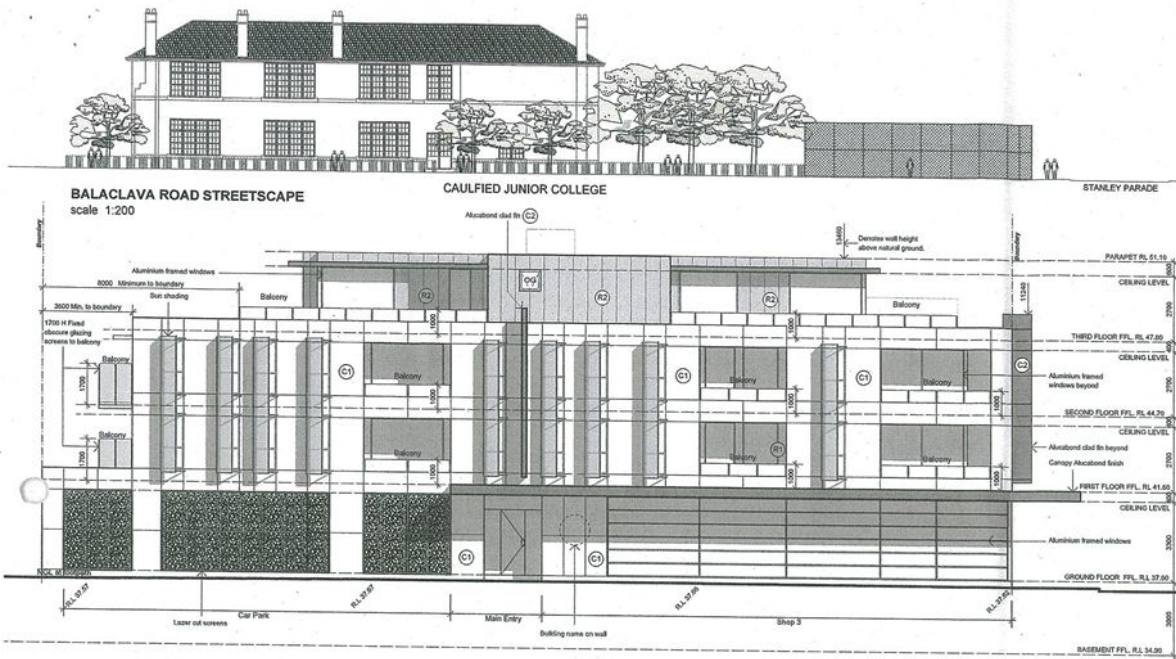
**Level 3 & 4 Floor Plan**  
PROPOSED RETAIL PREMISES AND 15 APARTMENTS  
198-202 Balaclava Road, Caulfield

PROJECT: 13-09  
REVISION: DRAWING NO: TP03  
REVISION NO: L

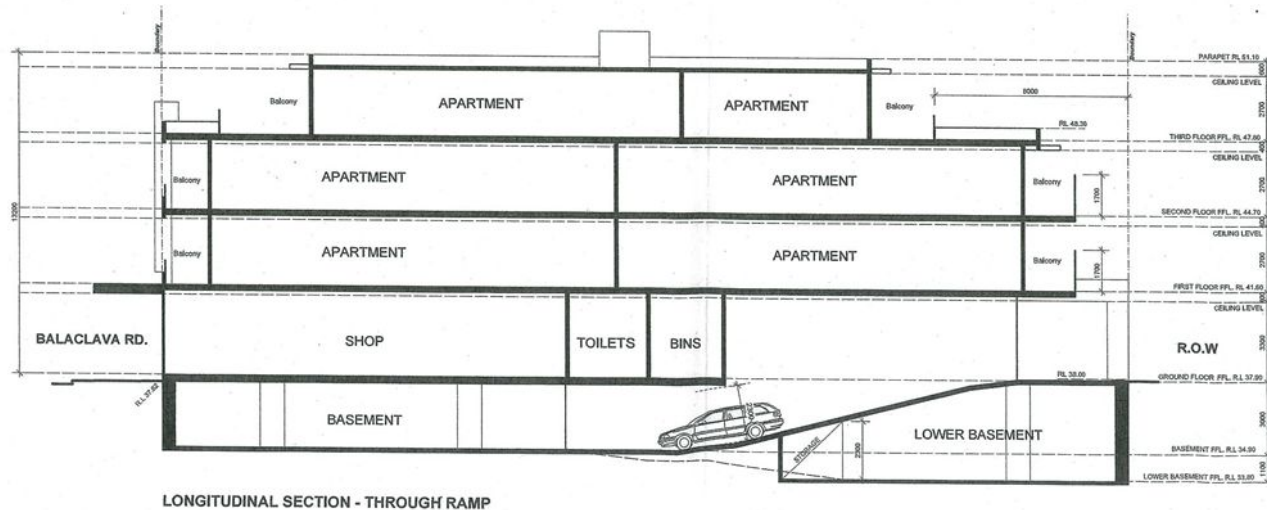
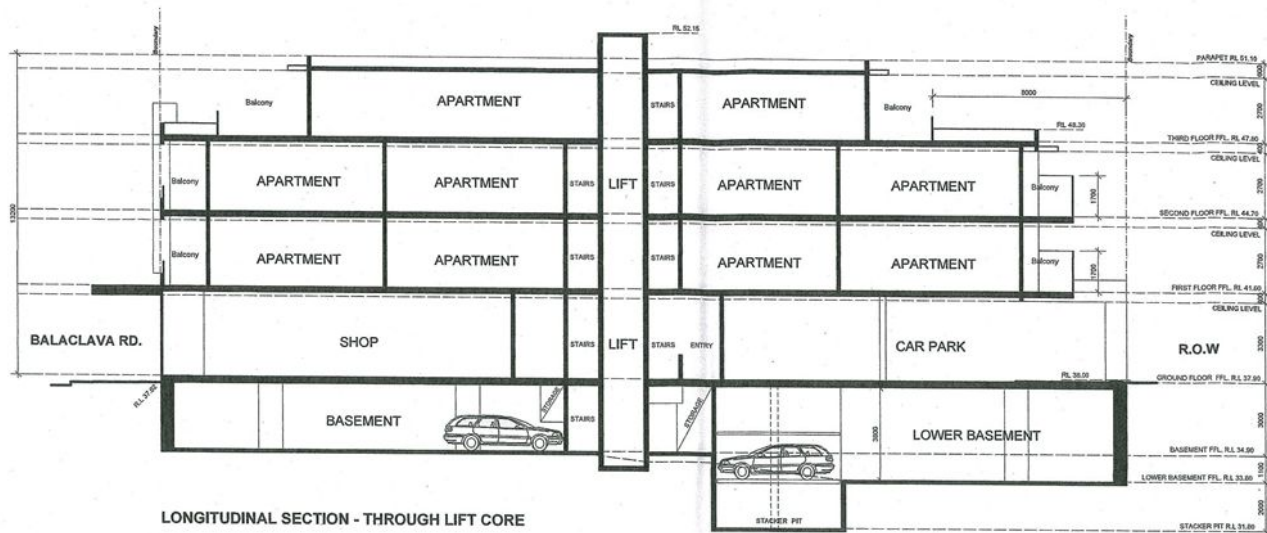
TERRY HARPER ARCHITECTS

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DATE: 23.10.2014  
SCALE: 1:100  
E: 03 0419 5508 F: 03 0419 5468 E: info@terryharpers.com.au

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STATUTORY PLANNING  
DEPARTMENT

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SCALE 1:100 @ A1  
SCALE 1:200 @ A3

Sections  
PROPOSED RETAIL PREMISES AND 15 APARTMENTS  
198-202 Balaclava Road, Caulfield

PROJECT: 13-09 DRAWING No.: TP05 REVISION No.: I

TERRA

TERRY HARPER ARCHITECTS

Site 2/188 Wellington Street Collingwood Victoria 3000 E 03 9419 5555 F 03 9419 5455 info@terryharpersarchitects.com

DATE: 23.10.2014  
SCALE: 1:100

**PROCEDURAL MOTION**

**Crs Lipshutz/Delahunty**

**That Agenda Items 9.4 and 9.5 be dealt with together.**

**The MOTION was put and CARRIED unanimously.**

## Item 9.4

**3 Beatty Crescent ORMOND**  
**APPLICATION NO. GE/PP-27402/2014**

**File No: GE/PP-27402/2014**  
**Enquiries: Karoline Ware**  
**Manager Statutory Planning**



<b>APPLICATION SUMMARY</b>
----------------------------

<b>PROPOSAL</b>	The demolition of the existing dwelling and the construction of a double storey dwelling on land affected by the Heritage Overlay
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit, with conditions that reduce the front fence height and require further details on the material and finishes to be used on the external façade.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Whether the demolition of the existing building is appropriate</li> <li>Impact on the existing heritage character and surrounding properties within the Heritage Overlay</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Heritage – Heritage Policy
<b>APPLICANT</b>	Christine Carmen Georgescu
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>Neighbourhood Residential Zone</li> <li>Heritage Overlay (HO75)</li> </ul>
<b>EXISTING LAND USE</b>	Single storey attached dwelling (Attached to 4 Beatty Crescent)
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>8 properties notified</li> <li>19 notices sent (owners and occupiers)</li> <li>1 sign erected on site</li> <li>38 objections received (at the time of writing)</li> </ul>

**Item 9.4 (cont'd)****1. Community Plan**

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-27402/2014 allowing the demolition of the existing dwelling and the construction of a double storey dwelling on land affected by Heritage Overlay in accordance with the conditions contained in the Appendix.

**3. Applicable Policies and Codes**State Government

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999.
- Heritage Policy – Adopted by Council on 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999

**4. Reasons For Recommendation**

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

Policy

Council's Heritage Policy seeks to protect heritage places that are identified as having architectural, cultural or historic significance by ensuring that redevelopment of such places are sympathetic to the significance of the site and surrounding heritage area.

It is policy that applications to demolish existing buildings, demonstrate sufficient justification for not retaining such buildings, whilst any replacement buildings are to reflect and complement the character of the heritage place or surrounding area.

**Item 9.4 (cont'd)****Neighbourhood Character:**

The subject site is located at the northern end of the Ormond Heritage Precinct as the EE Gunn Reserve is located immediately to the site's north. There are only four dwellings that front Beatty Crescent, which limits the streetscape presentation of this area, particularly given this application is being assessed simultaneously with the application to redevelop 4 Beatty Crescent.

The two other remaining dwellings along Beatty Crescent are single storey Spanish mission style dwelling and a single storey Californian Bungalow style dwelling.

**Demolition:**

Council's Heritage Advisor has assessed that the existing dwelling is not contributory. This because the features of the building reflect that of the post-date WW2 era, as opposed to the predominately Californian Bungalow style dwellings of the Ormond Precinct Environs. On this basis, the demolition of the existing dwelling is acceptable, subject to the replacement building design responding to the key characteristics of the heritage area.

**Proposed dwelling:**

The proposed dwelling consists of a double storey form that will be attached by way of an adjoining party wall to the existing/proposed dwelling at 4 Beatty Crescent.



**Item 9.4 (cont'd)**

The ground floor street setbacks of the dwelling are consistent with that of the dwelling to the west at 2 Beatty Crescent. A single car garage is proposed that is setback behind the front wall of the remainder of the dwelling. The first floor street setback is an additional 5.09 metres from the ground floor and in line with the main ridge line of the adjoining dwelling to the west at 2 Beatty Crescent. The design of the dwelling façade consists of brick walls and a rendered front porch, whilst the first floor consists of a render finish. The dwelling is provided with a hipped roof form that incorporates eaves, whilst window detailing is modest in design.

It is recommended that the details of the proposed material finishes be further clarified, to ensure an appropriate reflection of the key features of the area, which can easily be addressed by way of a condition of approval for a material finishes schedule.

Furthermore, the 1.5 metre high front fence is recommended to be reduced to 1.2 metres to better reflect the front fence character of the area, which can be addressed as a condition of approval.

Council's Heritage Advisor is also supportive of the design of the new dwelling.

It is considered that the proposed dwelling provides an acceptable replacement dwelling for the Beatty Crescent streetscape.

**Item 9.4 (cont'd)****APPENDIX**

**ADDRESS: 3 Beatty Crescent, Ormond**  
**APPLICATION NO: GE/PP-27402/2014**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- The demolition of the existing dwelling and all outbuildings
- Construction of a double storey dwelling with a single car garage
- Ground floor consists of open plan living/dining/kitchen area and a sitting room
- First floor consists of 3 bedrooms and a lounge room
- Traditional design that includes a pitched roof form, render and brick finishes

**2. Public Notice**

- 8 properties notified
- 19 notices sent (owners and occupiers)
- 1 sign erected on site
- 38 objections received (At the time of writing)

The objectors' concerns are summarised as follows:

- Inconsistent with Heritage Policy
- Dwelling is listed as significant and should not be demolished
- No evidence to support the demolition
- Visual mass and bulk impacts within the street
- Overdevelopment that is not low density
- Inconsistent with the prevailing character of the area
- Will set an undesirable precedent
- Concerned about the application being lodged during school holidays
- First floor is overly dominant
- Inappropriate manner in which the applications have been lodged

**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:

**Item 9.4 (cont'd)***Heritage Advisor*

- The building on the subject site is non-contributory, reflecting the fact that the building looks to post-date WW2. Therefore, demolition would be acceptable, subject to agreement on the replacement building.
- This is the second proposal for this site and is improved on the previous scheme, in that car parking accommodation is provided in a more discreet manner than in the previous proposal.
- The proposed infill building is two-storey, in the context of an area predominated by single storey development. However, having said that, the upper level is set back sufficiently from the ground floor, enabling an “apron” of single storey development at the front. Furthermore, there is a large 2-storey house to the immediate east of this site.
- The front fence, however, should be reduced in height to a maximum height of 1.2 metres, to better reflect the predominant front fence character of the area.

**4. Planning Conference**

The Conference 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:

- Why have the Heritage Overlay if approval is granted for the demolition of such buildings.
- Local Planning Policy does not support demolition of dwellings without sufficient justification.
- Will set a precedent for other dwellings within the heritage area to be demolished.
- Proposed dwellings do not reflect the heritage character of the area.
- Should approval be granted, concerns were raised about only one of the approvals being acted on.

**5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as demolishing plan and dated 1 December 2014, Sheet drg\_001, drg\_002, drg\_003 and drg\_004, all dated 6 November 2014 and all prepared by Agart Studio) but modified to show:
  - a) A schedule of construction materials, external finishes and colours that reflect the predominant character of the heritage area, to the satisfaction of the Responsible Authority; and
  - b) The front fence height is to be reduced to a maximum of 1.2 metres above the natural ground level.
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

**Item 9.4 (cont'd)**

3. This Permit will expire if:

- The development, including demolition 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.

**Notations**

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. This Planning Permit represents the Planning approval for the development of the land within a Heritage Overlay. Assessment of the application has been undertaken only in respect to heritage issues under Clause 43.01 of the Glen Eira Planning Scheme. The application has not been assessed in respect to the development standards and objectives of Clause 54 of the Glen Eira Planning Scheme.

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.

**Item 9.4 (cont'd)**

- E. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- 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. This planning permit does not represent approval for residential siting in particular building height. This will be a matter for the relevant building surveyor to assess during the Building Permit application process. On 23rd August 2013 the Glen Eira Planning Scheme was amended by the State Government to include a mandatory maximum height requirement of 8 metres in the Neighbourhood Residential Zone.

**Item 9.4 (cont'd)****Crs Sounness/Delahunt**

**That a Refusal to Grant a Permit be issued for Application No. GE/PP-27402/2014 for the following reasons:**

- 1. The proposal does not comply with Clause 21.10 and 22.01 of the Glen Eira Planning Scheme in terms of:**
  - **The existing dwelling contributes to the heritage values of the heritage precinct and demolition of such a building would have an unreasonable impact on this.**
  - **The proposed dwelling is not a sympathetic redevelopment and does not enhance the heritage character of the site, street or general area.**
- 2. The proposal does not comply with Clause 43.01 (Heritage Overlay) of the Glen Eira Planning Scheme in terms of:**
  - **The location, bulk, form and appearance of the proposed building will adversely affect the significance of the heritage area.**
  - **The location, bulk, form and appearance of the proposed building are not in keeping with the character and appearance of adjacent buildings.**
- 3. The proposed dwelling contradicts the intent and objectives of Council's Minimal Change Area Policy (Clause 22.08-3.2). It does not respect the scale, form and setbacks of buildings on properties affected by the Heritage Overlay and compromises the heritage values of the area.**

**The MOTION was put and CARRIED unanimously.**



# site area analysis Nr3:

site area:	380m2
proposed site coverage:	188 (49.5%)
private open space:	130 m2 incl. secluded private open space & service areas
total hard cover area:	250 m2 incl. driveways and terraces
permeability:	34.2 %

BUSHES / LOW TREES -  
ht approx 4m

17.56

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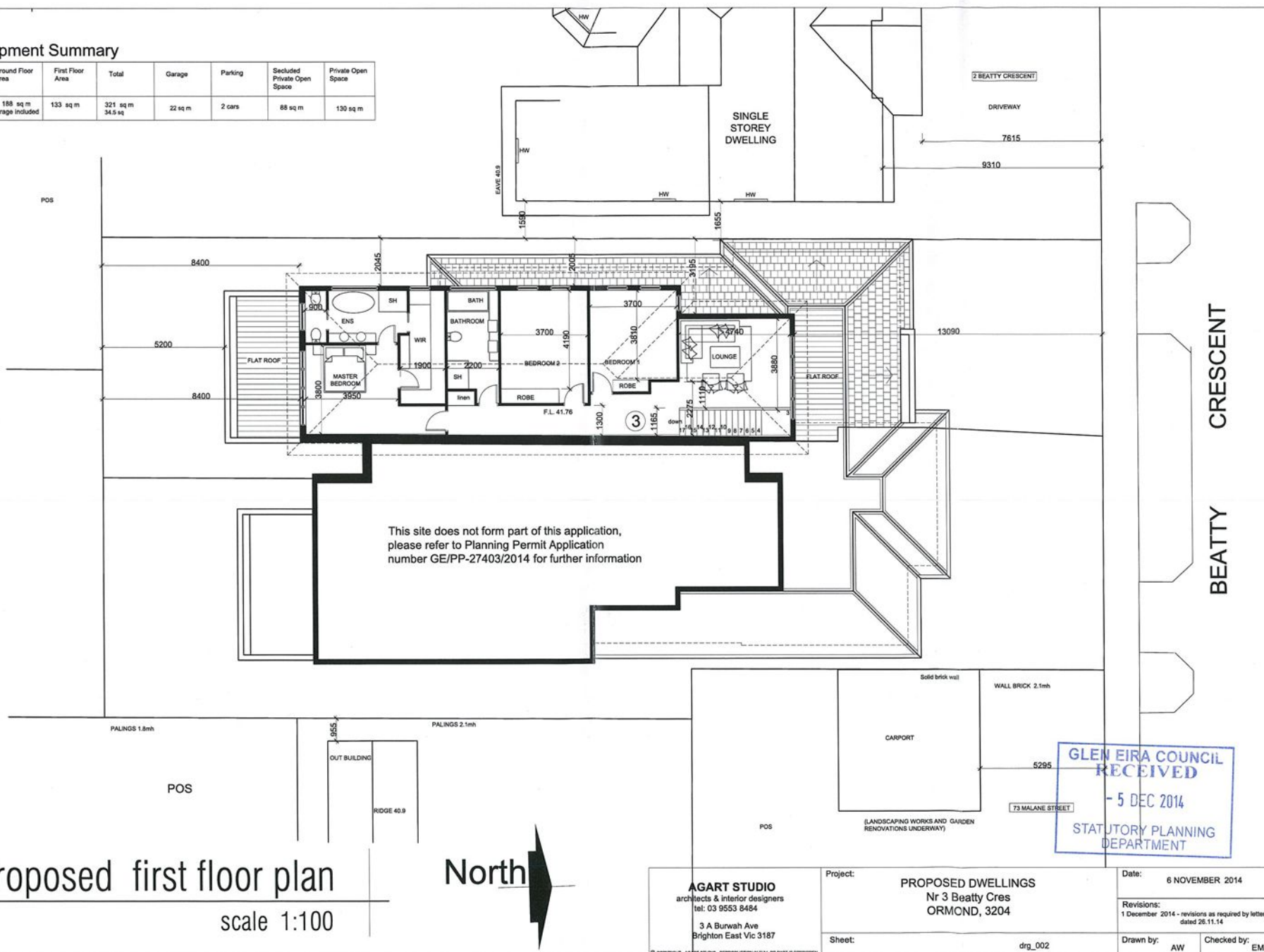
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DRIVEWAY

9210



Dwelling	Ground Floor Area	First Floor Area	Total	Garage	Parking	Secluded Private Open Space	Private Open Space
3	188 sq m garage included	133 sq m	321 sq m 34.5 sq	22 sq m	2 cars	88 sq m	130 sq m



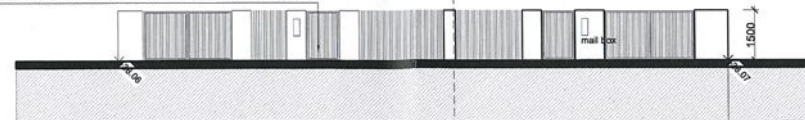
This site does not form part of this application,  
please refer to Planning Permit Application  
number GE/PP-27403/2014 for further information



north (front) elevation

scale 1:100

This site does not form part of this application,  
please refer to Planning Permit Application  
number GE/PP-27403/2014 for further information



front fence

scale 1:100



west elevation

scale 1:100

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**AGART STUDIO**  
architects & interior designers  
tel: 03 9553 8484

3 A Burwah Ave  
Brighton East Vic 3187

Project:

**PROPOSED DWELLINGS**  
Nr 3 Beatty Cres  
ORMOND, 3204

Date: 6 NOVEMBER 2014

Revisions:  
1 December 2014 - revisions as required by letter  
dated 26.11.14

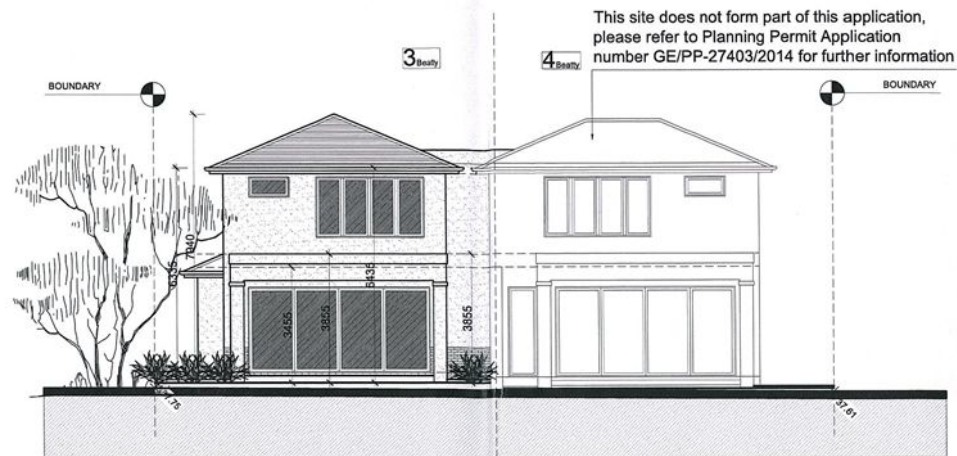
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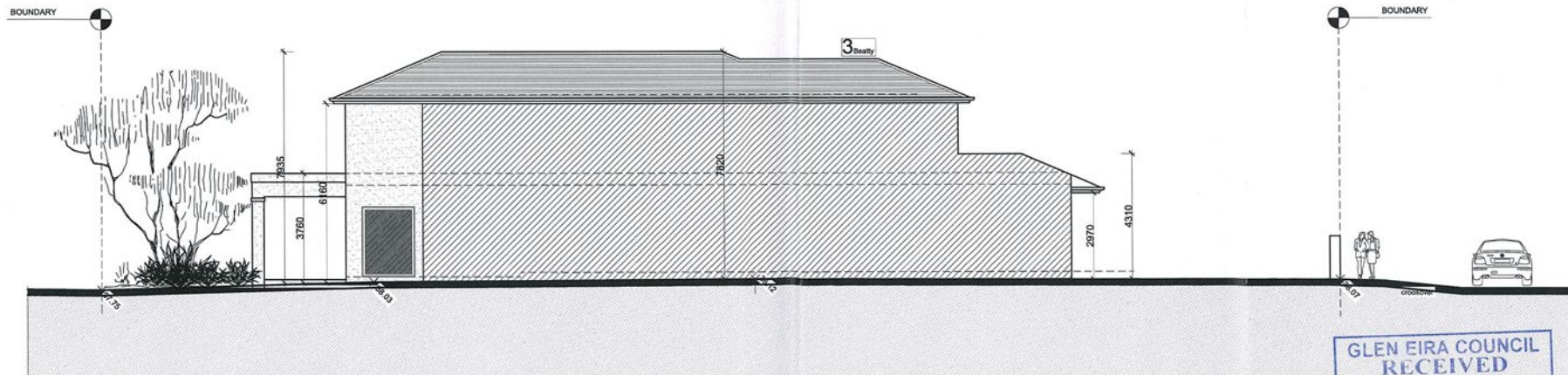
Checked by: EM





south elevation

scale 1:100



east elevation

scale 1:100

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## Item 9.5

**4 Beatty Crescent ORMOND**  
**APPLICATION NO. GE/PP-27403/2014**

**File No: GE/PP-27403/2014**  
**Enquiries: Karoline Ware**  
**Manager Statutory Planning**



<b>APPLICATION SUMMARY</b>
----------------------------

<b>PROPOSAL</b>	The demolition of the existing dwelling and construction of a double storey dwelling on land affected by the Heritage Overlay
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit, with conditions that reduce the front fence height and require further details on the material and finishes to be used on the external façade.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Whether the demolition of the existing building is appropriate</li> <li>Impact on the existing heritage character and surrounding properties within the Heritage Overlay</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Heritage – Heritage Policy
<b>APPLICANT</b>	Christine Carmen Georgescu
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>Neighbourhood Residential Zone</li> <li>Heritage Overlay (HO75)</li> </ul>
<b>EXISTING LAND USE</b>	Single storey attached dwelling (attached to 3 Beatty Crescent)
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>8 properties notified</li> <li>19 notices sent (owners and occupiers)</li> <li>1 sign erected on site</li> <li>39 objections received (At the time of writing)</li> </ul>

**Item 9.5 (cont'd)****1. Community Plan**

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-27403/2014 allowing the demolition of the existing dwelling and the construction of a double storey dwelling on land affected by Heritage Overlay in accordance with the conditions contained in the Appendix.

**3. Applicable Policies and Codes**State Government

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999.
- Heritage Policy – Adopted by Council on 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999

**4. Reasons For Recommendation**

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

Policy

Council's Heritage Policy seeks to protect heritage places that are identified as having architectural, cultural or historic significance by ensuring that redevelopment of such places are sympathetic to the significance of the site and surrounding heritage area.

It is policy that applications to demolish existing buildings, demonstrate sufficient justification for not retaining such buildings, whilst any replacement buildings are to reflect and complement the character of the heritage place or surrounding area.

**Item 9.5 (cont'd)****Neighbourhood Character:**

The subject site is located at the northern end of the Ormond Heritage Precinct as the EE Gunn Reserve is located immediately to the site's north. There are only four dwellings that front Beatty Crescent, which limits the streetscape presentation of this area, particularly given this application is being assessed simultaneously with the application to redevelop 3 Beatty Crescent.

The two other remaining dwellings along Beatty Crescent are single storey Spanish mission style dwelling and a single storey Californian Bungalow style dwelling.

**Demolition:**

Council's Heritage Advisor has identified that the existing dwelling is not contributory to the Ormond Precinct Environs. This is because the features of the building reflect that of the post-date WW2 era, as opposed to the predominately Californian Bungalow style dwellings of the Ormond Precinct Environs. The dwelling also has a single car garage in front of it, which extends into the front setback. This dominates the frontage of the dwelling when viewed within the streetscape.

On this basis, the demolition of the existing dwelling is acceptable, subject to the replacement building design responding to the key characteristics of the heritage area.

**Proposed dwelling:**

The proposed dwelling consists of a double storey form that will be attached by way of an adjoining party wall to the existing/proposed dwelling at 3 Beatty Crescent.

**Item 9.5 (cont'd)**

The ground floor street setbacks of the dwelling are consistent with that of the dwelling to the west at 2 Beatty Crescent. A single car garage is proposed that is setback behind the front wall of the remainder of the dwelling. The first floor street setback is an additional 5.93 metres from the ground floor and in line with the main ridge line of the adjoining dwelling to the west at 2 Beatty Crescent. The design of the dwelling façade consists of brick walls and a rendered front porch, whilst the first floor consists of a render finish. The dwelling is provided with a hipped roof form that incorporates eaves, whilst window detailing is modest in design.

It is recommended that the details of the proposed material finishes be further clarified, to ensure an appropriate reflection of the key features of the area, which can easily be addressed by way of a condition of approval for a material finishes schedule.

Furthermore, the 1.5 metre high front fence is recommended to be reduced to 1.2 metres to better reflect the front fence character of the area, which can be addressed as a condition of approval.

Council's Heritage Advisor is also supportive of the design of the new dwelling.

It is considered that the proposed dwelling provides an acceptable replacement dwelling for the Beatty Crescent streetscape.



**Item 9.5 (cont'd)****APPENDIX**

**ADDRESS: 4 Beatty Crescent, Ormond**  
**APPLICATION NO: GE/PP-27403/2014**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- The demolition of the existing dwelling and all outbuildings
- Construction of a double storey dwelling with a single car garage
- Ground floor consists of open plan living/dining/kitchen area and a sitting room
- First floor consists of 3 bedrooms and a lounge room
- Traditional design that includes a pitched roof form, render and brick finishes

**2. Public Notice**

- 8 properties notified
- 19 notices sent (owners and occupiers)
- 1 sign erected on site
- 39 objections received (At the time of writing)

The objectors' concerns are summarised as follows:

- Inconsistent with Heritage Policy
- Dwelling is listed as significant and should not be demolished
- No evidence to support the demolition
- Visual mass and bulk impacts within the street
- Overdevelopment that is not low density
- Inconsistent with the prevailing character of the area
- Will set an undesirable precedent
- Concerned about the application being lodged during school holidays
- First floor is overly dominant
- Inappropriate manner in which the applications have been lodged

**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:



**Item 9.5 (cont'd)***Heritage Advisor*

- The building on the subject site is non-contributory, reflecting the fact that the building looks to post-date WW2. Therefore, demolition would be acceptable, subject to agreement on the replacement building.
- This is the second proposal for this site and is improved on the previous scheme, in that car parking accommodation is provided in a more discreet manner than in the previous proposal.
- The proposed infill building is two-storey, in the context of an area predominated by single storey development. However, having said that, the upper level is set back sufficiently from the ground floor, enabling an “apron” of single storey development at the front. Furthermore, there is a large 2-storey house to the immediate east of this site.
- The front fence, however, should be reduced in height to a maximum height of 1.2 metres, to better reflect the predominant front fence character of the area.

**4. Planning Conference**

The Conference 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:

- Why have the Heritage Overlay if approval is granted for the demolition of such buildings.
- Local Planning Policy does not support demolition of dwellings without sufficient justification.
- Will set a precedent for other dwellings within the heritage area to be demolished.
- Proposed dwellings do not reflect the heritage character of the area.
- Should approval be granted, concerns were raised about only one of the approvals being acted on.

**5. Conditions**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as demolishing plan and dated 1 December 2014, Sheet: drg\_001, drg\_002, drg\_003 and drg\_004, all dated 6 November 2014 and all prepared by Agart Studio) but modified to show:
  - a) A schedule of construction materials, external finishes and colours that reflect the predominant character of the heritage area, to the satisfaction of the Responsible Authority; and
  - b) The front fence height is to be reduced to a maximum of 1.2 metres above the natural ground level.
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

**Item 9.5 (cont'd)**

3. This Permit will expire if:

- The development, including demolition 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.

**Notations**

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. This Planning Permit represents the Planning approval for the development of the land within a Heritage Overlay. Assessment of the application has been undertaken only in respect to heritage issues under Clause 43.01 of the Glen Eira Planning Scheme. The application has not been assessed in respect to the development standards and objectives of Clause 54 of the Glen Eira Planning Scheme.

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.

**Item 9.5 (cont'd)**

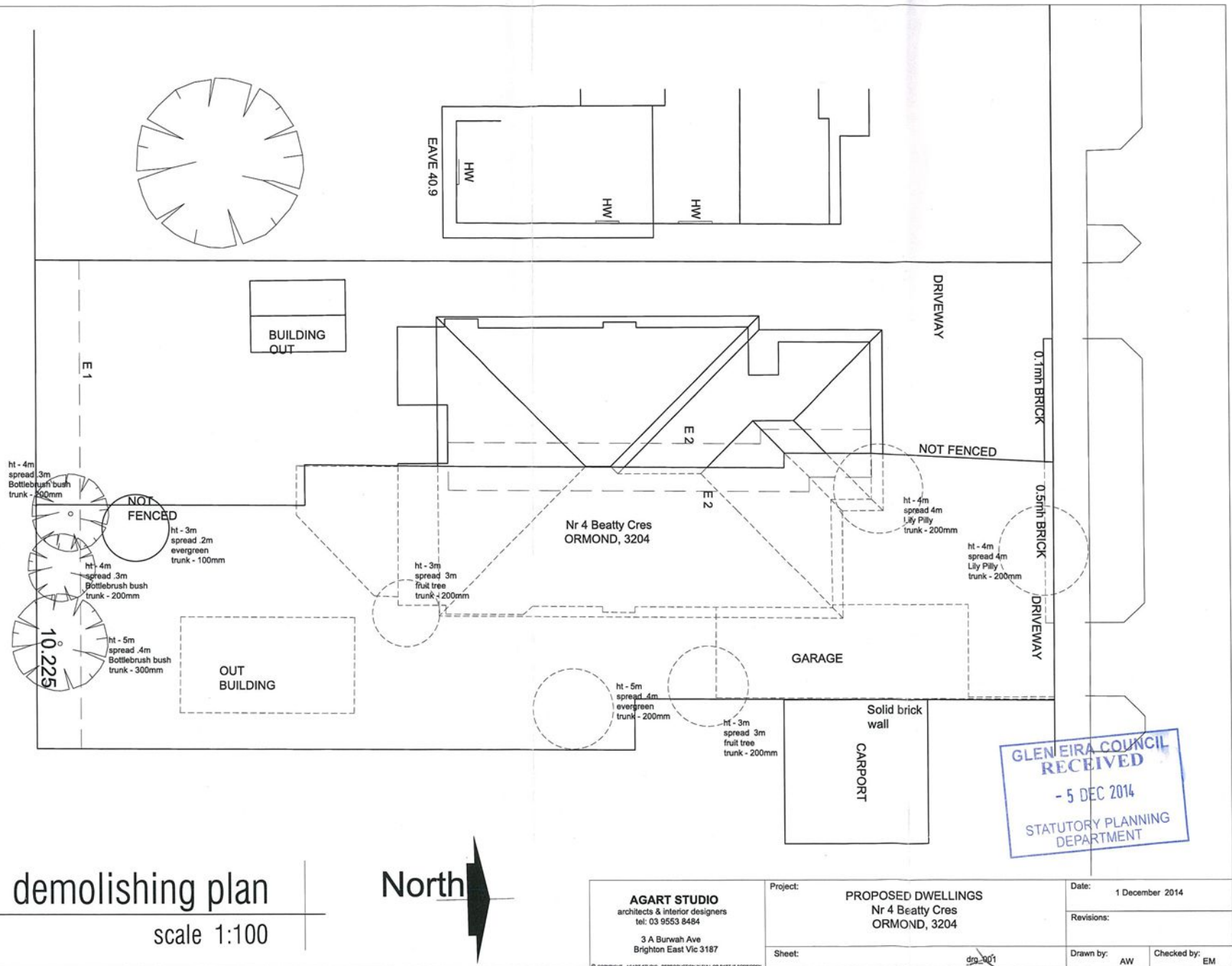
- E. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- F. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- 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. This planning permit does not represent approval for residential siting in particular building height. This will be a matter for the relevant building surveyor to assess during the Building Permit application process. On 23rd August 2013 the Glen Eira Planning Scheme was amended by the State Government to include a mandatory maximum height requirement of 8 metres in the Neighbourhood Residential Zone.

**Item 9.5 (cont'd)****Crs Sounness/Delahunty**

**That a Refusal to Grant a Permit be issued for Application No. GE/PP-27403/2014 for the following reasons:**

- 1. The proposal does not comply with Clause 21.10 and 22.01 of the Glen Eira Planning Scheme in terms of:**
  - The existing dwelling contributes to the heritage values of the heritage precinct and demolition of such a building would have an unreasonable impact on this.
  - The proposed dwelling is not a sympathetic redevelopment and does not enhance the heritage character of the site, street or general area.
- 2. The proposal does not comply with Clause 43.01 (Heritage Overlay) of the Glen Eira Planning Scheme in terms of:**
  - The location, bulk, form and appearance of the proposed building will adversely affect the significance of the heritage area.
  - The location, bulk, form and appearance of the proposed building are not in keeping with the character and appearance of adjacent buildings.
- 3. The proposed dwelling contradicts the intent and objectives of Council's Minimal Change Area Policy (Clause 22.08-3.2). It does not respect the scale, form and setbacks of buildings on properties affected by the Heritage Overlay and compromises the heritage values of the area.**

**The MOTION was put and CARRIED unanimously.**



# site area analysis Nr4:

site area:	453.4m <sup>2</sup>
proposed site coverage:	226 (49.8%)
private open space:	139m <sup>2</sup> incl. secluded private open space & service areas
total hard cover area:	250m <sup>2</sup> incl. driveways and terraces
permeability:	40 %

POS

1.5m PALINGS & 0.5m TRELLIS

PALINGS 1.5m

This site does not form part of this application,  
please refer to Planning Permit Application  
number GE/PP-27402/2014 for further information

## LEGEND

- Existing tree to remain
- Proposed new tree
- Proposed new bushes
- Bolland type Lights on timer at 6-8m spacing

proposed ground floor plan

scale 1:100

North

Nr 4 Beatty Cres

Site Area - total 453.4 Sq m - site coverage 226 sq m / 49.8 %

AGART STUDIO  
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tel: 03 9553 8484

3 A Burwah Ave  
Brighton East Vic 3187

Project:

PROPOSED DWELLINGS  
Nr4 Beatty Cres  
ORMOND, 3204

Sheet:

drg\_001

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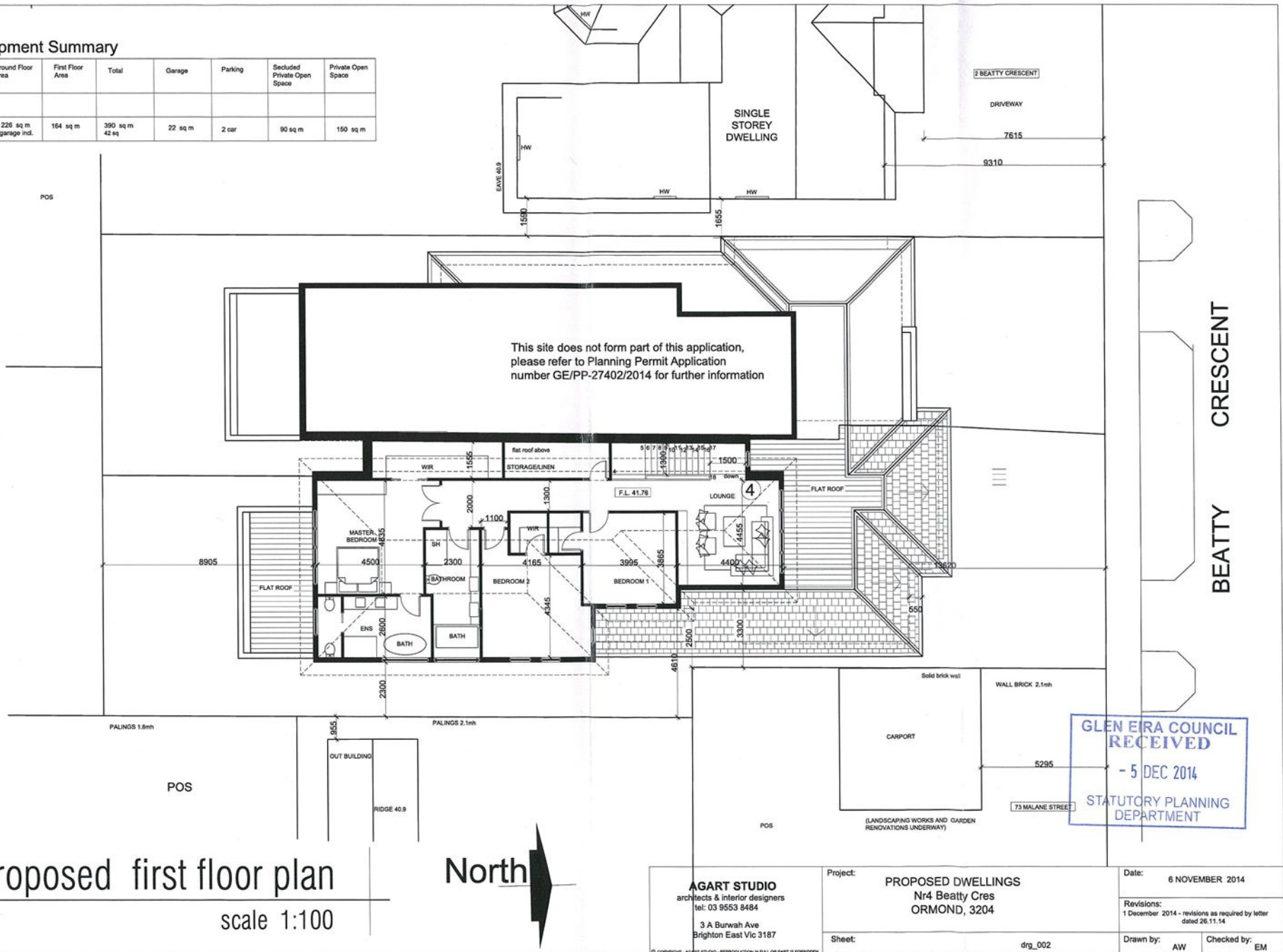
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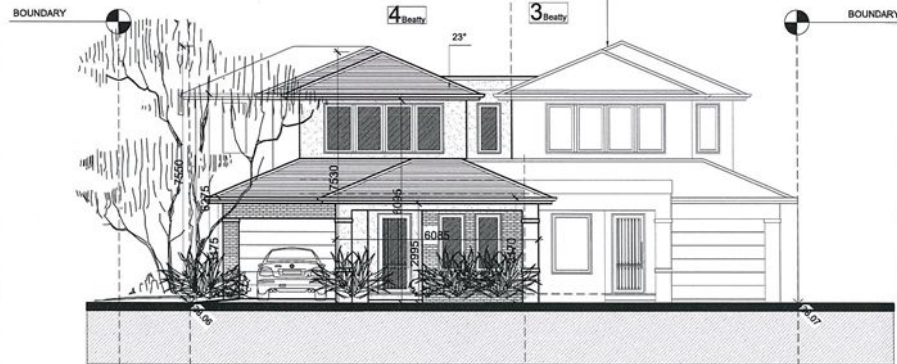
# Development Summary

Dwelling	Ground Floor Area	First Floor Area	Total	Garage	Parking	Secluded Private Open Space	Private Open Space
4	226 sq m garage incl.	164 sq m	390 sq m 42 sq	22 sq m	2 car	90 sq m	150 sq m



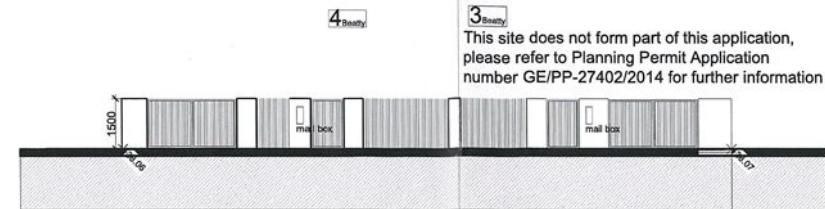


This site does not form part of this application,  
please refer to Planning Permit Application  
number GE/PP-27402/2014 for further information



north (front) elevation

scale 1:100



front fence

scale 1:100



east elevation

scale 1:100

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Nr4 Beatty Cres  
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Sheet: drg\_003

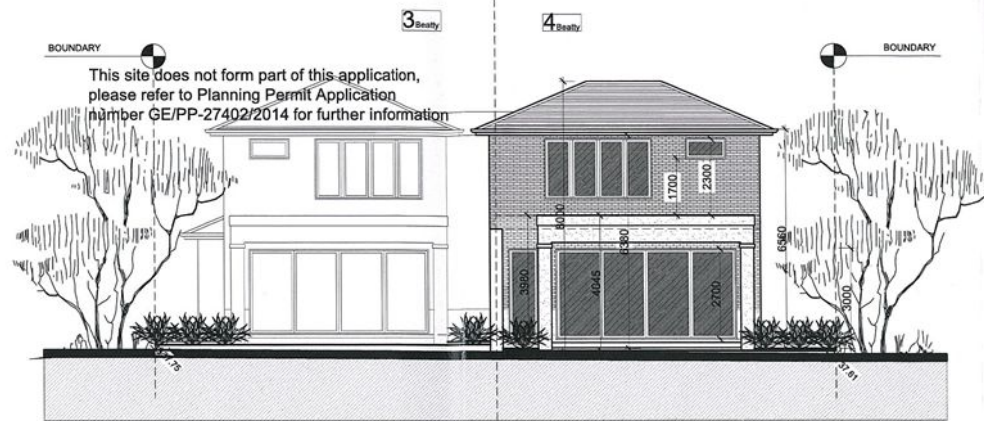
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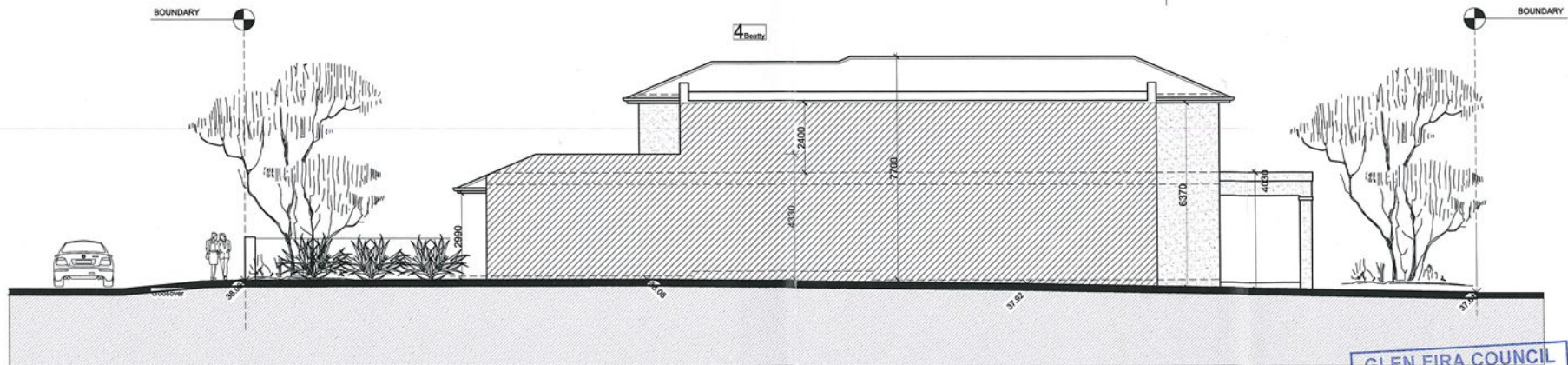
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south elevation

scale 1:100



west elevation

scale 1:100

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**Item 9.6****CHILD CARE CENTRES POLICY  
PLANNING SCHEME AMENDMENT C123****Enquiries: Hannah Pascoe  
Strategic Planner****1. Community Plan**Development and Planning**2. Proposal**

The amendment proposes to update the Child Care Centres Policy.

**3. Recommendation**

That Council:

- a) Notes the two (2) submissions received.
- b) Requests the Minister for Planning to refer Amendment C123 to an independent panel to consider submissions.

**4. Background**

Residential zones in Victoria allow for non residential uses such as medical centres, schools and child care centres.

The Non Residential Uses in Residential Zones Policy was introduced in August 1999 and a separate Child Care Centres Policy was introduced in 2008. Council's Non Residential Uses in Residential Zones Policy was recently reviewed.

This amendment reviews the Child Care Centres Policy to ensure consistency between the two policies. In particular, a policy statement has been introduced for the height of child care centres to be within the mandatory height limit as specified in the new residential zones.

A map has been included to show the preferred locations of child care centres. The recommended car parking rate of 0.2 per child has been deleted from the Child Care Centre Policy, as a new statewide car parking rate of 0.22 to each child is specified in the car parking guidelines of the planning scheme.

Other changes to the policy have been made to formatting and preferred language to conform with the State Government's Practice Note for writing local planning policies.

**Item 9.6 (cont'd)****5. Exhibition**

The amendment was exhibited from 22 January – 23 February 2015.

Two (2) submissions were received regarding the amendment. The submissions can be summarised as follows:

- The amendment will result in a loss of safety for local residents, spoil the amenity of local area, impact traffic conditions and impact real estate values;
- Statements in the policy are too general;
- Do not support that child care centres should be located on corner sites;
- Do not support restrictions for tandem car parking and for pick up and drop off parking to be located towards the front of the site;
- It is not always necessary to have separate pedestrian access between the street and the facility;
- It is suggested that car stackers could be included in the policy as an option for staff parking;
- It is suggested that further guidance for waste collection and bicycle parking for staff and parents could be provided in the policy;
- Child care centres may benefit from high solid front fences which is contrary to the policy;
- Imposing a residential height control on a non-residential use is contrary to the purpose of the zones;
- Landscaping policy is too descriptive which may not contribute to the best outcome for a child care centre development; and
- Landscape buffer width requirements should align with the requirements for other non-residential uses in residential zones.

**6. Planning Conference**

A planning conference was chaired by Councillor Lipshutz and attended by one (1) submitter, three (3) residents and a Council officer.

The key points that were raised at the conference include:

- Child Care Centres are causing parking issues which the policy does not sufficiently address.
- Disagree with deleting the objective to “*ensure adequate provision for onsite car parking and drop off areas*”.
- The policy does not address issues of car parking relating to clear ways and courts.
- Disagree with deleting of car parking clause relating to provision of clear sight lines when entering and exiting.
- Disagree with change of language and particular words in the policy.
- Disagree with changes to the landscaping policy.

**Item 9.6 (cont'd)****7. Planning Office Response**Car parking

The recommended car parking rate within the existing policy (0.2 spaces per child) has been deleted from the updated Child Care Centres Policy, as it is now specified in the State-wide car parking guidelines. The State-wide car parking requirement for child care centres is 0.22 car spaces to each child. This rate is higher than the rate specified in the existing Child Care Centres policy. Other changes have been made to the car parking section in the policy to remove overlap as this information is provided in the State car parking guidelines. The State Government's Practice Note for writing local planning policies does not allow for duplication in the planning scheme.

Heights

The updated policy requires building heights to be within the mandatory height of the residential zone.

It is noted that the same height statement was supported by the independent Panel for Council's Non Residential Uses in Residential Zones Policy. This policy statement now forms part of this policy.

Language

Submitters have raised concerns with respect to the language used within the updated Policy. The policy has been revised to comply with the State Government's Planning Practice Note 8 – *Writing a Local Planning Policy* in terms of formatting and preferred language. Preferred expressions for statements that explain how a responsible authority will exercise its discretion have been included.

**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 submissions 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.

**Item 9.6 (cont'd)**

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 Lipshutz/Hyams**

**That the recommendation in the report be adopted.**

**8.30PM Cr Delahunty left the Chamber.**

**8.33PM Cr Delahunty returned to the Chamber.**

**The MOTION was put and CARRIED.**

**Attachment 1– Revised Child Care Centres Policy****22.11 CHILD CARE CENTRES POLICY**05/05/2011  
C123

This policy applies to the use and development of land for child care centres (including kindergartens) within the municipality.

**Policy Basis**

The purpose of this policy is to establish reasonable location, design and amenity standards to apply to child care centres within Glen Eira.

This policy provides guidance, on the preferred location and design of child care centres within the municipality.

The Municipal Strategic Statement recognises that the development and expansion of non residential uses, (such as child care centres) in residential areas is an issue that warrants further recognition and policy direction. Where possible these facilities should be integrated into residential areas with minimum impact or loss of residential amenity. They should also aim to protect the surrounding neighbourhood character of an area.

**22.11-1 Objectives**05/05/2011  
C123

The objectives of this policy are:

- To encourage child care centres to locate in strategic locations that have good access to public transport, commercial, community, educational and recreational facilities.
- To ensure child care centres have minimal impact on adjoining neighbours.
- To encourage the design, location and form of child care centres which are compatible with the surrounding built form environment.
- To ensure that traffic generated by the use does not adversely impact the street and the locality.
- To minimise the impacts of noise, overlooking, overshadowing, car parking and traffic on the surrounding neighbourhood.
- To maintain the garden character of the neighbourhood.

**22.11-2 Policy**05/05/2011  
C123

It is policy to:

**Preferred location of centres**

- Encourage the location of child care centres near schools and pre-schools and along main and secondary roads.
- Encourage the location of child care centres in “preferred locations” including main and secondary roads and on corner sites with vehicular access from a service or side road (see map on page 2 of policy for locations of main and secondary roads in Glen Eira).
- Ensure that the use and development of childcare centres be at least 200 metres (measured by the shortest route reasonably accessible on foot) from an adult sex bookshop, a brothel and any sexually explicit adult entertainment venue.
- Discourage the location of child care centres on local streets.





**Car parking, vehicle access, car park layout and traffic**

- Ensure that tandem parking is only provided for staff parking, where necessary.
- Discourage the need for vehicles to reverse across pedestrian areas.
- Discourage awkwardly skewed and modified T and cross intersections within the site. Avoid the use of accessways for pick up and drop off.
- Provide separate pedestrian access between the street and the facility. Pedestrian paths should be 1.2m in width and clear of parked cars. Ensure that the traffic generated by a child care centre has minimal impact on the street. An average peak hour rate of 0.91 trips per child should be adopted.
- Ensure that parking used for pick up and drop off is located towards the front of the site. Any parking to the sides, rear of the site or in a basement should be limited to staff parking unless on a corner site.

**Siting and built form**

- Ensure that the scale, height, materials of construction, setbacks, site coverage, building and roof form of child care centres respects the preferred and existing neighbourhood character.
- Ensure that new buildings and extensions to existing child care centres are constructed with minimal overlooking and overshadowing to adjoining residential neighbours. Adequate screening should be provided to avoid overlooking.
- Require appropriate acoustic treatments, including but not limited to a fence, treatment of external walls, roofs, all floors, windows and play areas where centres may impact adjoining neighbours.
- Discourage high front solid fences in local residential streets.
- Retain existing dwellings where appropriate in preference to purpose built facilities.
- Ensure that new buildings proposed fronting the long side of a corner site, have a minimum side street setback of 3.0m.
- Ensure that new side walls of buildings setback a minimum of 2.0m from the side street.
- Ensure walls proposed on side and rear boundaries to have an average height of 3.2m and maximum height of 3.6m
- Any buildings are not greater than the mandatory maximum height specified in the relevant residential zone applying to the subject land.
- Side walls (if the wall is not located on the boundary) setback 1m plus minimum 0.3m for every 1m in height over 3.6m and up to a height of 6.9m.

*Note: the setback is measured to the wall face of the building, eaves, porches and verandahs may project forward of this line.*

**General amenity**

- Minimise the visual impact of car parking on the sites frontage.
- Ensure that the hours of operation are Monday- Friday between 7am-6.30pm (excluding ancillary functions i.e. cleaning, maintenance and administration). These hours may be varied depending on the location of the proposed development/use and its proximity to sensitive residential areas.

**Landscaping**

- Ensure that the frontage and perimeter of the site is planted in a manner and style that respects the landscaped character of the neighbourhood.
- Encourage a generous landscape buffer in the front setback. Where car parking and drop off areas are proposed in the front setback.
- Ensure adequate landscape strips along the driveway to both 'soften' the appearance of the development and act as a noise and visual buffer to adjacent properties.

- Encourage the retention of mature vegetation on the site.
- Encourage an adequate landscape buffer (1.5m in width) where car parking areas abut residential dwellings. Ensure that the landscape buffer is heavily planted with large shrubs.
- Ensure the width of a driveway landscape buffer is 300-500mm wide.

**22.11-4 Reference Documents**

05/05/2011  
C64

Glen Eira City Council Traffic Report-Child Care Centres Study March 2009.

## Item 9.7

VCAT WATCH  
APRIL 2015Enquiries: Michael Henderson  
Supervising Planner (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 Policy, not necessarily apply it.

## 2. Decisions

ADDRESS	<b>144 HAWTHORN ROAD, CAULFIELD NORTH</b>
PROPOSAL	CONSTRUCTION OF A SIX-STOREY BUILDING COMPRISING TWO SHOPS AND THIRTY-SEVEN DWELLINGS
COUNCIL DECISION	REFUSAL (RESOLUTION)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• REDUCTION IN THE NUMBER OF DWELLINGS BY THREE; AND</li> <li>• IMPROVED CAR PARK LAYOUT.</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	YOEL ROSENWALD

***“Having regard to the scale and form of existing development, there is no question that, at six storeys, the proposal will have a level of prominence within the centre. This is both from within the immediate streetscape and from further afield, in more distant locations along Hawthorn Road, for example. We do not find this to be a reason to refuse a permit. The policies anticipate the emergence of larger built forms within the centre. It is to be expected that these structures will have a degree of visibility within their context. This is particularly so given that this development is ‘the first cab off the rank’ within a low-rise environment.”*** VCAT Members – Bill Sibonis and Tracey Bilston-McGillen

- The subject site is located within the Commercial 1 Zone and the Caulfield Park Neighbourhood Centre. The built form within the centre ranges from single storey to four-storeys.
- The application was refused on grounds relating to the visual dominance of the proposal, the lack of transition to adjoining properties and inadequate car parking provisions. The application also failed to ensure adequate internal amenity to the ground floor dwellings.

**Item 9.7 (cont'd)**

- 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 Council Policy. Further, the Tribunal held that visitor car parking can adequately be accommodated within on-street car parking in the area.
- On this basis, the Tribunal determined to overturn Council's decision and directed a planning permit be issued, subject to conditions which ensure no unreasonable overlooking of adjoining properties occurs and improved vehicle egress to and from the site.

ADDRESS	<b>252-254 TUCKER ROAD, MCKINNON</b>
PROPOSAL	CONSTRUCTION OF A TWO-STOREY CHILD CARE CENTRE
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• REDUCTION IN THE NUMBER OF CHILDREN BY SIX FROM 138 TO 132;</li> <li>• IMPROVED CAR PARK LAYOUT; AND</li> <li>• INCREASED TUCKER ROAD SETBACKS AT FIRST FLOOR.</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	DORANIT PTY LTD

***“I am satisfied that the height, massing, materials, roofing, landscaping and built form would be respectful of its domestic residential context and, while it would be larger, it would not be unduly prominent, intrusive or jarring in this evolving streetscape.”*** VCAT Member – Geoff Rundell

- The subject site is located within the Neighbourhood Residential Zone, which generally consists of single and double-storey dwellings. A number of multi-dwelling developments are interspersed within the area.
- The application was refused on grounds relating to its non-compliance with Council's Childcare Centres Policy, its compatibility with the residential character of the area and inadequate landscaping opportunities.
- In determining the application, the Tribunal held that the location of the centre, on a secondary road and near facilities is an appropriate outcome. Further, the Tribunal held that the building would be respectful of the residential context and provide adequate post-construction landscaping opportunities.

**Item 9.7 (cont'd)**

- On this basis, the Tribunal determined to overturn Council's decision and directed a planning permit be issued, subject to conditions which require acoustic fencing and a detailed landscape plan.

ADDRESS	<b>31 EAST BOUNDARY ROAD &amp; 58 ABBIN AVENUE, BENTLEIGH EAST</b>
PROPOSAL	CONSTRUCTION OF A TWO-STOREY BUILDING AND USE OF THE LAND AS A CHILD CARE CENTRE
COUNCIL DECISION	NOD (RESOLUTION)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	PERMIT
APPELLANT	C & P GEORGOULAS, P SAKKAS, A & R TUDOR AND J STEENBERG (OBJECTORS) FLAME SPIKE PTY LTD (APPLICANT)

***“Undoubtedly the proposed Child care centre will be larger in overall form than many of the surrounding dwellings. Despite this I find that it will be an appropriate insertion into this neighbourhood. I make this finding for the following reasons. The large corner site, with an abuttal to a main road, lends itself to a larger built form with a series of appropriate setbacks that will allow it to integrate with this neighbourhood. Further the past use of this site for a non-residential land use, and development with a series of large institutional buildings, enables a larger and well articulated building to be sited on the land in the future without unreasonably impacting the character of this neighbourhood.”*** VCAT Member – Michael Deidun

- The site is located within the Neighbourhood Residential Zone on the corner of East Boundary Road and Abbin Avenue. The majority of the site was formerly used as a Church. The built form of the area generally consists of single and double-storey dwellings.
- Council determined to support the application, subject to permit conditions that capped the children and staff numbers, hours of operation and required greater setbacks to Abbin Avenue and adjoining properties.
- In determining the application, the Tribunal upheld conditions relating to children and staff numbers. However, conditions relating to increased setbacks to Abbin Avenue were not upheld by the Tribunal. The Tribunal found that the location and built form of the centre was appropriate for the sites context and would not unreasonably compromise the residential amenity of the area.
- On this basis, the Tribunal agreed with Council's decision that the use of the land for a Child Care centre was an appropriate outcome for this site. Therefore, the Tribunal directed a Planning Permit to issue, subject to conditions which require acoustic fencing and a detailed landscape plan.

**Item 9.7 (cont'd)**

**3. Recommendation**

That Council note:

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

**Crs Lipshutz/Hyams**

**That the recommendation in the report be adopted.**

**8.40PM Cr Hyams left the Chamber.**

**8.42PM Cr Hyams returned to the Chamber.**

**The MOTION was put and CARRIED unanimously.**

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

<b>MEDIATION / COMPULSORY CONFERENCE*</b>	<b>FULL HEARING</b>	<b>APPEAL NO.</b>	<b>PROPERTY</b>	<b>PROPOSAL</b>	<b>ZONE</b>	<b>COUNCIL DECISION</b>	<b>APPEAL AGAINST</b>
23 April 2015	1 June 2015 (3 days)	P331/2015	339-341 Neerim Road & 19-21 Belsize Avenue, Carnegie	Construction of a four- storey building comprising up to thirty (30) dwellings	Residential Growth Zone	Permit (Resolution)	Conditions (Applicant)
16 April 2015	1 June 2015 (2 days)	P302/2015	4-6 James Street & 14-16 Etna Street, Glen Huntly	Construction of a three- storey building comprising forty-five (45) dwellings	General Residential Zone	Refusal (DPC)	Refusal (Applicant)
17 April 2015	3 June 2015 (3 days)	P191/2015	495-501 Glen Huntly Road, Elsternwick	Construction of a five- storey building comprising thirty-two (32) dwellings	Mixed Use Zone	Permit (Resolution)	Conditions (Applicant)
30 April 2015	3 June 2015 (3 days)	P249/2015	188-190 Tucker Road, Bentleigh	Use of the land for a Child Care Centre with a basement car park	General Residential Zone	Permit (Resolution)	Conditions (Applicant)

\* Please note as of 2 February 2015 mediation is now referred to as compulsory conference. In the next VCAT Watch reference to mediation will no longer appear.



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

<b>APPEAL NO.</b>	<b>PROPERTY</b>	<b>PROPOSAL</b>	<b>ZONE</b>	<b>COUNCIL DECISION</b>	<b>APPEAL AGAINST</b>
P206/2015	193 Koornang Road, Carnegie	Construction of two (2) double-storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
P215/2015	12 Grandview Grove, Carnegie	Construction of two (2) double-storey dwellings	Neighbourhood Residential Zone	Refusal (DPC)	Refusal (Applicant)
P265/2015	14-16 Elliot Avenue, Carnegie	Construction of a three-storey building comprising eighteen (18) dwellings	Residential Growth Zone	Permit (Resolution)	Conditions (Applicant)
P268/2015	90-92 Hawthorn Road, Caulfield North	Construction of a three-storey building comprising twenty-six (26) dwellings	General Residential Zone	Refusal (DPC)	Refusal (Applicant)
P279/2015	15 Newington Grove, Caulfield North	Construction of two (2) double-storey dwellings	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
P342/2015	1A Orrong Crescent & 632A Inkerman Road, Caulfield North	Construction of a three-storey building comprising of three (3) shops and sixteen (16) dwellings	Commercial 1 Zone	Permit (Resolution)	Conditions (Applicant)

**Item 9.8**

**Enquiries**  
**Chief Executive Officer**

**FAIR RATES FRAMEWORK****1. Purpose**

To propose that Council makes a Submission to the Essential Services Commission to inform the Commission's methodology for the implementation of the Government's Rate setting policy.

**2. Background**

On 5 May 2014, two working days before the State Budget, the then Opposition made an announcement about the setting of municipal rates.

Council has considered two previous submissions on this matter:

- Item 9.4 of the Ordinary Council Meeting of 10 June 2014
- Item 9.9 of the Ordinary Council Meeting of 16 December 2014.

On 19 January 2015 the Minister for Finance issued a Reference to the Essential Services Commission (ESC). Councils were informed on 27 February 2015. The Reference is included in the attached proposed submission.

**3. Methodology**

The ESC proposes to issue a Draft Report in two months' time, June 2015, on its methodology for examining council rates.

There are important differences between state agencies and local government as to how property taxation is undertaken.

- State agencies tend to hold tax rates constant so that increases in the tax base (eg property values) drive significant increases in revenue. This is true of Land Tax and Stamp Duty. It is not true of municipal rates because Council adjust their rates of taxation downwards. (If this Council had maintained its 1996 tax rate, rates would have raised an additional \$280m over the last eighteen years.) For 2016-17 in this municipality, residents will pay twice as much to State Revenue Office in Land Tax and Stamp Duty as they will to the council in rates to fund local services, local infrastructure and local community facilities.

**Item 9.8 (cont'd)**

- State legislation requires all properties to be revalued every two years. This drives increased revenue for the State Revenue Office because Land Tax and the Fire Services Levy are assessed on the new valuation. It does not provide councils with any extra revenue because the increase in the property base is offset by a decrease in the tax rate. It does, however, change the distribution of rates from property to property for the reasons set out in response 3.2 in the attached draft submission. For example, in this council's revaluation in 2014, one suburb increased by an average of 13.4% compared with another of 2.4%. All things being equal, properties in the first suburb would have experienced significant rate increases and those in the second suburb possible rate decreases. (Most claims of 'excessive' rates increase concern the impact of the legislatively-required revaluation, not the council's decision to raise additional revenue overall.) The Government's rate setting policy is to be introduced in 2016-17 which is the date of effect for the next revaluation of all property in Victoria. Even in a hypothetical municipality with zero increase in rate revenue, there would be considerable fluctuations in actual rates involving both increases and decreases.
- Most fees which fund council services are set by State agencies. The submission points out that State agencies have paid close attention to maintaining or increasing fees which fund themselves but less attention to fees which fund councils. Failure to maintain or increase these fees puts upwards pressure on municipal rates. The best example is town planning application fees where the fees have been allowed to reduce in real terms over a long period of time. They have not been increased at all in the last six years. The fees cover less than half the cost of processing town planning applications. Ratepayers would be alarmed to know that they are subsidising property developers by more than a million dollars a year owing to inaction by State agencies.
- Many important community services are jointly funded by partnerships of State and local governments (eg home and community care to which councils contribute a total of \$115m pa). Other examples include immunisation, school crossings, maternal and child health etc. When one partner puts pressure on the revenue of the other partner, the pressure inevitably comes on the partnership itself. Over time, these sorts of services could move to fee-for-service where councils deliver the funding that State agencies make available and responsibility for the outcomes would rest with the relevant State agency.

**Item 9.8 (cont'd)**

It is important that policy development is informed by these considerations. The attached draft aims to inject this sort of information into the process.

**4. Glen Eira's Financial Strategy**

Glen Eira has the second- lowest average rates and charges in metropolitan Melbourne.

For the period from 2016-17 onwards, Council's Strategic Resource Plan provides for increases in average rates and charges per property of around 3.5% pa.

**5. Recommendation**

That Council forward the attached submission to the Essential Services Commission.

**Crs Magee/Hyams**

1. That council forward the attached submission to the Essential Services Commission;
2. That Council forward the attached submission to the Victorian Treasurer, the Victorian Minister for Local Government, the Victorian Shadow Treasurer, the Victorian Shadow Minister for Local Government, all members of the Victorian parliament from both Upper and Lower Houses whose electorates include areas within Glen Eira, the Municipal Association of Victoria and all other Councils within the Inner South Metropolitan Mayoral Forum.

9.06PM Cr Esakoff left the Chamber.

The MOTION was put and CARRIED unanimously.

9.08PM Cr Esakoff returned to the Chamber.

## Fair Rates Policy Reference to the Essential Services Commission

Response by Glen Eira City Council

On 19 January 2015 the State Minister for Finance gave a Reference (attached) to the Essential Services Commission concerning the implementation of the Government's Fair Rates Policy. Councils were informed on 27 February 2015.

### Executive Summary

All levels of government aim to increase the Standard of Living. The Standard of Living includes

- the cost of living (as indicated by the CPI)
- and the range and quality of services
- and the range and condition of infrastructure and community facilities.

Government policy and implementation needs to have regard to all three elements, not one to the exclusion of the others.

Up until now, there has been an 'understanding' under which Council rates supplement government funding of social programs in order to achieve better outcomes (eg home and community care where Victorian councils contribute \$115m of rates, maternal and child health, immunisation, school crossings, pre-schools, libraries and so on). The two levels of government partner to deliver all these services. Rates are higher than they would otherwise be so that outcomes are better than they would otherwise be.

If one partner puts pressure on the revenue of the other partner, the pressure inevitably comes on the partnership itself. If the 'partnership' is undermined by the capping of rates, the financial benefits which have accrued to State agencies are unlikely to continue. It is foreseeable that waiting lists for these services could blow out and other social outcomes deteriorate before the end of this Parliamentary term.

On 19 February 2014 the Victorian Auditor General Reported to Parliament  
*"Victorian councils manage around \$73 billion of infrastructure assets. Council spending on renewing or replacing existing assets is not keeping pace with their rate of deterioration, resulting in cumulative renewal gaps that grow each year".* [See Response 5.1]

It is universally accepted that much of the backlog of infrastructure works was created during the previous era of rate capping in the 1990s. While renewal is driven by deteriorating condition, it also has to address the need for extra capacity (eg drainage), improved community safety and equal opportunity for all-abilities and for both genders in facilities that previously provided for only one.

The 'liveability' of Melbourne is highly dependent on the infrastructure and community facilities provided by councils (eg parks, playgrounds, shopping strips, recreational facilities etc).

The imperative for Policy is to increase spending on local infrastructure and community facilities. To achieve this with least impact on residents:

- operating costs need to be kept as low as possible and / or
- non-rate revenues need to be increased.

Many non-rate revenues to local government are controlled by State agencies. State agencies have given high priority to maximising revenues to the State but not given any priority to managing non-rate revenues to local government. The best example is town planning. Fees to cover State costs of running VCAT have been increased dramatically. Fees to cover councils' costs of processing developers' applications have not been increased at all. Ratepayers in this municipality are subsidising developers by more than a million dollars every year.

Upwards pressure on local rates could be minimised by

- a. fees which are set by State agencies but paid to local councils (hundreds of millions of dollars a year) need to be actively managed so that rates are not paying costs which should be borne by others [Response 1.5]
- b. assessing the impact of proposed levies by State agencies on local councils and ratepayers *before* they are introduced (also hundreds of millions of dollars a year) [Response 1.3] Right now, State agencies are preparing regulatory changes which would increase costs on councils (ie ratepayers) by many millions of dollars each year.
- c. increasing rate rebates to disadvantaged ratepayers [Response 1.7] and
- d. reviewing exemptions from paying any rates at all (thousands of properties across Victoria) which increase the costs on everyone else [Response 4(e).2]. Most properties which are exempt from paying local rates enjoy no such exemption from State agency charges (eg the Fire Services Levy).

There are opportunities to redress the imbalance between revenues from ratepayers and revenues from other sources. Responsibility for the four factors listed above needs to be assigned by Government to a particular agency or agencies and their actions reported publicly each year.

Rates need to be assessed in the context of what other agencies are doing, or are failing to do. An unsophisticated approach would see social programs start to fail, infrastructure unravel and costs shifted onto future ratepayers.

Rates need to be planned more than one year at a time. Otherwise there will not be sufficient certainty to undertake major capital projects (eg aquatic centres, children's services hubs, libraries). Any Fair Rates process should focus on the four year plans which councils are already required to produce under s126 of the Act, not one year budgets.

Rate increases which appear sensationally high in the case of individual properties are generally not caused by councils' decision to raise revenue. They are caused by the system of setting rates currently required by the Local Government Act based on revaluing all properties every second year. (Your rates are not determined by the value of your property. They are determined by the value of your property *relative* to the value of all property in your municipality.) This is not well understood. It is explained in section 3.2.

The next revaluation is fixed by State legislation for 1 January 2016 and will apply for the first time for 2016-17, which is the first year of rate capping. In 2016-17, the majority of properties in Victoria will *not* experience the rate increase published by the ESC for their municipality. Some will be higher than the 'headline' figure and some lower. Care would need to be exercised in managing expectations.

Notwithstanding all this, the property tax which has increased least in Victoria has been council rates. Property taxation, set by the Department of Treasury and Finance and collected by the State Revenue Office, has risen the most. This is projected to continue. [See Response 1.6] For 2016-17 in this municipality, residents will pay twice as much to State Revenue Office as they will to the council to fund local services, local infrastructure and local community facilities.

Rates in this municipality in 2014-15 average \$1.51 per person per day. One daily return train fare from this municipality to the city costs \$7.52.

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Attachment: Reference by the Minister for Finance

Local Government Rates Capping Framework

Terms of Reference

I, Robin Scott MP, Minister for Finance, under section 41 of the *Essential Services Commission Act 2001* (the 'ESC Act'), refer to the Essential Services Commission (ESC) the development of a rates capping framework for local government.

As provided for by section 185b of the *Local Government Act 1989*, the Minister for Local Government can cap council general income. The Government has announced a commitment to cap annual council rate increases<sup>1</sup> and has also provided additional guidance on factors to be considered during the implementation of the cap<sup>2</sup>.

The State Government's objective is to contain the cost of living in Victoria while supporting council autonomy and ensuring greater accountability and transparency in local government budgeting and service delivery. The Government intends to promote rates and charges that are efficient, stable and reflective of services that the community needs and demands, and set at a level that ensures the sustainability of the councils' financial capacity and council infrastructure, thereby promoting the best outcomes for all Victorians.

The ESC is asked to inquire into and advise the Ministers for Finance and Local Government on options and a recommended approach for a rates capping framework for implementation from the 2016-17 financial year. Advice should include and/or take into account the following matters:

- 1) Available evidence on the magnitude and impact of successive above-CPI rate increases by Victorian councils on ratepayers.
- 2) Implementation of the Government's commitment to cap annual council rate increases at the Consumer Price Index (CPI) with councils to justify any proposed increases beyond the cap, including advice on the base to which the cap should apply (e.g. whether to rates or to general income).
- 3) Any refinements to the nature and application of the cap that could better meet the Government's objectives.
- 4) Options for the rate capping framework should be simple to understand and administer, and be tailored to the needs of the highly diverse local government sector. The framework should take into account factors that may impact on local governments' short and longer term financial outlook, such as:
  - a) actual and projected population growth and any particular service and infrastructure needs;

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<sup>1</sup> Media release by Daniel Andrews, *Andrew Announces Fair Go for Ratepayers*, 5 May 2014.

<sup>2</sup> ALP's response to MAV's *Local Government Call to Political Parties*, p.1, November 2014.

- b) any relevant Commonwealth Government cuts to Local Government grants;
  - c) any additional taxes, levies or increased statutory responsibilities of local governments as required by the State or Commonwealth Governments;
  - d) any extraordinary circumstances (such as natural disasters); and
  - e) other sources of income available to councils (for example, ability to raise user fees and charges from non-residents).
- 5) Consider how local governments should continue to manage their overall finances on a sustainable basis, including any additional ongoing monitoring of council service and financial performance to ensure that any deterioration in the level, quality or sustainability of services and infrastructure and councils' financial position is identified and addressed promptly.
- 6) The processes and guidance to best give effect to the recommended approach for the rates capping framework and a practical timetable for implementation, including:
- a) the role of councils, the ESC and the Victorian Government and the expected time taken by local governments and by the Victorian Government or its agencies, for each step in the rate capping process;
  - b) any technical requirements including the information requirements on councils that request exemptions from the cap;
  - c) any guidance required to give effect to the rate capping options (including in relation to consultation with ratepayers) and to improve accountability and transparency; and
  - d) any benchmarking or assessment of the effectiveness of the regime, including options to continuously refine the regime and improve council incentives for efficiency.
- 7) Options for ongoing funding to administer the rate capping framework, including the potential for cost recovery.

In conducting the inquiry and providing its advice, the ESC will have regard to:

- the role of local government in the provision of infrastructure and services to the community and the general efficacy with which they currently perform this task;
- the differences between rural, regional and metropolitan local councils in terms of costs, revenue sources and assets maintained;
- the Revenue and Rating Strategy guide and Local Government Performance Reporting Framework to be administered by the Department of Environment, Land, Water and Planning;
- matters regarding rating practices and asset renewal gap raised by the

Victorian Auditor-General's Office (VAGO);

- Department of Treasury and Finance's Victorian Guide to Regulation and Victorian Cost Recovery Guidelines; and
- any relevant insights from the experience of rate pegging in New South Wales, including any reviews or evaluations that can suggest ways to minimise any unintended consequences.

In conducting this independent inquiry, the ESC will be informed by wide consultation. This will include, but is not limited to: councillors and officials from local government; representative bodies such as Municipal Association of Victoria, Victorian Local Government Association and LGPro; unions; VAGO; and relevant government agencies and departments. In addition, the ESC will consult regularly throughout the course of the inquiry with a sector consultative panel established by the Minister for Local Government. The ESC's consultation will be guided by its Charter of Consultation and Regulatory Practice.

The ESC will publish a draft report on the rates capping framework no later than six months after receipt of these terms of reference. The draft report must be made publicly available and invite comments from local governments and other interested parties. A final framework report along with draft guidance material will be provided to the Minister for Finance and Minister for Local Government no later than 31 October 2015.

ROBIN SCOTT  
Minister for Finance  
Dated: 19 January 2015

## Fair Rates Policy Reference to the Essential Services Commission

Response by Glen Eira City Council

### SUBMISSION

On 19 January 2015 the State Minister for Finance gave a Reference (attached) to the Essential Services Commission concerning the implementation of the Government's Fair Rates Policy. Councils were informed on 27 February 2015.

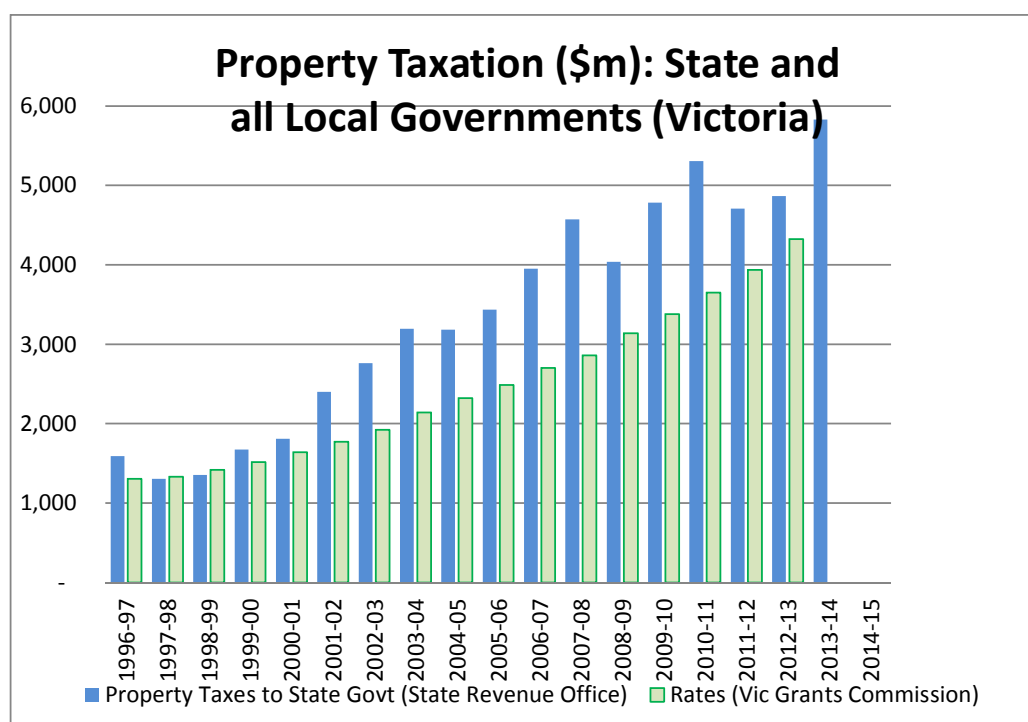
This submission addresses each of the Terms of the Reference.

*"Everyone is always in favour of general economy and particular expenditure."*  
- Rt. Hon. Anthony Eden (UK Prime Minister), The Observer, 17 June 1956

Finance Reference: The ESC is asked to inquire into and advise the Ministers for Finance and Local Government on options and a recommended approach for a rate capping framework for implementation from the 2016-17 financial year. Advice should include and/or take into account the following matters:

- 1) Available evidence on the magnitude and impact of successive above-CPI rate increases by Victorian councils on ratepayers.

Response 1.1 Property taxation by Victorian local government has risen by significantly less than property taxation by the Victorian State Government.



Since 2000, property taxation (rates) by all Victorian Councils have increased by \$13b less than property taxation by State agencies (under both sides of politics).

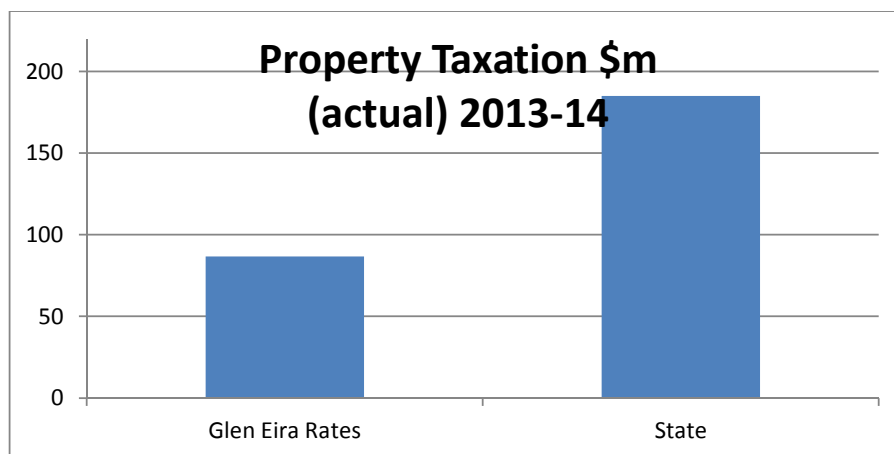
Victoria's population grew by 23% (1.1m people) between 2000 and 2014.

State property taxation is

- Collected by the State Revenue Office (SRO)
- With rates of taxation set by the Department of Treasury and Finance (DTF).

In this municipality, the actual comparison in 2013-14 was

- Local rates and charges were \$86.7m
- Land Tax and Stamp Duty from this municipality to the State Revenue Office \$183.9m (source: State Revenue Office).



The number of rateable properties in this municipality is 61,658.

The number of properties in this municipality which pay Land Tax is 17,680.

The number of properties which pay Stamp Duty is several thousand each year.

Since 2008, the percentage increases in property taxation in this municipality have been

- Local rates 43.6%
- Land tax (SRO / DTF) 238%.

Actual average amounts of property taxation this year are:

- Local rates and charges \$1,474
- Land Tax in this municipality (SRO / DTF) \$2,194.

The rate of objection to Rates Notices is very low. For 2013-14, this council sent out 61,658 Rates Notices. The number of objections to the valuation was 195 or 0.316%.

The "*magnitude*" of successive "*above-CPI*" tax increases has been greater by SRO / DTF than by local government.

**Recommendation: That the ESC make clear that the property taxation which has risen least in Victoria has been council rates.**

### Response 1.2 Rates supplementing insufficient State government programs

Up until now, there has been an 'understanding' under which Councils supplement government funding of social programs in order to achieve better outcomes.

The most important example is Home and Community Care. In all other states the program is delivered by State governments or their contractors. In Victoria, the program is delivered mainly by Councils. Victorian councils contribute approximately \$115m pa to achieve this. It is universally accepted that outcomes are best in Victoria. This council provides care for more than 4,000 elderly and disabled people in their homes.

Other important programs (with this council's volumes in brackets) include

- maternal and child health (15,000 consultations pa)
- immunisation (9,000 pa)
- school crossings (3.4 million crossings pa) including 27 school crossings of roads which are legally the sole responsibility of VicRoads.
- pre schools (10 council provided venues)
- libraries (more than one million loans each year).

In each of these areas, the two levels of government have been in a partnership. Rates have set at a level to supplement government funding of these programs. Rates are higher than they would otherwise be so that outcomes are better than they would otherwise be.

The main service beneficiary of this 'partnership' has been the community, notably, the very old, the very young and those participating in education.

The main financial beneficiary of this 'understanding' has been State agencies.

When one partner puts pressure on the revenue of the other partner, the pressure inevitably comes on the partnership itself. If the partnership is undermined by the capping of rates and if that is initiated by State agencies, the financial benefits which have accrued to State agencies are unlikely to continue. (A council is unlikely to feed the hand that bites it.)

Councils' legal obligations under, amongst others, s136 of the Local Government Act will require priority to be given to Councils' own responsibilities above those of State agencies. It is foreseeable that all these services would move to a fee-for-service basis in which councils:

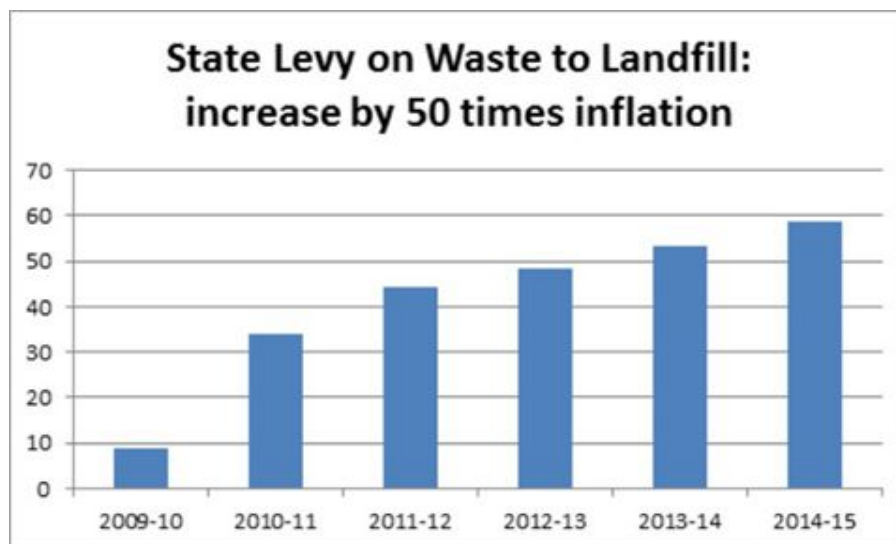
- deliver the funding that the State agency provides,
- account for their expenditure
- and any shortfalls in outcomes would be a matter for the State agency.

It is foreseeable that waiting lists for these services could blow out and other social outcomes deteriorate before the end of this Parliamentary term.

**Recommendation: That the ESC report the aggregate "*magnitude*" of rates which are currently spent supplementing the State government programs listed above.**

Response 1.3 Levies by State agencies account for a proportion of the increases in local rates.

For example, there is a levy on each tonne of material going to landfill. In 2009, the then Department of Sustainability and Environment (DSE) announced significant increases in its levy in order to encourage diversion of waste from landfill. In the last five years the levy has increased from \$9.00 a tonne to \$58.50 a tonne, an increase of 650% or more than 50 times the CPI during that period.



Assuming around 25,000 tonnes of waste to landfill per year, that is an increase from \$225,000 pa to \$1,462,500 pa. The extra (around \$1,237,500) has been passed on in increased rates and charges.

No assessment of the impact on rates or on cost of living was undertaken at the time.

The State levy represents more than \$50m pa. In the five years since it was increased, it has contributed more than \$250m to the “*magnitude*” of “*above CPI*” increases.

The outlook for the waste and recycling charge in Glen Eira in 2015-16 for

- a 240 litre garbage bin, 240 litre recycling bin and 240 litre green waste bin is \$349 of which \$51 reflects the levy;
- a 120 litre garbage bin, 240 litre recycling bin and 240 litre green waste bin is \$169 of which \$24 reflects the levy.

There are other examples of additional costs being imposed on councils by State agencies which put upward pressure on local Rates.

**Recommendation: That the ESC report the “magnitude” of rates and charges attributable to this levy and publish a statement from the responsible government agency as to what outcomes have been achieved from this levy on council rates and ratepayers and the cost of living.**

Response 1.4 Councils' liabilities for Defined Benefit Superannuation are fully funded while State Governments' are unfunded.

Since 1998, Victorian local government has paid \$1.162 billion in calls into a defined benefit superannuation scheme. Rates have been higher than they would otherwise have been in order to meet this liability.

All levels of government operated Defined Benefit Superannuation schemes. The benefits were defined. The employer governments need to fund them. The local government scheme was established by the State legislation decades ago. It was closed to new members by the State legislation in 1993. (Although closed to new members, liabilities to existing members continue to grow.)

The structure of the local government fund is such that it has to be kept fully funded for future liabilities at all times. The Fund has made four "calls" on Councils:

Year	Amount of Call	Contributions Tax	Total
2011	\$ 453,000,000	\$ 79,954,500	\$ 532,954,500
2010	\$ 87,000,000	\$ 15,355,500	\$ 102,355,500
2002	\$ 127,000,000	\$ 22,415,500	\$ 149,415,500
1998	\$ 321,000,000	\$ 56,656,500	\$ 377,656,500
<b>TOTAL</b>	<b>\$ 988,000,000</b>	<b>\$ 174,382,000</b>	<b>\$ 1,162,382,000</b>

That has required rate increases to be higher than they otherwise would have been.

By contrast, the equivalent defined benefit schemes of the State and Federal governments do not have to be kept fully funded and have become an "unfunded liability" with government having to pay entitlements as they become due.

While local councils were keeping their scheme fully funded, between 30 June 2002 and 30 June 2012, the unfunded liability of Victorian State Government grew from \$13.4 billion to \$32.5 billion, an increase of \$19.1 billion in ten years. This is a transfer of cost from the present to the future.

The Commonwealth Government has an unfunded liability (after allowing for the Future Fund) of approx. \$80b.

For the 5.9m residents of Victoria, the unfunded liabilities per person are

- their local Victorian council: nil – the Council has paid it
- their State Government: \$5,612 per person (and growing)
- their Federal Government \$2,807 per person (also growing), assuming Victoria is 20% of the Commonwealth
- total \$8,419 per person of which their council represents nothing.

These unfunded State and Federal liabilities per person are equivalent to approximately 17 years' municipal rates.

The Defined Benefit Scheme is expected to make further calls on Councils over the estimated 60 years life of the scheme. Typically, councils may be given only a few months' notice of the need to contribute millions of dollars.



**Recommendation: That the ESC find that management of defined benefit unfunded liabilities has been significantly more effective by local government than by other levels of government.**

**Recommendation: That the ESC**

- a. recommend that DTF prepare legislation to absorb the local government defined benefit scheme into the State defined benefit unfunded liability and cease treating them differently, with entitlements being paid as and when they fall due or**
- b. recommend that DTF support loan guarantees to councils in order to secure lower interest rates for borrowings to cover defined benefit liabilities or**
- c. accept that the different treatment of the local government defined benefit superannuation scheme is a factor which drives rate increases independently of other factors and often at short notice.**

Response 1.5 Fees received by local government but set by State Government have not increased.

The best example is town planning application fees. Fees are paid to Councils by developers and other applicants to cover the cost of processing the town planning application or an amendment to rezone land. The levels of the fees are set by the State Government.

It would be reasonable for fees to cover slightly less than the full cost of processing a town planning application because part of the process concerns the amenity of existing residents i.e. the interests of existing ratepayers. That could legitimately be a claim on rates. Most of the cost arises from the proposed new development and should be borne by the applicant.

Between 2000 and 2013 successive State governments have increased fees by less than half the CPI. Less and less of the costs are met by the applicant. More and more of the costs fall back on Rates.

Application fees have not increased at all since 2009.

For example, an application fee for a development of between \$1m and \$7m is a Class 8 application under s47 of the Planning and Environment Act. In 2000 the fee was \$1,010. If it had been increased, for example by CPI, in 2013 it would have been \$1,480. In fact it was \$1,153. This is a reduction in real terms of 22%. That cost has been shifted from developers on to ratepayers. This council processes approximately 1,200 applications per year or about 16,000 applications over 13 years. The total costs shifted from the development industry to ratepayers over the thirteen years are large.

Ratepayers would be alarmed to know that their rates are now paying more than half the costs of processing the applications for multi-million dollar property developments.

It appears that there is no State agency which assesses the impact of shifting costs from developers to ratepayers.

By contrast, VCAT is funded by State government. To offset government costs, appeal fees have been increased markedly over the same time. The Section 80 fee

for a developer to challenge planning permit conditions at VCAT (development under \$5m) rose from \$250 in 2002 to \$1553.60 today (development of between \$1m and \$10m), an increase of 621%.

Developers are covering a higher proportion of State costs but a lower proportion of local costs. This is another example of action being taken to protect the financial interests of State agencies but not rate payers.

In this council more than \$1m pa of rates goes to administering planning applications not funded by planning application fees.

A reform would be to maintain low fees for domestic projects (such as extensions, renovations or redevelopments) up to, say, \$1m but increase planning application fees on commercial projects to close to cost recovery.

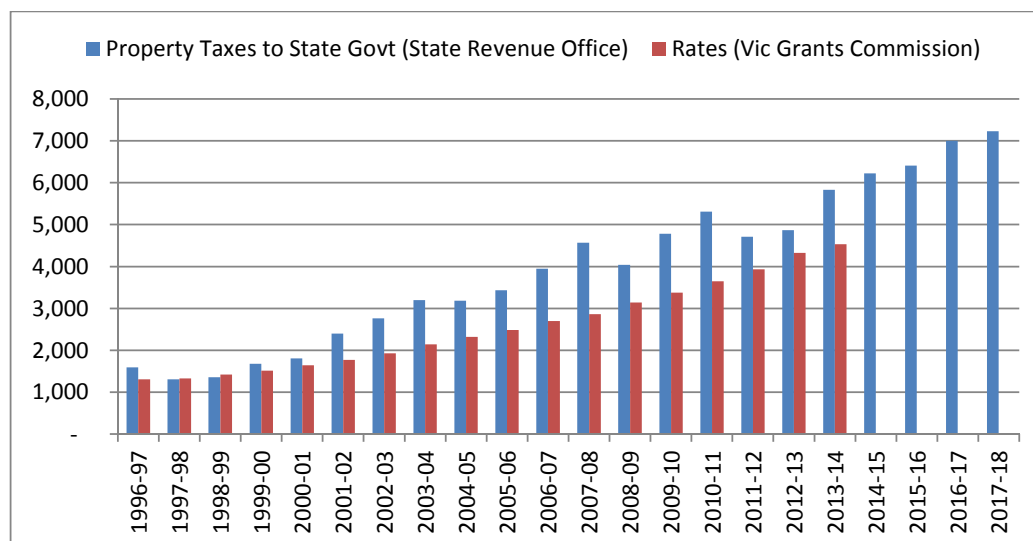
**Recommendation: That planning application fees for developments over \$1m be immediately increased to at least 80% of the cost of processing, or to the levels set for VCAT, whichever is the higher.**

**Recommendation: That all fees which pay for Council services which would otherwise have to be funded by rates should**

- a. be set by Councils or
- b. be indexed annually by an appropriate index (in the case of fees for development, the Construction Index) or
- c. the State Government be required to review the level of each fee annually and either increase it or refer it to the ESC as a factor to be taken into account in rate setting.

#### Response 1.6 Revenue Projections

DTF published its Mid-Year Budget Review on 23 December 2014. DTF projects an increase in nominal revenue from Land Tax and Stamp Duty for 2016-17, the first year of rate-capping, of 9.15%.



Victoria's population grew by 23% (1.1m people) between 2000 and 2014.

This council's projections are for increases in rates and charges per property of approximately 3.4% pa from 2016-17 onwards.

**Recommendation: That, in considering estimates for Council property taxation in 2016-17, the ESC have regard to the DTF projected increase in its property taxation of 9.15%, or approximately CPI+7%.**

**Recommendation: the ESC publish an estimate of the “magnitude” of rate increases excluding the**

- i. rates supplementing State government programs,
- ii. the State Landfill Levy,
- iii. the fully funded Defined Benefit Superannuation Scheme and
- iv. the rates which subsidise town planning applications.

Response 1.7 State Government could reduce the impact of rates by increasing the pensioner rebate

Ratepayers pay the rates and charges less any rebate. The State Government provides a pensioner rate rebate. The rebate increased annually for many years up until the early 1980s. In 1983 the State Government capped the rebate on general rates and charges at \$135 (letter of 10 October 1983 from the then Minister for Local Government). The rebate stayed at \$135 for twenty one years. In 2004, the State government increased the rebate to \$160 and instituted annual indexation by CPI.

The State pensioner rebate in 2014-15 is \$208.00. Our calculations are that if the rebate had been maintained in real terms since 1983, it would now be \$512.31.

**Recommendation: that the ESC consider recommending that, in order to relieve cost of living pressures on pensioners, the State Government lift the pensioner rate rebate towards the 1983 level in real terms.**

- 2) Finance Reference: Implementation of the Government's commitment to cap annual council rate increases at the Consumer Price Index (CPI) with councils to justify any proposed increases beyond the cap, including advice on the base to which the cap should apply (e.g. whether to rates or to general income.)

Response 2.1 The Australian Bureau of Statistics (ABS) has stated in writing that the CPI does not reflect the costs of organisations such as Councils.

The ABS states:

*“A consumer price index measures the change in the prices paid by households for goods and services to consume. All expenditures by businesses and expenditures by households for investment purposes, are out of scope of a consumer price index” (copy attached).*

In calendar year 2014, the main factors in the CPI included

- *domestic holiday travel*
- *tobacco*
- *fruit*
- *medical and hospital services*
- *pharmaceutical products.*

These factors do not feature in Councils' services, expenditures or revenues. The CPI is not a measure of the costs of Councils providing services or assets to residents.

It is accepted that the CPI is a measure of the cost of living. It reflects residents' capacity to pay.

Maximising the standard of living of all residents is an important objective of all levels of government. The standard of living includes

- the cost of living (as indicated by the CPI) but also
- the range and quality of services and
- the range and condition of infrastructure and community facilities<sup>3</sup>.

Public policy needs to have regard to all three elements, not one to the exclusion of the others.

A sophisticated approach is required in order to provide essential local services and assets with the greatest positive impact on standards of living and least impact on the cost of living.

An evidence-based assessment of the work of local government (across aged care, children's services, recreation, business development, employment, provision of infrastructure, community safety and so on) would show a net highly favourable contribution to the standard of living in Victoria. This has been built up over many years and ought not lightly to be dismantled.

**Recommendation: That the ESC find that CPI is an established measure of consumers' cost of living but is not a measure of Councils' costs of performing their functions.**

**Recommendation: That the ESC have regard to the whole contribution by local government to the standard of living in Victoria.**

Response 2.2 many people do not pay rates in the capacity as a "consumer".

In this municipality:

- 61,658 properties are rateable,
- 17,680 pay Land Tax
- 8,091 receive the government pensioner rebate.

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<sup>3</sup> The current imperative for State government of grade-separating roads and railway lines is a good illustration of this.

In the case of the 17,680 properties which are assessable for Land Tax, the owners generally pay rates as a business expense (which would in many cases be deductible for tax purposes). They do not pay those rates as a “consumer”.

A further 8,091 receive the government pensioner rebate at the level judged appropriate by the relevant State agency to address the cost of living.

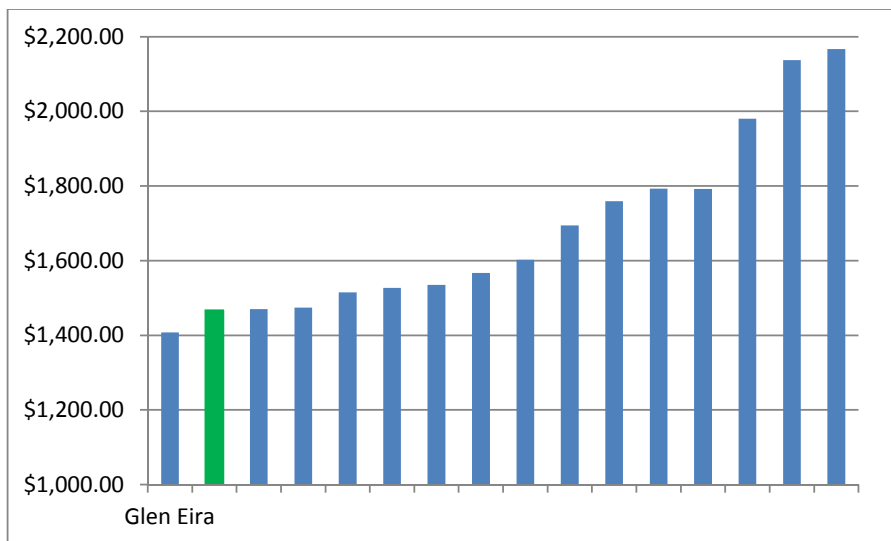
These two categories account for 25,771 properties or 42% of all properties in this municipality.

**Recommendation: That the ESC note that for 42% of properties in this municipality, the ratepayers either don’t own the property in their capacity as consumers or are already in receipt of rate relief from the government.**

#### Response 2.3 The base is not uniform.

The actual average rates and charges per property for 2013-14 are set out below for all inner-metropolitan councils. The highest is 50% more than the lowest. This municipality is the second-lowest.

It would not be a safe assumption that the current levels are an appropriate base on which to assess or cap future movements. Applying a percentage in such circumstances could disadvantage those which have been able to keep rates and charges relatively low (eg 4% of \$1400 would be \$56 while 4% of \$2,100 would be \$84).



Treating all councils as if they were the same would be like treating all States as if they were the same: not valid.

**Recommendation: That the ESC not assume that current levels are an equitable or sustainable base for the assessment of future rates and charges.**

- 3) Finance Reference: Any refinement to the nature and application of the cap that could better meet the Government's objectives.

Response 3.1 Develop an index which measures Councils' costs

Given that the ABS has stated that investment and business expenditures are out of scope of its consumer price index, the CPI cannot validly be used as an index of Council costs.

A different index should be identified or constructed. It should give particular attention to the development, maintenance, upgrade and renewal of \$73 billion of infrastructure and community facilities. The community is highly dependent on councils discharging this function. Standards of living would be adversely affected if the funds to support this were run down.

Adverse impacts include to community safety; efficient movement by car, bicycle or on foot; inability to remedy environmental hazards (eg contaminated sites) or mitigate risks of more intense weather events that are expected (eg storms, floods, fires).

In the meantime, council property taxation should be compared with a range of indicators including the CPI but also levels of property taxation considered reasonable by DTF / SRO.

**Recommendation: That the ESC develop an index of council costs, paying particular attention to the stewardship and management of \$73 billion of community assets.**

Response 3.2 Any numerical cap set by the government will only be reflected in individual rate notices every second year.

Councils used to revalue all properties every four years. In 2000 the legislation was changed to require revaluation every two years. The valuation process is overseen by the Victorian Valuer-General.

- Higher values did not generate any automatic increase in rate revenue for Councils as Councils lowered their tax rate ("rate-in-the-dollar")
- Higher values did generate increased Land Tax for the SRO because DTF did not reduce the Land Tax rate.

In this municipality, the tax rate has been cut from 5.2718 of Net Annual Value in 1999-2000 to 3.312 in 2014-15. This is a reduction of 31%.

The marginal rate of Stamp Duty on purchase of a property has changed from

- 1998: 5.5% on properties purchased for more than \$870,000 to
- 2014: 5.5% on properties purchased for more than \$960,000.

This is a negligible reduction and explains why revenues paid to SRO and managed by DTF have outstripped local rates and the CPI by very large margins. (For example, if this Council had maintained its 1996 tax rate, an additional \$280m would have been raised from rates over the last eighteen years.)

Every second year, the property base on which all rates are levied changes. That drives a different *distribution* of the rates. (Your rates are not determined by the

value of your property. They are determined by the value of your property *relative* to the value of all property in your municipality.)

The last revaluation was with effect from 1 January 2014. In this municipality

- The average increase overall since the previous valuation two years before was 6.1%
- The average for houses was 7.9%
- The average for flats and units was 4.4%
- The average for commercial / industrial was 1.0%
- Increase by suburb ranged from 2.4% in Elsternwick to 13.4% in Bentleigh East.

It follows that for any given overall rate increase, the actual impact on individual properties will range from an increase of more than 10% in some cases to a decrease in other cases. This happens every second year.

The classic examples would be a traditionally industrial area undergoing “gentrification” or a rural area undergoing urbanisation. Property values would rise much more sharply in some localities than in others. Even in a hypothetical municipality with a zero increase in rate revenue, there would be rapid changes in property values leading to big swings in the distribution of rates involving both increases and decreases.

The next revaluation is fixed by State legislation for 1 January 2016 and will apply for the first time for 2016-17, which is the first year of rate capping. In 2016-17, the majority of properties in Victoria will *not* experience the rate increase published by the ESC for their municipality. Some will be higher than the ‘headline’ figure and some lower. Care would need to be exercised in managing expectations.

**Recommendation: That the ESC disclose the movements in rates of taxation in the last ten years of**

- Local rates
- Land Tax and
- Stamp Duty.

**Recommendation: That the ESC note that every second year, actual rates are influenced significantly by State government mandated revaluation of all properties and that any given rate increase at Council level may not be reflected at the level of individual properties.**

#### Response 3.3 The State Fire Services Levy is also on the Rates Notice.

Rate Notices set out

- Council Rates and Charges and
- The State Fire Services Levy (FSL)

The Fire Services Levy may experience cost pressures of various kinds involving the MFB and CFA.

**Recommendation: That the ESC advise whether proposed movements in the FSL will be subject to the same Essential Services Commission process as for rates?**

- 4) Finance Reference: Options for the rate capping framework should be simple to understand and administer, and be tailored to the needs of the highly diverse local government sector. The framework should take into account factors that may impact on local governments' short and longer term financial outlook such as:
- a) actual and projected population growth and any particular service and infrastructure needs;

Response 4(a).1 This should recognise projected growth in dwellings.

There has been a building boom in Victoria for some time. In 2013-14 1,714 dwellings received planning permission in this municipality either from Council or from VCAT.

Average household size has been steadily declining. The number of dwellings required for a given population is continuing to increase.

Extra dwellings lead to more area under hard surfaces such as rooves or paving which means more run off of rainfall into drains. Melbourne Water has identified more than 15% of properties in this municipality as being subject to overland flows of water. In the major storm of February 2011, properties were flooded above floor level and some were uninhabitable for months. During the last four years, Council has spent \$12,000,000 to mitigate risks of local flooding while Melbourne Water has spent \$15,000.

Almost all new dwellings include off street car parking. Traffic management is a major challenge for Councils and changes in the number of dwellings is a more accurate indicator of changes in the number of vehicles than population.

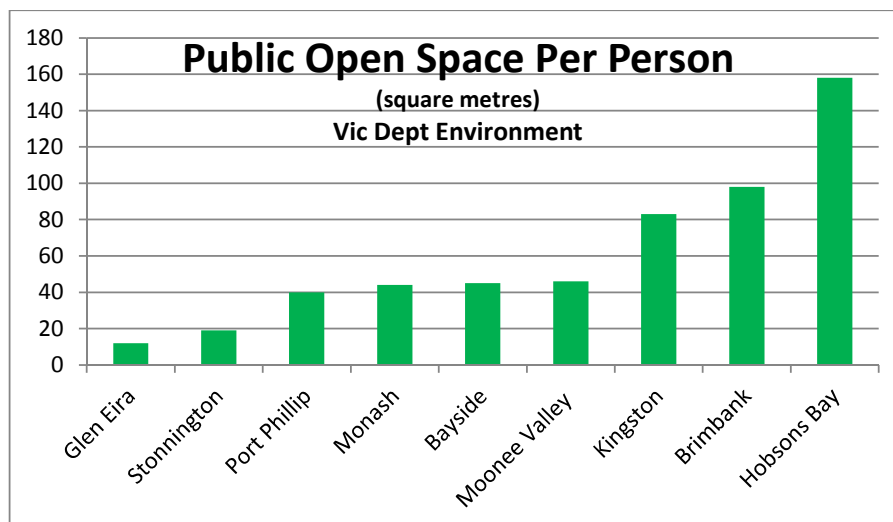
Rates can only be levied per property. Population could increase or decrease significantly and not precipitate any change in rate income.

**Recommendation: That the ESC recognise growth in dwellings as a factor in rate setting.**



Response 4(a).2 This should recognise the need for Open Space

This community has the least open space per person of any Victorian municipality.



Glen Eira's ratio is very low. With the proliferation of apartments and extra residents, it is getting lower.

The Victorian Minister for Planning was quoted in The Age on 9 March 2015 as saying: *"Height in appropriate settings is a good thing. But we all live on the ground. We all get about the place on the ground. So what's happening on the ground? Is it an activated space? Is it a space that is pleasant?"*

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 during the period 2013-26 of \$201,296,600. This is made up of

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

As this council has already implemented the maximum achievable levy on developers, the majority of the resourcing needs to come from rates.

In the event that this Council was prevented from providing more and better open space, there would likely be an extreme community reaction against State planning strategies and policies which are facilitating high density development without commensurate infrastructure or facilities.

**Recommendation: That the ESC recognise lack of open space per person as a factor in rate setting.**

- b) Finance Reference: any relevant Commonwealth Government cuts to Local Government grants;

Response 4(b).1 This should include State Government cuts to Local Government grants, too.

There are many local facilities which were built with the assistance of significant government capital grants. Over time, Treasuries have convinced governments to cease providing capital grants or to provide grants for a much smaller proportion of the cost. The result is that government funding which supported the initial development is not available to support the redevelopment or upgrade of the facility. The liability has effectively been shifted on to rates.

**Recommendation: That the ESC consider cuts to local government grants from all quarters and withdrawal of grant support without withdrawal of Council responsibility.**

- c) Finance Reference: any additional taxes, levies or increased statutory responsibilities of local governments as required by the State or Commonwealth Governments;

Response 4(c).1 The ESC should identify the cost impacts on local government of any proposed additional taxes, levies or responsibilities before they are authorised and implemented.

The House Of Representatives Standing Committee on Economics, Finance and Public Administration conducted an Inquiry into Cost Shifting onto Local Government. In February 2003 the Committee reported to the Commonwealth Parliament:

*“3.10 The submissions make a strong case that there has been cost shifting from the States and the Commonwealth to local government.*

*States (and to a lesser extent the Commonwealth) have legislated for local government to assume additional responsibilities, or changed regulatory frameworks in such a way as to impose additional costs on councils, without providing matching resources.*

*3.26 if resources have to be diverted from vital activities such as infrastructure maintenance to support previously Commonwealth or State funded programs, then perhaps councils should simply say no.”*

Examples of such cost shifting have already been given including the State landfill levy, withdrawal of capital grants, town planning application fees etc.

There are more shifts in prospect.

- Energy Safe Victoria (ESV) is finalising new regulations governing the management of street trees near power lines. It has had regulations before which have generally not been enforced in suburban areas but ESV is proposing to enforce the new regulations. That has the potential to require councils to remove thousands of street trees and prune thousands more to

the point of disfigurement. The costs to the affected councils could range from hundreds of thousands of dollars to millions.

ESV advised this Council on 19 February 2015 that “*we would expect to be consulted by the ESC if they receive a reference by the Victorian Government in relation to the setting of Council rates*”.

- The Victorian Building Authority is contemplating placing obligations on Councils for the performance of private building surveyors registered by the Authority.

**Recommendation: Government should require all agencies to notify the ESC before any proposed additional taxes, levies or responsibilities on local government before they are authorised and implemented and the ESC should quantify the costs that may be shifted on to ratepayers before the proposed change is approved by Government.**

- d) Finance Reference: any extraordinary circumstances (such as natural disasters); and

Response 4(d).1 This should include prevention of natural disasters, not merely recovery after disasters have happened.

Local government is in a position to mitigate the risk of some natural disasters eg

- levee banks or drainage capacity to reduce the risk of flooding,
- management of vegetation under council control to reduce the risk of bush fires,
- services to vulnerable clients to reduce the risk of heat stroke.

Financial pressure could cause these sorts of activities to receive lower priority than would otherwise be the case.

Preventative measures are a high priority for the community. It is also more economical to prevent than to recover.

Projections are for extreme weather events to become more common in Victoria.

**Recommendation: That the ESC recognise preventative expenditure to mitigate the risk of natural disasters.**

- e) Finance Reference: other sources of income available to councils (for example, ability to raise user fees and charges from non-residents).

Response 4(e).1 The ESC should recommend reforms to the current situation in which fees designed to pay for local services are not increased by State government.

As stated in section 1.4 above, significant upwards pressure is being placed on local rates because fees intended to pay for local services are not increased by State government.

The obvious example is town planning application fees where ratepayers are subsidising property developers – in this municipality by more than \$1m pa.

As recommended in section 1.5 above, “all fees which pay for Council services which would otherwise have to be funded by rates should

- a. be set by Councils or
- b. be indexed annually by an appropriate index (in the case of fees for development, the Construction Index) or
- c. the State Government be required to review the level of each fee annually and either increase it or refer it to the ESC as a factor to be taken into account in rate setting.”

If the objective is to take upwards pressure off local rates, this should be an area of special study by the ESC or the Victorian Competition and Efficiency Commission (VCEC).

**Recommendation: as already recommended in section 1.4.**

#### Response 4(e).2 Rate exemptions

Section 154 of the Local Government Act prescribes exemptions from paying any rates on the basis of the use of the land.

The impact is that those uses receive the benefit of Council assets and services which are paid for by others. In economic terms, rates on properties which do pay rates are higher than they would otherwise be because some properties are exempt from paying any rates at all.

The State Fire Services Levy (FSL) is administered through the rates system. Exemptions from the FSL are not consistent with exemptions from the rates system.

In this municipality, there are 491 properties which are exempt from paying any rates. 405 of them are liable to pay the State FSL. The result is that these 405 properties help to fund the fire brigade but not the roads on which the fire brigade travels.

It is another example where State agencies have given higher priority to revenues that flow to the State than revenues that flow to local councils.

One approach would be to move some uses to partial exemptions under which they would contribute something as opposed to the present 100% exemptions.

**Recommendation: That the ESC note that rates are higher than they would otherwise be because some uses are exempt, note that this is not consistent with charges by State agencies (eg Fire Services Levy) and take that into account when assessing rates.**

#### Response 4(e).3 Cash Flow Management

Section 167 of the Local Government Act provides that Councils must allow payment of rates in four instalments and may allow payment by a lump sum. The dates for the instalments and the lump sum are set by the Minister by Notice published in the Gazette. The current dates are lump sum 15 February (the eighth month of the financial year) and instalments on 30 September, 30 November, 28 February and 31 May.

The effects include:

- on a discounted cash flow basis, lump sum payments reduce resources available to councils when compared with instalments
- funds available to pay for capital works are often available for only four and a half months of the year.
  - Tendering is concentrated in the second half of the year which puts upwards pressure on prices
  - It can make it more difficult to complete capital works programs by 30 June.
- local government should be seen as a set of 365-days-a-year services but lump sum presents local government as a tax.

By contrast, Land Tax is payable to the State Government on

- Lump Sum on 26 June or
- Instalments on 13 March, 29 May, 14 August and 30 October.

This represents no discount to the State Revenue Office.

It is another example where arrangements are more favourable for revenues which fund State agencies than revenues which support local services.

State water corporations require quarterly payment and no lump sum.

Electricity companies require quarterly payment and no lump sum.

Gas companies require payment every second month and no lump sum.

Direct debit provides a simple payment option by instalment at no cost to the ratepayer.

**Recommendation: That the ESC recommend that payment terms for rates should be consistent with other public utilities.**

- 5) Finance Reference: Consider how local governments should continue to manage their overall finances on a sustainable basis, including any additional ongoing monitoring of council service and financial performance to ensure that any deterioration in the level, quality or sustainability of services and infrastructure and councils' financial position is identified and addressed promptly.

Response 5.1 The Auditor General has consistently reported to Parliament that local government finances, particularly as they relate to community assets and facilities, are not on a sustainable basis.

In December 2013, the Victorian Auditor General tabled a Report to Parliament on Councils' 2012-13 financial statements. He said:

*"Financial sustainability of councils*

The sector as a whole has maintained its financial sustainability year on year. Analysis of the six indicators shows that councils as a whole had a low financial sustainability risk assessment. The overall results

for 2012–13 were affected by early repayment of defined benefit superannuation funding obligations and the timing of infrastructure works associated with natural disaster government funding. Councils continue to face the ongoing challenge of maintaining spending on capital works and existing assets at sufficient levels.” [page vii]

And

“Inner metropolitan councils and regional city councils with an established asset base face longer-term pressures in maintaining and renewing existing assets or paying down existing debt while outer metropolitan and large shire councils face an ongoing challenge of maintaining spending on capital works and future renewal works to maintain their assets at serviceable levels. Small shire councils continued reliance on government funding exposes them to higher financial risks in the future.” [page 21]

In a separate report on Asset Management on 19 February 2014 the Auditor General reported to the Parliament:

*“Victorian councils manage around \$73 billion of infrastructure assets. Council spending on renewing or replacing existing assets is not keeping pace with their rate of deterioration, resulting in cumulative renewal gaps that grow each year”.*

Both Reports were Tabled well before the policy announcement on proposed rate capping in May 2014.

On 26 February 2015 the Auditor General Tabled his report on the results of the audits of all local governments for 2013-14. Appendix E contains forecasts for financial years 2014-15, 15-16 and 16-17 against six indicators of financial sustainability.

One of the indicators is “*capital replacement*” it compares the rate of spending on infrastructure with the rate of depreciation of infrastructure. For 2016-17, the forecasts for *capital replacement* for the 79 councils are

- 24 low risk (coloured green)
- 43 insufficient spending (amber) and
- 12 at high risk (red).

This includes assets such as roads (both sealed and gravel), bridges, drainage systems etc. It also includes buildings which used by the community (eg senior citizens centres and recreational services) and outlets for services (eg maternal and child health). These facilities need to be actively managed, not only for deterioration for age but for

- Access for all abilities
- Provision of facilities for both genders (eg facilities for girls and women in sports facilities originally providing only for boys and men)
- Management of asbestos or other contaminants.

This municipality manages buildings with a value of some \$250m.

The following for small shire councils is at page 92 of the Auditor General's Report.

Forecast		Future trend
2016	2017	
1.27	1.18	▼
1.51	1.14	▼
0.92	0.99	▼
1.02	0.61	▼
0.82	0.82	▼
1.44	1.10	▼
1.66	1.04	▼
2.46	2.05	-
1.77	1.01	-
1.11	1.03	-
1.40	1.27	▼
1.28	0.91	-
1.26	1.27	▼
1.87	1.85	-
0.59	0.59	▼
1.11	0.94	-
0.77	0.82	-
1.36	1.47	▼
1.07	1.05	▼
1.16	0.76	-
1.05	1.04	-
1.28	1.09	

In many of these municipalities, the asset base exceeds the rate base. Their viability depends on Financial Assistance Grants by Federal and State government.

The Finance Reference to "*continue to manage overall finances on a sustainable basis*" is inconsistent with the three Reports by the Auditor General. On the contrary, the Auditor General has three times advised that assets are not on a financially sustainable basis at current levels of investment.

**Recommendation: That the ESC note that the Auditor General has reported to Parliament that current forecasts for capital replacement in 2016-2017 include 43 councils with insufficient spending and a further 12 at high risk.**

**Recommendation: That more accurate measures of the asset renewal gap be developed and that each Budget, Strategic Resource Plan and Annual Report disclose actual and planned Renewal Gaps.**

Response 5.2 Recommendations listed above provide many opportunities for State agencies to remove upwards pressure on local rates.

See previous recommendations.

#### Response 5.3 impact of rate capping on Statutory obligations

Part 7 of the Local Government Act place obligations on Councils eg, s136:

*“manage financial risks faced by council prudently, having regard to economic circumstances, ... including the management and maintenance of assets; the management of current and future liabilities”.*

**Recommendation: That the ESC advise councils whether the Act will be amended to make these obligations ‘subject to the level of rates allowed by Government’ or whether an Indemnity will be given to all Councils in relation to the impacts of rate capping?**

#### Response 5.4 Impact of rate capping on risk profile

If Councils believe that expenditures are required and then are prevented by a rate cap from undertaking those expenditures, it could increase the Council’s risk profile.

That could result in councils being classified at a higher risk and increases made to their insurance premiums and / or credit ratings. Over time, this could become a factor in the State’s AAA credit rating.

In some instances, there may be the potential for the State Government to be joined as a defendant to a claim where the Council contends that it was prevented by rate capping from meeting its obligations (eg non-remediation of infrastructure, non-response to requests for works, non-immunisation of eligible persons, non-provision of care, non-meeting of staff ratios).

**Recommendation: The ESC should consult the insurance industry and credit ratings industry to ascertain any likely imposts on insurance premiums or borrowing costs if councils are prevented from taking measures which they believe are necessary or on the State’s credit rating?**

**Recommendation: That the ESC advise Government to seek advice concerning any potential liability on State government.**

#### Response 5.5 Impact on employment and industrial relations

A large component of Council services and asset management are delivered by employing staff. The Reference to the ESC is silent on questions of maintaining, increasing or reducing employment and silent on the questions of rates of pay. The government has expressed interest in employment in local councils.

**Recommendation: That the ESC address the implications for employment.**



#### Response 5.6 Impact on participation by the Community

Residents and community groups have views about the balance between the services and facilities which councils should provide and the contributions that should be made in rates. In this council, far more suggestions are made for increased services than for decreased rates.

Attention needs to be given to how residents or groups will be able to advocate for their points of view if rates are determined by a body other than the elected council.

It is also essential that councils adopt their budgets before the financial year starts on 1 July. The Act currently requires councils to give 28 days' public notice of their proposed budgets. Will the ESC process occur after community input or before? If after, what notice will the ESC take of community views? If before, community consultation would be constrained by the finalisation of rates revenue on the assumption of particular expenditures.

**Recommendation: That the ESC advise on the sequence and timing of its process relative to community consultation and before 30 June each year.**

#### Response 5.7 Implications under the State Constitution

The Victorian Constitution states:

*“Local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the Parliament considers are necessary to ensure the peace, order and good government of each municipal district.*

*Each Council—*

- (a) is responsible for the governance of the area designated by its municipal boundaries; and*
- (b) is constituted by democratically elected Councillors as the governing body which is accountable for its decisions and actions”*

Some of a council's most important decisions are what money to spend and how much to ask residents to pay in rates. The Local Government Act prohibits this power being delegated. It can only be exercised by the Council itself. Elected councils generally go to considerable lengths to decide where this balance should be struck.

If a State agency is to determine every council's income, how is local government “distinct” or “essential” or “responsible” or the “governing” body?

Response 5.8: Alternative policy frameworks could respond to the different situations of different councils.

There are alternative policy approaches.

There is ample evidence that council spending on the maintenance, upgrade and renewal of assets needs to be increased and that money spent now will avoid the need for more money to be spent later. To achieve this with least impact on residents:

- operating costs need to be kept as low as possible and / or
- non-rate revenues need to be increased.

It would be good policy to require that Councils published their infrastructure renewal gap as at 30 June in their Annual Reports, Strategic Resource Plans and Annual Budgets. (Better definitions need to be developed. The Auditor General should be involved.)

Guides could be published about good practices in operating costs. For example,

- This council has a prohibition on funding any overseas travel by anybody under any circumstances
- Expenditure above specified thresholds should require a business case in a standard form
- Benchmarking of remuneration
  - this Council's average salary is 18.1% below the average of the Victorian Public Sector as reported by the ABS;
  - this council's ratio of executive to non-executive staff is also much lower than in the Victorian Public Service).

This paper sets out numerous ways in which non-rate revenues could be made more sustainable. Most opportunities lie with the State agencies. To the extent that rates underpin important social programs, those flows should also be protected in the public interest.

Criteria could be established to classify councils into categories eg

- Renewal gap (and operating result) and assessment by the Auditor General
- Community satisfaction (this Council 96 / 2, June 2014)<sup>4</sup>
- Indicator(s) of good governance
- Average rates per property relative to an appropriate benchmark
- Possibly other indicators.

Government resources could be directed towards the lower-classified municipalities ranging from

- a. pairing with a higher-classified municipality for information and support,
- b. closer monitoring and requirements to seek approval of specific actions from the Minister, Department or Essential Services Commission through to
- c. direct involvement through Monitors, Inspectors of Municipal Administration or other means.

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<sup>4</sup> Very Good 21%, Good 47%, Average 28%, Poor 2%, Very Poor 0% Can't Say 2% - Community Satisfaction Survey June 2014, conducted by JWS Research under contract from the Department of Transport, Planning and Local Infrastructure.

Amongst other things, that would allocate government resources to those councils where resources could achieve the best results.

**Recommendation: That the ESC develop frameworks to safeguard asset management and social programs in future local government financial management.**

6) Finance Reference: The processes and guidance to best give effect to the recommended approach for the rates capping framework and a practical timetable for implementation, including:

a) the role of councils, the ESC and the Victorian Government and the expected time taken by local governments and by the Victorian Government or its agencies, for each step in the rate capping process;

Response 6(a).1 \$73 billion of assets cannot be managed one year at a time.

Councils are responsible for \$73 billion of community infrastructure and facilities which councils manage on behalf of current and future generations. Asset management needs to be planned and managed on a long term basis. The lifecycle of assets should be optimised by the appropriate mix of maintenance, upgrading and renewal. Failure to do so risks assets having to be replaced earlier than would otherwise be necessary at increased cost.

Complex projects typically involve: consultation and design, town planning permission, contractual documentation and tendering, construction and commissioning. This typically takes approximately four years.

If councils only know their revenues one year at a time, the asset base cannot be managed in the most efficient way and complex projects could not be committed. This includes for example children's services hubs, libraries, aquatic centre redevelopments, major sporting venues, drainage projects and so on. The Glen Eira Sports and Aquatic Centre (GESAC) is the most successful centre of its kind in Victoria. It opened in 2012. It attracts 1.1m visits a year and covers all of its costs including interest and repayment of borrowings. If rates were determined one year at a time, GESAC would not have been attempted.

Councils need to have a reasonable degree of certainty of their revenues over at least a rolling four year period. That suggests that the ESC should examine Councils' four-year Strategic Resource Plans (section 126 of the Local Government Act), not Councils' Annual Budgets (section 127 of the Local Government Act).

This is the most important point in this entire Paper.

**Recommendation: That the ESC expressly consult with the Auditor General on the need for asset management to be planned more than one year at a time.**

**Recommendation: That the ESC recommend assessing Councils' finances on the basis of**

- **Councils' obligations under s126 of the Local Government Act, a Strategic Resource Plan over at least four years,**
- **rather than Council's obligations under s127 of the Act, a Budget over 12 months.**

Finance References:

- b) any technical requirements including the information requirements on councils that request exemptions from the cap;
  - c) any guidance required to give effect to the rate capping options (including in relation to consultation with ratepayers) and to improve accountability and transparency; and
  - d) any benchmarking or assessment of the effectiveness of the regime, including options to continuously refine the regime and improve council incentives for efficiency.
- 7) Options for ongoing funding to administer the rate capping framework, including the potential for cost recovery.

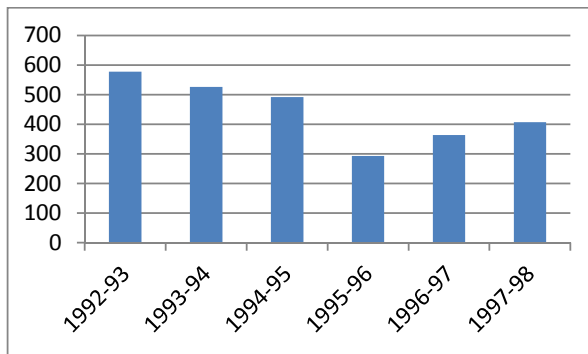
In conducting the inquiry and providing its advice, the ESC will have regard to:

- the role of local government in the provision of infrastructure and services to the community and the general efficacy with which they currently perform this task;
- the differences between rural, regional and metropolitan local councils in terms of costs, revenue sources and assets maintained;
- the Revenue and Rating Strategy guide and Local Government Performance Reporting Framework to be administered by the Department of Environment, Land, Water and Planning;
- matters regarding rate practices and asset renewal gap raised by the Victorian Auditor-General's Office (VAGO);
- Department of Treasury and Finance's Victorian Guide to Regulation and Victorian Cost Recovery Guidelines; and
- any relevant insights from the experience of rate pegging in New South Wales, including any reviews or evaluations that can suggest ways to minimise any unintended consequences."

Response "experience": should include the experience of rate capping in Victoria in the 1990s.

Before looking at NSW, the ESC should look closer to home.

Victorian councils were rate capped by the Victorian government for many years in the 1990s. Reduced rate revenue led to reduced asset spending. The ABS reported that capital formation over the following five years was a total of \$804m lower in nominal terms (more in real terms).



Rate capping contributed to the Infrastructure Renewal Gap.

On 7 February 1997 this Council's Commissioners wrote to the State Government that

*"If Council is to*

- maintain services*
- restore failing infrastructure, and*
- manage its assets cost effectively, including optimising the useful life*

*of the assets,*

*the financial resources available need to be increased."*

The signatory was the Chairperson of Commissioners, who was a former Finance Director of Cadbury Schweppes.

In their public exit report in March 1997, Glen Eira's Commissioners outlined the rate cuts and capping and then advised:

*"Glen Eira City Council has one of the lowest rate levels in the State, continuing the low rates charged in the antecedent cities.*

*Past Councils have left the burden of remedial works on future generations.*

*While the rate cuts during the transition period have benefitted ratepayers, it has also limited Council's capacity to fund vital infrastructure works throughout the City over the next few years."*

Council's Annual Reports 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.

### Sustainability of assets at rate of expenditure

Community asset	1999-00	2003-04
Footpaths	Possibly	Yes
Roads	No	Probably <sup>(a)</sup>
Drainage	No	No
Residential aged care	No	Yes
Children's services	No	Yes
Libraries	No	No <sup>(b)</sup>
Public toilets	No	No <sup>(c)</sup>
Pavilions	No	No
Pools	No	No
Shopping strips	No	Yes
Playgrounds	No	Yes

(a) Subject to government funding.

(b) Carnegie and Elsternwick are poor.

(c) Each would have to last 40 years.

Annual Report 2002-03

*"Everyone is always in favour of general economy and particular expenditure."*  
 - Rt. Hon. Anthony Eden (UK Prime Minister), The Observer, 17 June 1956



## Australian Bureau of Statistics

### 6461.0 - Consumer Price Index: Concepts, Sources and Methods, 2011

Latest ISSUE Released at 11:30 AM (CANBERRA TIME) 19/12/2011



#### CHAPTER 2 PURPOSES AND USES OF CONSUMER PRICE INDEXES

##### WHAT CONSUMER PRICE INDEXES MEASURE

2.1 As the name suggests, a consumer price index measures the change in the prices paid by households for goods and services to consume. All expenditures by businesses, and expenditures by households for investment purposes, are out of scope of a consumer price index. In this regard, expenditure on housing presents particular difficulties as it can be considered as part investment and part purchase of shelter-related services.

2.2 There is currently no single, universally accepted definition of a consumer price index. The often quoted description of a CPI is the following statement from the Resolution concerning consumer price indices released in 2003 by the Seventeenth International Conference of Labour Statisticians convened by the International Labour Organization (ILO) (the Resolution is reproduced in Appendix 4):

**"The CPI is a current social and economic indicator that is constructed to measure changes over time in the general level of prices of consumer goods and services that households acquire, use or pay for consumption. The index aims to measure the change in consumer prices over time. This may be done by measuring the cost of purchasing a fixed basket of consumer goods and services of constant quality and similar characteristics, with the products in the basket being selected to be representative of households' expenditure during a year or other specified period."**

##### PRINCIPAL PURPOSES OF A CONSUMER PRICE INDEX

2.3 A consumer price index may serve several purposes. However, three principal purposes are generally recognised, namely to measure:

- changes in the purchasing power of money incomes;
- changes in living standards; and
- price inflation experienced by households.

**Item 9.9****CLAYTON SOUTH REGIONAL LANDFILL  
2015-2016 BUDGET AND BUSINESS PLAN**

**File No: 60/020/00001**  
**Enquiries: Rachel Ollivier**  
**Manager Sustainability**

**1. Purpose**

To recommend to Council the 2015-2016 budget and business plan for the Clayton South Regional Landfill.

**2. Community Plan**

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

**3. Background**

The Glen Eira City Council is one of five member councils that owns and operates the Clayton South Regional Landfill as a joint venture (JV). Each Council has appointed a representative to a Management Committee, which operates the facility. The Committee operates the facility under the powers delegated to it by the JV.

The landfill is near the end of its operating life and is expected to close to customers at the end of 2015 when it will be full.

The Management Committee has prepared a business plan and budget for the 2015-16 financial year, for each member council to consider. A copy of the business plan, budget and background notes is attached (Attachments 1, 2, and 3). The Committee will consider changes that individual member councils suggest, however the Committee will adopt the final budget by majority vote.

**4. Business plan 2015-2018**

The Business Plan is reviewed annually, but it covers a three year period (2015-2018) during which the landfill will experience three significant changes:

1. *Closure of the landfilling and transfer station operations in approximately late September 2015.*
2. *Rehabilitation involving the construction of final landfill caps on the southern cell and balance of the northern cell and installation of final gas capture infrastructure.*
3. *Ongoing post closure aftercare maintenance and monitoring.*

In this financial year, the landfill will close and rehabilitation works will commence. These works will take 12 to 18 months to complete and will not be complete in this financial year. Work to set up monitoring and maintenance programs and contracts will also be done in 2015-16. Options for raising revenue by leasing the land will be explored.



**Item 9.9 (cont'd)****5. 2015-2016 Budget**

The budget has been drafted to deliver the business plan and in particular to run the landfill effectively until it closes, complete a large part of the rehabilitation work and start transitioning to new monitoring and maintenance programs.

Explanation of changes and large budget items is detailed below. Further detail can be found in Attachment 3.

Transfer Station and Refuse Service Councils

The transfer station and refuse service have been budgeted to close at end September 2015 (although the actual close date could be between August and December). Customer demand for the transfer station was budgeted at a similar level to the current year.

Trade waste discharge to sewer

Trade waste discharge to sewer will be needed after the landfill closes as it is part of the water and gas management system within the landfill itself. Much of the cost of trade waste to sewer is recovered by charging the neighbouring landfill and this will continue past closure. The neighbouring landfill disposes of their trade waste to sewer at Clayton Regional Landfill.

Management consultancy fee

Adjusted for inflation in line with the contract.

Environmental monitoring, legal fees

The budget for environmental monitoring remains high as ongoing compliance monitoring is needed until the site closes and additional monitoring is needed to check that rehabilitation is completed to standard and also to review the monitoring program needed after the site closes.

Landfill levy

The Landfill collects the landfill levy from customers and pays it to the Victorian Government. The levy was budgeted \$58.50 per tonne.

Capital expenditure

Substantial capital works are planned in order to rehabilitate the site. The largest works are capping of the cells and installing gas capture and management infrastructure.

**6. Risk**

The major financial risk associated with the landfill budget is ensuring adequate long term provisions after it has closed, when revenue will cease, but costs are ongoing.

**Item 9.9 (cont'd)**

Advice to date suggests that the current provisions for post closure management (needed for 30 to 40 years) will be adequate in the next 10 years or so, but there is a risk they may not be sufficient beyond that.

Raising revenue by leasing the land would assist in addressing this risk, which is why it is being explored.

Potential return of funds held by financial assurance fund

The landfill has collected funds while it has operated and paid them into a financial assurance fund, which was intended to assist if an environmental incident occurred and which was overseen by EPA Victoria.

The Management Committee is currently working with the Metropolitan Waste and Resource Recovery Group to develop a proposal that funds be returned to the contributors so that they can be used for prevention and management purposes. This proposal is likely to be put to all the councils to consider later in 2015. If the funds were returned it could increase the provisions for management of Clayton Regional Landfill by around \$1.5 million.

**7. Recommendation**

That Council:

- i. endorses the proposed 2015-2018 business plan for the Clayton Regional Landfill
- ii. endorses the proposed 2015-16 budget for the Clayton Regional Landfill (Attachments 2 and 3).

**Crs Pilling/Delahunty**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**



# Clayton Road Regional Landfill

## Business Plan 2015-2018

(Version 3 adopted)



## **Contents**

<b>PREAMBLE</b>	<b>2</b>
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<b>IMPLEMENTATION AND ACCOUNTABILITY</b>	<b>10</b>

## PREAMBLE

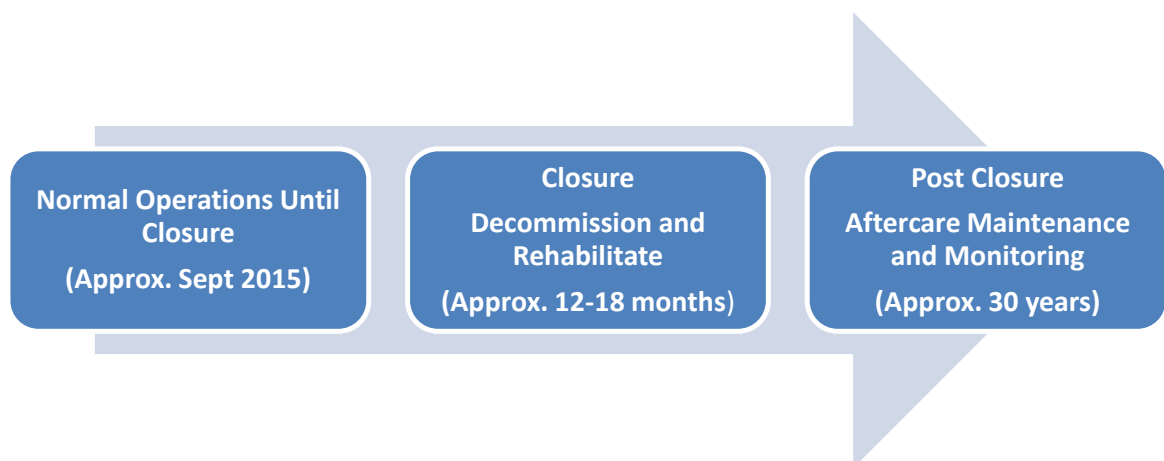
The Clayton Road Regional Landfill located at 654-718 Clayton Road, Clayton South, Victoria is owned and operated by the Clayton Road Joint Venture Group comprising the City Boroondara, City of Glen Eira, City of Monash, City of Stonnington and the City of Whitehorse.

The landfill is primarily used for the receipt of waste generated from each of the Joint Venture member councils and occasionally from other municipal and private organisations.

During the life of this Business Plan 2015-2018 the landfill will experience three significant changes:

1. Closure of the landfilling and transfer station operations in approximately late September 2015.
2. Rehabilitation involving the construction of final landfill caps on the southern cell and balance of the northern cell and installation of final gas capture infrastructure.
3. Ongoing post closure aftercare maintenance and monitoring.

This Business Plan's objectives, strategies and actions reflect the three different phases of operations and management required as the landfill site experiences the changes.



## GOALS

For the remaining life of the landfill to maintain the Clayton Road Landfill as a Regional Disposal Site for the owner councils those being the Cities of Boroondara, Glen Eira, Monash, Stonnington and Whitehorse.

Whether the site is open or closed, manage the site to minimise cost to the owner councils and risk to the environment over the management lifetime of the site, including through management of the landfill itself and also by maximising any value from the land.

## OBJECTIVES

- A. To maintain and operate the landfill & Transfer Station in accordance with the existing EPA Licence and Town Planning permit.
- B. To ensure there is sufficient cash on hand in each financial year to fully operate and maintain the landfill site including capital work programs.
- C. To investigate and establish post closure use/s of the site.
- D. Upon closure (expected end September 2015) to complete all rehabilitation requirements for the site in accordance with the Town Planning and EPA requirements.
- E. To establish and implement the post closure management requirements for the site

## PROCESS TO ACHIEVE OBJECTIVES

### Objective - A

**To maintain and operate the Landfill & Transfer Station in accordance with the existing EPA Licence and Town Planning Permit**

#### Strategy

To operate the site in accordance with the Environmental Management Plan, the Landfill Gas Management Plan and operational monitoring systems. This is expected to meet the requirements of the EPA and Town Planning Permit.

#### Actions

1. Implement the following:
  - a. The Environmental Management Plan:-  
Ensure that consultants are engaged to conduct annual environmental monitoring as required by the EPA Licence.
  - b. The Landfill Gas Management Plan:-  
  
Ensure compliance with the Gas Management plan and ensure that the gas collection system is maintained and extended when completed areas of the site become available.
  - c. Groundwater Monitoring as required by EPA licence:-  
Continue with the Regional Groundwater Monitoring project undertaken by an approved EPA auditor and continue the project partnership with Transpacific and Clayton Road Landfill.
  - d. Supervision of the Landfill Operations Contract with Grosvenor Lodge.
  - e. Maintain the independent off site odour observations.
2. Undertake Regular Activities:-
  - a. Prepare and submit the EPA Annual Performance Statement.
  - b. Conduct independent (GHD) site compliance inspections twice monthly.
  - c. Complete the operational site audit by approved EPA auditor.

- d. Performance review for the Operations and Site Management contractors.
- e. Consider extensions to Operations and Site Management contracts.

### 3. Works and Operations:-

- a. Maintain a high quality transfer station:-

The Transfer Station will provide residents and commercial customers a venue to dump from cars, trailers, vans and up to 3 tonne vehicles.

Ensure that the public are able to access a clean, and safe tipping area; Grosvenor Lodge are contracted to ensure that there are sufficient bins available at all times and that the site is well maintained.

Maintain recycling facilities. Ensure that the public have access to dispose, cardboard, metals, green waste, timber, oil and computer/television components.

Maintain a competitive pricing structure.

Operate Transfer station in accordance with the Guide to Best Practice at Resource Recovery Centres. (Ref: Sustainability Victoria)

- b. Continue with the Trade Waste agreement for the discharge of groundwater and leachate from the site. Continue the arrangement with TransPacific allowing them to use the Clayton Road Landfill discharge facilities in accordance with the SE Water Trade Waste agreement.
- c. Ensure the Operations Contractor operates the site in accordance with the EPA licence conditions, particularly as they relate to covering the landfill, litter and odour management.



## Objective - B

**To ensure that there is sufficient cash on hand in each financial year to fully operate and maintain the landfill site including capital works programs**

### Strategy

To maintain accurate financial records and statements for the site.

### Actions

1. To prepare and distribute full financial data to each committee meeting and prepare financial statements for audit annually.
2. Prepare Annual Budget for February committee meeting for consideration and approval by each member council.
3. Provide monthly profit/Loss and Balance sheet. Profit/loss to be presented in excel format and include actuals, budget and forecast.
4. Provide up to date Cash Flow statements.
5. To provide a set of draft financial statements to enable the Auditor General to conduct the annual financial audit.

## Objective - C

**To investigate and establish post closure use/s of the site**

### Strategy

To put in place the necessary steps to investigate possible post closure uses of the site in order to generate income.

### Actions

1. Engage a Consultant (URBIS) to assess possible post closure uses of the site.
2. Be represented at VCAT in appealing against the proposed City of Kingston rezoning of the landfill site.
3. Subject to the VCAT decision, the consultant (URBIS) to identify and recommend target use/s of the site.
4. Engage a specialist consultant to market the site for lease to the potential identified user/s
5. Enter into a lease agreement with the preferred leaser.

## Objective - D

**Upon closure (expected end September 2015) to decommission the site and complete all rehabilitation requirements for the site in accordance with the Town Planning and EPA requirements.**

## Strategy

To have in place processes for decommissioning the site and engage contractors to rehabilitate the site.

## Actions

1. Prepare a plan for decommissioning the site including clean up works and disposal of any saleable infrastructure.
2. In light of closure of the landfill and transfer station and need for management and supervision of rehabilitation works review the role and responsibilities of the Contract Manager (Contract 1-2008 due to expire Nov 2015 with one year option remaining).
3. Ensure EDL construct all necessary gas capture infrastructure prior to final capping of the landfills.
4. Prepare contract documentation, advertise and appoint a contract for capping the southern and balance of the northern cells.
5. Manage and supervise the capping and landfill gas capture infrastructure works to ensure compliance with specification and all EPA requirements.
6. Ensure gas capture and leachate extraction wells are operative at completion of all works.

## Objective - E

**To establish the post closure management requirements for the site.**

### Strategy

Ensure a sufficient financial and operational plan is in place to manage the on-going post closure requirement once rehabilitation is completed

### Actions

1. Annually review the post closure after care costs prepared by Golder and Associates.
2. Identify the post closure tasks and develop a specification to allow a contract to be awarded to manage the environmental monitoring requirements, maintenance of the site and supervision of sewer discharge and supervision of landfill gas/leachate assets including supervision of contractors engaged to maintain the various assets on the site.
3. Tender, appoint and establish suitable contractor/s to commence at the completion of the Site Managers contract (including any extensions).
4. Develop a post closure management plan that includes operational activities and method of funding post closure costs taking into account financial forecasts of cashflow over the management timeframe of the site accounting for all costs, income and risks over this period including after care cost estimates, tendered prices and any lease income.

## IMPLEMENTATION AND ACCOUNTABILITY

Following acceptance of this Business Plan by all Councils a Summary Implementation Action Plan will be prepared for all actions identifying the following:

- Action;
- To be Action By;
- Date to be Actioned By; and
- Status or Completion Date.

The Summary Implementation Action Plan will be presented at each Joint Venture Group monthly meeting with an update of the progress of each action item.

## ATTACHMENT 2

REGIONAL LANDFILL, CLAYTON  
SOUTH

2015-2016

## INCOME

2014-2015 Budget	2014-2015 YTD Jan 2014	2014-2015 Projected Result	INCOME Description	2015-2016 Proposed	2016-2017 Projected
			<b>Disposal Fees</b>		
\$5,061,600	3,084,330	5,332,672	Council MSW	1,316,025	
\$3,289,829	2,451,525	4,269,740	Transfer Station ( incl EPA Levy)	1,000,000	
\$8,351,429	\$5,535,855	\$9,602,412		\$2,316,025	\$0
			<b>EPA Landfill Levy</b>		
\$5,265,000	3,339,175	5,802,000	Councils EPA Levy	1,316,250	
\$5,265,000	\$3,339,175	\$5,802,000		\$1,316,250	\$0
			<b>Financial Assurance</b>		
\$45,000	27,385	47,338	Based on Council MSW	\$11,250	
\$45,000	\$27,385	\$47,338		\$11,250	\$0
\$400,000	187,526	373,000	Bank Interest	150,000	100,000
\$600,000	254,378	400,000	TPI contribution sewer discharge	600,000	600,000
\$18,000	16,252	16,252	Sergasco Dividend	18,000	18,000
\$1,018,000	\$458,156	\$789,252		\$768,000	\$718,000
\$0	\$13,491	\$13,491	Miscellaneous Income		
			<b>Total Cash Income</b>		
\$ 14,679,429	\$9,374,062	\$16,254,493		\$4,411,525	\$ 718,000

## REGIONAL LANDFILL, CLAYTON SOUTH

## Budget 2015-2016

## EXPENDITURE

2014-2015 Budget	2014-2015 YTD Jan 14	2014-2015 Projected Result	EXPENDITURE Description	2015-2016 Proposed	2016-2017 Projected
1,076,400	600,360	1,200,000	<b>Landfill Operation Contract</b> - Contractor	272,700	0
\$1,076,400	\$600,360	\$1,200,000		\$272,700	\$0
811,200	592,935	1,200,000	<b>Transfer Station</b> Transfer Station Disposal	248,000	
314,683	179,746	360,000	Transfer Station Receival	130,000	
20,000	6,620	12,000	Maint. Transfer Station&Weighbridge	10,000	0
156,000	46,051	100,000	chipping green waste	40,000	0
\$1,301,883	\$825,352	\$1,672,000		\$428,000	\$0
19,000	26,756	26,756	<b>EPA Licence - ES 20872</b> - Annual Renewal	30,000	30,000
\$19,000	\$26,756	\$26,756		\$30,000	\$30,000
9,067,500	4,444,450	9,000,000	<b>EPA Levy</b> Council, Commerical, Cash/Transfer Station including cover	2,515,500	0
\$9,067,500	\$4,444,450	\$9,000,000		\$2,515,500	\$0
45,000	44,174	89,174	<b>Financial Assur Levy</b> Council, Commercial, Cash/Transfer Station	11,250	0
\$45,000	\$44,174	\$89,174		\$11,250	\$0
30,000	9,700	25,000	<b>Volume Monitoring</b> - Monthly Survey		
			- Provision for other Surveys	31,200	32,448
\$30,000	\$9,700	\$25,000		\$31,200	\$32,448
200,000	83,287	150,000	<b>Environmental Monitoring</b> Provision for External Auditors and EPA compliance reporting	215,000	100,000
\$200,000	\$83,287	\$150,000		\$215,000	\$100,000
78,000	21,482	45,000	<b>Site Maintenance</b> Buildings and General Site Maintenance	75,000	75,000
\$78,000	\$21,482	\$45,000		\$75,000	\$75,000
			<b>Legal Fees</b>		

50,000	0	10,000	- General	10,000	10,000
\$50,000	\$0	\$10,000		\$10,000	\$10,000
32,000	26,560	45,000	<b>Bank Charges</b>	15,000	1,000
\$32,000	\$26,560	\$45,000	-	\$15,000	\$1,000
100,000	17,482	75,000	<b>Business &amp; Development Plans</b>	100,000	0
150,000	52,423	150,000	Business development&special projects	156,000	100,000
\$250,000	\$69,905	\$225,000	External Consultancy,Audit and JV Secretariat	\$256,000	\$100,000
276,515	167,386	286,000	<b>Accounting &amp; Management Fees</b>	240,000	170,000
25,000	24,650	28,000	- Management contract includes CPI, performance & other services	26,000	27,040
\$301,515	\$192,036	\$314,000	Audit and Accounting fees	\$266,000	\$197,040
840,000	392,365	800,000	<b>Water Treatment and Disposal to Sewer</b>	850,000	850,000
156,000	17,574	50,000	<b>Discharge to sewer includes TPI Agreement</b>	150,000	150,000
\$996,000	\$409,939	\$850,000	- Trade Waste Charge Leachate Plant operations	\$1,000,000	\$1,000,000
0	0	0	<b>Site Revaluation</b>	\$10,000	\$0
				\$10,000	\$0
<b>\$13,447,298</b>	<b>\$6,754,001</b>	<b>\$13,651,930</b>	<b>Total Expenditure excl Capital</b>	<b>\$5,135,650</b>	<b>\$1,545,488</b>
3,000	0	0	<b>Capital Expenditure</b>	0	0
2,500,000	91,483	2,500,000	Computer upgrade	3,000,000	3,000,000
300,000	111,572	240,000	Cell Cap finalistion	300,000	500,000
0			Gas control measures	0	0
0				0	0
\$2,803,000	\$203,055	\$2,740,000		\$3,300,000	\$3,500,000
<b>\$16,250,298</b>	<b>\$7,160,111</b>	<b>\$16,391,930</b>	<b>Total Cash Expenditure</b>	<b>\$8,435,650</b>	<b>\$5,045,488</b>
\$400,000		\$400,000	<b>Non-Cash Items</b>		
\$867,000		\$867,000	Depreciation - Buildings & Improvements	\$200,000	
\$3,100		\$3,100	Amortisation Airspace	\$433,500	
			Depreciation - Equipment	\$1,550	
\$1,270,100		\$1,270,100		\$635,050	\$0
<b>\$16,250,298</b>		<b>\$16,391,930</b>	<b>Total Expenditure</b>	<b>\$9,070,700</b>	<b>\$5,045,488</b>
<b>-\$1,570,869</b>	<b>\$2,213,951</b>	<b>-\$137,437</b>	<b>Loss-Surplus</b>	<b>-\$4,024,125</b>	<b>-\$4,327,488</b>



## REGIONAL LANDFILL CLAYTON SOUTH

## Projected Cash Flow January 2015

	(ACTUAL) 2011-12	(ACTUAL) 2012-13	(ACTUAL) 2013-14	2014-15	2015-16	2016-17
<b>Tonnes</b>						
Councils	94,000	88,444	92,951	90,000	22,500	-
Commercial Customers						
Clean fill leviable	22,100	30,000	42,728	40,000	12,500	-
Transfer Station	23,500	27,574	31,093	25,000	8,000	-
<b>Total Tonnes</b>	<b>139,600</b>	<b>146,018</b>	<b>166,772</b>	<b>155,000</b>	<b>43,000</b>	<b>-</b>
<b>Rates</b>						
Inflation (pa)	4%	4%	4%	4%	4%	4%
Interest (pa)	5%	5%	4%	4%	4%	4%
EPA Landfill Levy (per tonne)	\$44.00	\$48.40	\$53.20	\$58.50	\$58.50	\$60.00
Financial Assurance Levy (per tonne)	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
Refuse service (councils - ex levies)	\$50.00	\$52.00	\$54.50	\$56.24	\$58.49	\$60.83
Refuse service (Account Customers)	\$67.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Refuse service (Transfer Station - inc levies)	\$116.99	\$121.67	\$126.53	\$131.59	\$125.00	\$130.00
Transfer Station (excluding levies)	\$72.49	\$72.77	\$72.83	\$72.59	\$66.50	\$69.50
Transfer Station contractor expense	\$31.83	\$30.00	\$31.20	\$32.45	\$31.00	\$32.24
Refuse Disposal (contract expense)	\$10.72	\$10.72	\$11.20	\$11.96	\$12.12	
<b>Carbon Tax Allowance</b>	<b>\$0.00</b>	<b>\$22.69</b>	<b>\$11.44</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
GST	10%	10%	10%	10%	10%	10%

**Receipts**

Refuse service councils (ex levies)	4,700,000	4,484,120	4,742,721	5,061,600	1,316,025	-
<b>Carbon Tax Allowance</b>	<b>-</b>	<b>2,013,004</b>	<b>1,034,731</b>	<b>-</b>	<b>-</b>	<b>-</b>
Transfer Station income (inc levies)	1,703,418	5,973,444	3,921,323	3,289,829	1,000,000	-
Refuse service (Account Customers)	-					
EPA landfill Levy (council only)	5,170,000	4,215,182	4,937,498	5,265,000	1,316,250	-

EPA landfill Levy - Rebate						
Financial Assurance Levy	47,000	44,359	44,174	45,000	11,250	-
Interest received	179,563	213,021	389,042	400,000	150,000	100,000
Pump Costs Sewer Inc	678,756	724,335	441,828	600,000	600,000	600,000
Green waste Chipping	-	-	-	-	-	-
Rylty Dividend Sergasco P/L	30,446	34,911	11,968	18,000	18,000	18,000
Recovery Income						
Misc. Income	500	3,291	228,071	-	-	-

<b>Sub-Total Receipts</b>	<b>12,509,683</b>	<b>17,705,666</b>	<b>15,751,357</b>	<b>14,679,429</b>	<b>4,411,525</b>	<b>718,000</b>
<b>GST - Collected</b>	<b>708,267</b>	<b>1,213,652</b>	<b>1,025,335</b>	<b>895,143</b>	<b>291,603</b>	<b>60,000</b>

**Total Receipts** **13,217,950** **18,919,318**

**Payments**

Landfill Disposal Operations	1,093,702	993,704	1,054,538	1,076,400	272,700	-
Transfer Station Disposal	724,271	638,228	973,407	811,200	248,000	-
Transfer Station Receival	155,958	34,236	302,580	314,683	130,000	-
Transfer station Maint/supplies	31,050	34,942	41,344	20,000	0,000	-
Green Waste Chipping	114,941	140,446	110,862	156,000	40,000	-
EPA licences	13,364	18,065	20,223	19,000	30,000	30,000
EPA Landfill Levy	4,450,411	4,448,741	9,865,478	9,067,500	2,515,500	-

Financial Assurance Levy			134,781	45,000	11,250	-
Survey & Volume Monitoring	24,394	33,830	14,718	30,000	31,200	32,448
Environmental Monitoring	140,233	196,086	144,650	200,000	215,000	100,000
Site Maintenance	40,472	122,193	56,953	78,000	75,000	75,000
Legal Fees	5,488	15,398	6,313	50,000	10,000	10,000
Bank fees	18,922	29,766	30,938	32,000	15,000	1,000
Business Development Plans	35,507	64,430	27,685	100,000	100,000	-
JV Secretariat and support			74,318	150,000	156,000	100,000
Management Consultancy Fee	237,283	254,261	270,451	276,515	240,000	170,000
Audit/Accounting Fees	19,285	24,185	25,977	25,000	26,000	27,040
Water Treatment - sewer	802,737	834,341	530,538	840,000	850,000	850,000
Leachate Treatment	149,721	160,983	44,957	156,000	150,000	150,000
Site Revaluation Fee		4,700	5,200		10,000	
Misc Expenses	108	-	-	-	-	-

*Sub-Total Payments*

8,057,847	8,248,534	13,735,911	13,447,298	5,135,650	1,545,488
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**Capital Expenditure**

Computer System Upgrade						
Video System Upgrade				3,000		
Install leachate treatment plant			4,652			
Cell Cap Finalisation	272,972	61,625	199,107	2,500,000	3,000,000	3,000,000
Cell Construction (south pit)	-					
Gas control measures	1,485,391	324,747	188,901	300,000	300,000	500,000
Construct Leachate dam		312,274				

*Total Payments (ex GST)*

9,816,210	8,947,181	14,128,571	16,250,298	8,435,650	5,045,488
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GST

Paid	535,244	372,754	381,920	711,880	587,890	501,549
Remitted	153,318	840,898	639,376	183,263	296,288	441,549

**Carbon Tax**

3,047,735

Distribution	3,000,000	-	-	-	-	-
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<b>Total Payments</b>	<b>13,504,772</b>	<b>10,160,833</b>	<b>15,149,867</b>	<b>20,193,176</b>	<b>8,727,253</b>	<b>5,105,488</b>
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Inflow/(outflow)	286,822	8,758,485	1,626,825	4,618,603	4,024,125	4,327,488
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Add: Opening Cash	4,972,513	4,685,691	13,444,177	15,071,002	10,452,398	6,428,273
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<b>Projected Closing Cash</b>	<b>4,685,691</b>	<b>13,444,177</b>	<b>15,071,002</b>	<b>10,452,398</b>	<b>6,428,273</b>	<b>2,100,785</b>
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**Committed Funds - Post Closure Rehabilitation & Maintenance**

Opening Balance	890,137	891,341	1,120,898	3,005,211	3,005,211	3,005,211
Transfer from retained earnings	1,204	229,557	1,884,313		-	-
<b>Closing Balance Rehab &amp; Maint</b>	<b>891,341</b>	<b>1,120,898</b>	<b>3,005,211</b>	<b>3,005,211</b>	<b>3,005,211</b>	<b>3,005,211</b>

**Committed Funds - Carbon Tax Allowance**

Opening Balance	-	-	2,013,004	3,047,735	-	-
Tax Paid	-	-	-	-3,047,735	-	-
Transfer from retained earnings	-	2,013,004	1,034,731	-	-	-
<b>Carbon Tax Commitments</b>	<b>-</b>	<b>2,013,004</b>	<b>3,047,735</b>	<b>-</b>	<b>-</b>	<b>-</b>

<b>Total Committed</b>	<b>891,341</b>	<b>3,133,902</b>	<b>6,052,946</b>	<b>3,005,211</b>	<b>3,005,211</b>	<b>3,005,211</b>
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<b>Net Funds Available</b>	<b>3,794,350</b>	<b>10,310,275</b>	<b>9,018,056</b>	<b>7,447,187</b>	<b>3,423,062</b>	<b>- 904,426</b>
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## BUDGET 2015-2016

### BACKGROUND NOTES

#### INCOME:

##### **Refuse Service Councils.**

Based on 22,500 tonnes/3 Months @\$58.49/Tonne **\$1,316,025**

##### **Transfer Station**

Based on receiving 8,000tonne/3months at a rate of \$125/T **\$1,000,000**

##### **Landfill Levy**

Landfill Levy @ \$58.50/t for Councils MSW **\$1,316,250**

##### **Financial Assurance**

Based on Councils MSW 22,500t @ \$0.50/t **\$ 11,250**

##### **Interest Received**

Interest calculated on funds available (based on 3.50%) **\$ 150,000**

##### **TransPacific Waste Trade Waste Users Agreement:**

Income received from TPI for use of Trade Waste Discharge to sewer, ie. Actual Melbourne Water charges estimated at \$850,000 TPI to pay their share estimated at: **\$600,000**

##### **SERGASCO Royalties**

Estimated share of royalties flowing from Gas to Electricity Project run by Energy Developments. **\$18,000**

**TOTAL Income            \$4,411,525**

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## EXPENDITURE:

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**Landfill Operation Contract**

Based on contract rate of \$12.12/Tonne for 22,500Tonnes to landfill **\$272,700**

**Transfer Station Operations**

- Tendered price to operate transfer station and dispose material to landfill.  
Contractor @ \$31.00 tonne for 8,000 tonnes/annum **\$ 248,000**
- Waste receival & handling (labour) on Transfer Station directing  
traffic, etc. **\$ 130,000**
- General Maintenance on Weighbridge/Transfer Station ie barrier repairs, signage,  
weighbridge calibration, weighbridge supplies. **\$ 10,000**
- Chipping Green waste from Transfer station 250t/m @ \$52.46/t **\$ 40,000**

**EPA Licence Fee**

Annual EPA Licence Fee **\$30,000**

**EPA Levy**

Landfill Levy @ \$58.50/t for 43,000 tonnes includes Transfer station  
And 8,000 Tonnes of cover imported to site. **\$2,515,500**

**Financial Assurance**

Payment into Fin Assurance fund to cover post closure and Remediation based on  
\$0.50/t for 22,500,000 tonnes (Municipal) **\$11,250**

**Volume Monitoring.**

Aerial & Land Survey to monitor final contours/compaction etc **\$31,200**

**Environmental Monitoring**

Covers all Ground Water/gas Monitoring and General Site Audits **\$215,000**

and includes provision for consultants to manage compliance issues.

**Site Maintenance**

General maintenance of Buildings, Pumps, fencing etc and

Provision for general landscaping works.	<b>\$75,000</b>
<b>Legal Fees</b>	
Provision for Legal advice.	<b>\$ 10,000</b>
<b>Bank Charges</b> Account keeping fees Bank charges includes Eftpos	<b>\$15,000</b>
<b>Business Development Plans</b>	
Business Development & special Projects requirements.	<b>\$100,000</b>
<b>JV Secretariat and Consultancy Support.</b>	<b>\$156,000</b>
<b>Accounting &amp; Management Fees</b>	
Management Contract (includes weighbridge staff)	<b>\$240,000</b>
External accounting and Account Audit Fees	<b>\$ 26,000</b>
<b>Water Treatment.</b>	
Trade Waste discharge of leachate & mine waters from Clayton site & TPI Payment to Melbourne Water.	<b>\$850,000</b>
<b>Leachate Treatment</b> Aerator maintenance, chemicals, power charges	<b>\$150,000</b>
<b>Site Revaluation</b>	<b>\$10,000</b>
<b>CASH EXPENDITURE:</b>	<b>\$ 5,135,650</b>

**Capital Expenditure****Cell Cap Finalization**

Allowance to complete final capping of Northern cell & part Southern cell, Clay & Plastic

**\$3,000,000**

**Gas Collection**

Allowance for Gas control measures to control odour etc

And extension of gas collection dual leachate/gas wells.

**\$ 300,000**

**Total Capital**

**\$ 3,300,000**

**Cash Expenditure & Capital**

**\$8,435,650**

<b>Total (Cash) Expenditure</b>	<b>\$8,435,650</b>
<b>Total Income</b>	<b>\$4,411,525</b>
<b>Nett Deficit</b>	<b>(\$4,024,125)</b>

**Item 9.10****GRADE SEPARATION - TIMING****1. Purpose**

At Item 9.8 of the Ordinary Council Meeting of 3 February 2015, Council resolved:

*2. That Council write to the Minister for Roads and Road Safety:*

*(a) Commending him on his commitment to commencing grade separation at Ormond Station in December 2016 and Carnegie and Murrumbeena Stations in December 2017;*

*(b) Commending the State Government for its commitment to remove level crossings at Bentleigh, McKinnon and Hughesdale stations and at Grange Road and requesting timeframes for these removals to take place; and*

*(c) Requesting that VicRoads continue to work closely with Council in relation to all grade separations in Glen Eira.*

**2. Information**

The resolution was communicated to the Minister.

The response from the Minister for Public Transport is attached.

**3. Recommendation**

That the report be noted.

**Crs Okotel/Pilling**

**That Council writes to the Minister for Public Transport:**

- (a) Thanking her for her letter;**
- (b) Noting that there is no mention in her letter of the anticipated grade separations at North Road, Ormond, Murrumbeena Road, Murrumbeena, Koornang Road, Carnegie or Centre Road, Bentleigh;**
- (c) Requesting confirmation that the grade separation and station reconstruction at North Road, Ormond will be completed by 2017, as promised by the previous government;**
- (d) Requesting confirmation that the grade separations and station reconstructions at Murrumbeena Road, Murrumbeena and Koornang Road, Carnegie will be completed by 2019, as promised by the previous government;**
- (e) Requesting confirmation that the grade separation at Centre Road, Bentleigh is one of the 50 grade separations the government promised to complete by the 2022 state election; and**
- (f) Requesting confirmation that the government will consult in advance with council and other relevant stakeholders regarding proposed level crossing removals in our municipality.**

**Item 9.10 (cont'd)****AMENDMENT****Crs Sounness/Delahunty**

Amend section (a) to read; (a) Thanking her for her letter and commending her and the Andrews Government on the recent announcement regarding the Cranbourne Pakenham line upgrade which will mean a great deal to our residents.

**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 Hyams called for a DIVISION on the voting of the AMENDMENT.

<b>FOR</b>	<b>AGAINST</b>
Cr Sounness	Cr Okotel
Cr Delahunty	Cr Lipshutz
Cr Lobo	Cr Hyams
Cr Pilling	Cr Esakoff
Cr Magee	

On the basis of the Motion the Chairperson declared the AMENDMENT CARRIED and on becoming the SUBSTANTIVE MOTION was again put and CARRIED.



Hon Jacinta Allan MP

Minister for Public Transport  
Minister for Employment

1 Spring Street  
Melbourne Victoria 3000  
Telephone: 03 9208 3333  
DX210292

Cr Jim Magee  
Mayor  
Glen Eira City Council  
PO Box 42  
CAULFIELD VIC 3162

20 MAR 2015

Dear Mr Magee

I refer to your recent letter to the Minister for Roads regarding level crossing removals within your municipality. Your letter has been referred to me as the Minister for Public Transport.

I am pleased to confirm that the Andrews Labor Government is committed to removing 50 of the most dangerous and congested level crossings across our rail network, and has fast-tracked funding to progress planning works and establish the Level Crossings Removal Authority, which will deliver the Level Crossings Removal project.

\$100 million will be used to progress planning works and establish the Authority, with \$3 million provided immediately so work can start prior to the May budget.

While works on four of the level crossings chosen for removal are due to begin later this year, a detailed schedule for the removal of the remaining level crossings, including of those located within, or close to, the City of Glen Eira is still being developed.

However, I can confirm that four of the 50 level crossings due for removal are located within the Glen Eira area: Centre Road in Clayton, McKinnon Road in McKinnon, Grange Road in Carnegie, and Poath Road in Hughesdale.

I appreciate your support of this important project and look forward to working with Council, the Glen Eira community and the new Authority on the removal of the local level crossings.

Yours sincerely

**The Hon Jacinta Allan MP**  
Member for Bendigo East  
Minister for Public Transport



**Item 9.11****RE-INTRODUCTION OF SPECIAL RATE SCHEME  
BENTLEIGH SHOPPING CENTRE**

**File No:**  
**Enquiries: Lynda Bredin**  
**Manager Business**  
**Development**

**1. Proposal**

To consider giving notice of Council's intention to declare a new Special Rate for the marketing and promotion of the Bentleigh Shopping Centre ('Centre') from 1 July 2015.

**2. Community Plan Goal**

Enhance the quality of life in Glen Eira by:

- Ensuring appropriate service and facilities are provided.
- Supporting sustainable community development.
- Stimulating economic activity in strategic locations.

**3. Business Development Strategy**

The performance of the above functions will also assist Council in fulfilling the following objectives of the Glen Eira Business Development Strategy:

- Objective 3: Encourage self-sufficiency amongst businesses.
- Objective 4: Enhance and promote shopping and business precincts.

**4. The objectives of Council which are set out in section 3C(2) of the *Local Government Act 1989* are:**

- To promote the social, economic and environmental viability and sustainability of the municipal district.
- To promote appropriate business and employment opportunities.

**5. Background**

- 5.1 The Bentleigh Traders' Association Incorporated ('Association') has requested that Council declare a new Special Rate for the Centre, in effect to continue on from the current Special Rate which ceases on 30 June 2015.
- 5.2 The revitalisation of Glen Eira's strip shopping centres is a priority in the Business Development Strategy adopted by Council in 1998. Bentleigh is one of the key strip Major Activity Centres in the municipality.

**Item 9.11 (cont'd)**

- 5.3 The Centre's Special Rate Scheme was first put in place in 1994 for a period of three years. It was renewed in 1997 for a period of five years and in 2002 for a period of six years. It was then renewed in 2008 for a period of seven years. The Special Rate has been levied against all commercial and retail properties within the Centre. (Properties that are deemed to be non-rateable under the Act will not be levied the rate).
- 5.4 The final year of the current scheme is expected to raise approximately \$185,700.
- 5.5 It has been Council's practice with all of its Special Rate schemes for 100% of the money raised by the relevant scheme to be paid directly to the relevant traders' association over four quarterly instalments throughout the year. The relevant traders' association spends the funds as is specified in the Special Rate declaration, and, in accordance with a traders' agreement with Council, which requires the submission of annual budgets, regular financial reporting and audited annual financial statements.
- 5.6 The funds raised by the Bentleigh Special Rate have been used over the last six years to promote and market the Centre as a destination shopping centre.
- 5.7 Funds have been expended to:
- Employ a Centre Coordinator to foster stakeholder relationships; organise and deliver the Association's economic and business programs; and to coordinate and administer the Association's business, including its Internet presence.
  - Provide special community events and competitions.
  - Provide regular advertising and promotion to promote awareness of the Association's community marketing strengths through local newspaper features, including, the promotion of special events e.g. Christmas and Halloween Festivals and the Spring Racing carnival.
  - Management and regular updating of website and social media marketing and database.
  - Develop the Association's brand.
  - Manage graffiti in the Centre.
  - Produce a business directory.
  - Produce 20,000 Bentleigh Shopping bags.
- 5.8 As a result of these achievements, the Association has requested that Council declare the Special Rate Scheme for a further period of six years from 1 July 2015 to 30 June 2021.

**Item 9.11 (cont'd)****6. Discussion**

- 6.1 The Association proposes that the new Special Rate remain set at \$185,700 per year over the six years of the scheme (exclusive of Council's costs). The Association does not seek an increase to the current Special Rate amount or an annual increase to reflect CPI.
- 6.2 The Association believes that the fixed amount will provide them with sufficient funds to allow them to deliver a comprehensive and effective marketing plan without placing any increased costs on business operations or commercial landlords.
- 6.3 The Association's continued key objectives are to implement the Centre's business and marketing plan and to regularly monitor and report progress to their members.
- 6.4 Council's administrative costs include: preparation of Council reports; declaring and levying the rate; collecting contributions and forwarding relevant amounts to the Association; entering into an agreement with the Association to administer the scheme; and assisting the Association.

Estimated annual Council costs: **\$15,400.**

The total cost of the scheme for the first year is: **\$201,100.**

- 6.5 It has been practice in previous schemes for Council not to recover its administrative costs from liable properties, and to only levy those costs incurred by the Association. It is proposed that this practice continue for the new scheme. It is emphasised that Council's contribution in providing its own resources towards the benefit of the Centre (which could otherwise be recouped from benefiting properties) is not inconsiderable and is highlighted for the record.
- 6.6 The viability of the Centre as one of Glen Eira's Major Activity Centres with a mixed use of retail and professional services is dependent on its ability to be represented as a cohesive group of traders. This allows them to unite to effectively respond to external threats or opportunities in order to protect their investment in the Glen Eira community. Southland and Chadstone shopping centres remain constant threats.
- 6.7 The Association wishes to remain self-sufficient and to have the ability to continue its annual marketing program and provide a cohesive, holistic approach to marketing and promotion, and to provide services to the Centre over and above Council's standard services.
- 6.8 The Association has employed and worked with Peter McNabb and Associates to visit businesses throughout the Centre to explain the proposal for a new Special Rate, to answer questions and elicit support for the continuation of the scheme.

**Item 9.11 (cont'd)**

6.9 There are 301 rateable properties in Bentleigh:

- 15 of these properties are vacant or under construction.
- Four of these properties have owners/occupiers who owing to language barriers were not able to give an opinion as to whether or not they support the scheme.
- Ten properties are occupied by businesses that are in the process of selling, closing down or have already sold their businesses.
- One property is occupied by a recently opened business, and, as its owner/occupier had little knowledge of the scheme, they were not able to give an opinion as to whether or not they support the scheme.
- Three properties have owners that are overseas or otherwise unavailable and so were not able to give an opinion as to whether or not they support the scheme.

The net effect of this is that it was not possible to gauge the extent of business support from 33 out of the 301 properties which represents 11% of the total number of rateable properties.

6.10 Of the remaining 268 properties, Peter McNabb and Associates report that:

- There is support from 21 corporate businesses (chain stores, businesses and government services); local stores having referred the proposal to their head offices. There is a general acceptance by these businesses of the special rate as most are contributing to several other schemes already. This represents 8% of the 268 remaining properties.
- 171 signed support forms were received from businesses in different parts of the Centre. This represents an overall initial level of 64% of the 268 remaining properties in support of the scheme.

The overall support for the scheme is therefore 72%.

6.11 45 businesses have not responded which represents 17% of the 268 remaining properties. It is considered that this is not a negative response but, rather, one of inaccessibility to the decision maker, time constraints or apathy.

6.12 72% support for the scheme is a higher level of support than obtained in the 2008 renewal process when 54.33% of accessible businesses indicated their support.

**Item 9.11 (cont'd)**

- 6.13 It should be noted that all liable property owners/occupiers will be given an opportunity to lodge a formal submission and/or objection to the scheme as part of the public notice process.
- 6.14 Many businesses consider that they receive direct benefits from the marketing and business development initiatives undertaken by the Association. Examples of comments documented by Peter McNabb and Associates in support of the scheme are:
- The special rate continues to lift the profile of the Centre.
  - The Centre would be disadvantaged if it did not have the collective marketing approach provided by the levy.
  - The Association is doing a good job and should be supported, particularly in its efforts to get funding for CCTV cameras in the Centre.
  - The new Marketing Manager has introduced a fresh and modern approach to marketing, including extensive use of social media.
  - The Marketing Manager and Coordinator communicate well and regularly with businesses and solve problems in the Centre.
- 6.15 A negative response or specific lack of interest was received from 29 businesses, which represents just over 11% of the remaining 268 properties. Reasons given by these 29 businesses include:
- A few of the retail businesses are opposed to the direction and content of the Association's existing marketing program, and consider that they receive no benefit from the scheme.
  - A few of the health and professional services businesses (particularly those on the fringe of the Centre or occupying upstairs premises) do not consider that they receive any benefit from the scheme.
  - One or two businesses on the western and eastern fringes of Centre do not consider that they receive any benefit from the scheme.
  - One or two businesses on the western and eastern fringes of Centre Road consider that the promotional activities are organised mostly in the core areas of the Centre and not in their part of the Centre.
  - One business is concerned about the inefficient use of the special rate because of its own low business turnover in recent times.

**Item 9.11 (cont'd)**

- One business is opposed to the street tree planting and car parking arrangements in front of its shop and believes that the Association has not been effective enough in negotiating a better outcome with Council.
- 6.16 The Association's consultant Peter McNabb and Associates concludes from his consultation:
- There is widespread awareness among businesses about the proposed new special rate for the Bentleigh Activity Centre.
  - There is a very high degree of support for the renewal of the special rate from businesses that would be liable to pay.
  - There is little opposition to the proposal.

**7. Legislative requirements**

The *Local Government Act 1989* ('Act') requires that Council must determine a number of matters when considering declaring a new Special Rate. These include:

**(a) The total cost of the Special Rate**

The total cost of the Special Rate is the annual amount which the Association has budgeted to spend on various marketing, promotional and other activities.

The Association has budgeted to spend \$185,700 in each year of the scheme on its programs.

**(b) The total amount of the Special Rate to be levied**

In addition to the total cost of the scheme, Council must decide the maximum amount that is able to be levied on liable property owners/occupiers. Once this amount is set, Council cannot levy any amount greater than this figure.

The Act provides that Council must calculate the above amount in accordance with the following formula:

$$R \times C = S$$

**R** is the total 'benefit ratio' which is the percentage of the total cost that Council determines is able to be levied. It takes into account whether there are properties Council believes will derive a 'special benefit' and are to be levied, and others which also receive such a benefit but which are not to be levied (such as non-commercial community facilities).

**Item 9.11 (cont'd)**

Council must also determine if there is a clear, direct and tangible 'community benefit' provided by the scheme that cannot be charged to the businesses and must be attributed to, and paid for, by Council.

**C** is the total cost of the scheme.

**S** is the maximum amount that can be levied.

With regard to the 'benefit ratio', it is considered that all the properties within the area of the municipal district of Glen Eira shown edged in black on the plan attached to the declaration at Annexure A will receive a special benefit through increased economic activity. There are no commercial properties identified within this area which should not be levied the rate. However, properties that are deemed to be non-rateable under the Act will not be levied the rate. It is also considered that there are no separate 'community benefits' that can be measured which might accrue from the existence of the scheme. Any benefits to people visiting the businesses in the Centre will accrue to the businesses themselves.

Therefore, the total **maximum** amount that can be levied on liable property owners would be 100% of the total cost of the scheme.

**(c) The criteria to be used as the basis for declaring the Special Rate**

Council must specify the methodology it will use in determining how the payment of the rate is to be apportioned amongst the benefiting properties. It is proposed that all properties will pay a specific rate in the dollar of their Net Annual Value, in order to raise the total amount to be levied for each year.

**8. Statutory Process**

The Act requires Council to give public notice of the proposed declaration of the Special Rate and to contact all owners/occupiers who will be liable to contribute. The proposed declaration for this scheme is attached at Annexure A, which has been prepared in accordance with the Act and with Ministerial Guidelines (gazetted on 23 September 2004), on how to determine the maximum charge to levy.

Owners (or occupiers who would be liable to pay the rate pursuant to their lease) may object to the proposal within 28 days of the publication of the public notice. The Act stipulates that if objections are received from more than 50% of persons liable, Council is prevented from making the declaration and the scheme cannot proceed.

**9. Conclusion**

Given that the submissions received overall have delivered a higher level of support than for the 2008 renewal, it is recommended that Council gives notice of its intention to declare a new Special Rate of \$185,700. This will enable the Association to create and maintain a consistent, competitive and holistic approach to its marketing.

**Item 9.11 (cont'd)****10. Recommendation**

That Council:

- i) specify the following for the purpose of sections 163(2), 163(2A) and 163(2B) of the Act:
  - (a) The total amount of the Special Rate to be levied in accordance with section 163(2) of the Act is:  
  
For each year of the Special Rate: \$185,700.
  - (b) The total amount of the Special Rate which may be levied is not to exceed the following which is calculated in accordance with section 163(2A) of the Act:  
  
For each year of the Special Rate: \$185,700.  
  
For the purposes of section 163(2B) above:
    - (i) The 'benefit ratio' (R) to be levied on liable persons is 100%.
    - (ii) There are no commercial properties receiving a special benefit from the Special Rate which are not to be levied the rate. (Properties that are deemed to be non-rateable under the Act will not be levied the rate).
    - (iii) The 'community benefit' from the Special Rate is zero.
  - (c) The criteria to be used in accordance with section 163(2) as the basis for levying the Special Rate is:  
  
For each year of the Special Rate, each rateable property included in the Special Rate is to pay the applicable rate of cents in the dollar (as determined by Council on 1 July in every year) of the respective property's Net Annual Value.
- ii) give notice of its intention to declare a new Special Rate (in the form of the declaration contained in Annexure A).
- iii) authorises the CEO to give public notice in the Caulfield Glen Eira Leader and Moorabbin Glen Eira Leader' newspapers of its intention to declare a new Special Rate.
- iv) authorises the CEO to send a copy of the public notice to each person who will be liable to pay the Special Rate.

**Crs Hyams/Sounness**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**



## Annexure A

**GLEN EIRA CITY COUNCIL ('COUNCIL')  
PROPOSED DECLARATION OF SPECIAL RATE  
BENTLEIGH SHOPPING CENTRE**

1. The following declaration of a Special Rate is proposed:
  - (a) A Special Rate be declared for the period commencing on 1 July 2015 and concluding on 30 June 2021.
  - (b) The Special Rate be declared for the purpose of defraying advertising, management, decoration, security, promotion and other incidental expenses associated with the encouragement of commerce in the Bentleigh Shopping Centre, which Council considers is, or will be, a special benefit to those persons required to pay the Special Rate.
  - (c) The amount of the Special Rate to be levied between 1 July 2015 and 30 June 2021 be recorded as \$185,700 fixed per year.
  - (d) It be recorded that, for the purposes of section 163(2A) of the *Local Government Act 1989*, the Special Rate proceeds of \$185,700 or such other amount as is lawfully levied as a consequence of this declaration will not exceed the amount calculated in accordance with the prescribed formula ( $R \times C = S$ ), with the 'benefit ratio' (R) being calculated at 100%, and representing the total benefits of the Special Rate scheme that will accrue as special benefits to all persons liable to pay the Special Rate and 'community benefit' being assumed as nil in the Bentleigh Shopping Centre.
  - (e) The following be specified as the area for which the Special Rate is so declared: The area within the municipal district of Glen Eira as shown edged in black on the plan attached to this declaration ('area').
  - (f) The following be specified as the land in relation to which the Special Rate is so declared: All land within the area primarily used for commercial or industrial purposes or obviously adapted to or designed for being primarily used for commercial or industrial purposes.
  - (g) The following be specified as the criterion which forms the basis of the Special Rate so declared: Ownership of any land described in part 1(f) of this declaration.
  - (h) The following be specified as the manner in which the Special Rate so declared will be assessed and levied in respect of each parcel of rateable land: For the period between 1 July 2015 and 30 June 2021 each property in the Special Rate is to pay the applicable rate of cents per dollar of the respective property's Net Annual Value, which combined for all the included properties will recover the total amount of the Special Rate to be levied each year and being fixed at \$185,700.

- (i) For the purposes of part 1(h) of this declaration, the Net Annual Value of each parcel of rateable land is the Net Annual Value of that parcel of land at the time of levying the Special Rate (so that the Net Annual Value may alter during the period in which the Special Rate is in force, reflecting any revaluations and supplementary valuations which take place).
  - (j) Having regard to the preceding parts of this declaration but subject to section 166(1) of the *Local Government Act 1989*, it be recorded that, subject to any further resolution of Council, the Special Rate will be due and payable on the date(s) fixed under section 167 of the *Local Government Act 1989*, as the date or dates on or by which Council's general rates are due.
- 2. The proposed declaration be considered by Council at its meeting on 9 June 2015, at which time Council will consider whether to make a declaration in the form of the proposed declaration.
- 3. Council's Chief Executive Officer be authorised to:
  - a) Give public notice of the proposed declaration in the Caulfield Glen Eira Leader and the Moorabbin Glen Eira Leader newspapers, in accordance with section 163(1A) of the *Local Government Act 1989*.
  - b) Send a copy of the public notice to each person who is liable to pay the Special Rate in accordance with section 163(1C) of the *Local Government Act 1989*.



**Item 9.12****FINANCIAL COUNSELLING SERVICE PROVIDED  
BY COMMUNITY INFORMATION GLEN EIRA FOR  
GLEN EIRA****File No:****Enquiries: Peter Jones****Title: Director Community Services****1. Purpose**

At the Council meeting of 17 March 2015 Council requested *“that council provide a report for the Ordinary Meeting of 7 April 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 a budgetary scope for council to fund this service.”*

**2. Background**

Community Information Glen Eira (CIGE) has provided a financial counselling service on site each Friday for approximately 18 months. The service ceased on 28 February 2015.

The financial counselling service at CIGE was achieved through the provision of an out-posted Financial Counsellor from the Springvale Community Aid and Advice Bureau (CAB). This Federally funded service now has new catchments and Glen Eira is no longer within the catchment of the Springvale CAB. The new catchment for Glen Eira is not yet known.

**3. Funding Arrangements**

There is a notional 60:40 split between State and Federal governments for funding financial counselling services. Changes in both programs in the past year have realigned service areas and some funding redistribution has occurred as a result. At this stage the amount of funding for the new Federal catchment incorporating Glen Eira is still to be determined.

<i>Federal funding (40%)</i>	<i>State funding (60%)</i>
<ul style="list-style-type: none"> <li>• Federal Government funding is provided by the Department of Social Services.</li> <li>• A new funding arrangement for federally funded Financial Management Programs commenced in 1 March 2015. Glen Eira will be covered by either the Melbourne South East or the Inner South service area</li> <li>• The provider is still to be determined as a number of funded organisations are currently in negotiation to work out coverage across these two areas. Timelines for this are pending.</li> </ul>	<ul style="list-style-type: none"> <li>• State Government funding is provided by Consumer Affairs Victoria.</li> <li>• The provider under State Government funding changed in 2014. Glen Eira sits within the Bayside-Peninsula service area.</li> <li>• Funding for 2014 – 2017 was awarded to a consortium of organisations made up of Good Shepherd Youth &amp; Family Services (lead organisation), Port Phillip Community Group and Connections Uniting Care Windsor who have set up a new model for servicing this area.</li> </ul>

**Item 9.12 (cont'd)****4. Access to financial counselling for Glen Eira residents*****Federal funding:***

The new federally funded service will focus on early intervention and prevention, and people at risk of homelessness. The intention of the changes is to deliver ‘a *more integrated and coordinated service which promotes financial capability by helping people avoid or resolve financial difficulties and achieve self-reliance*’. The provider of this service is not yet known nor is the level of funding.

***State funding:***

Connections Uniting Care Windsor is responsible for servicing Glen Eira and Stonnington residents under State funding.

- The Connections Uniting Care service can be accessed by contacting a central intake phone number for Bayside-Peninsula (1300 765 595)
- A financial counsellor duty worker will make contact with the person requesting assistance and provide the relevant intervention/support and appointments.
- There are three other State funded financial counselling services that residents in Glen Eira can access free of charge:
  - Peninsula Community Legal Centre (82 Brady Road, Bentleigh East)
  - Jewish Care (619 St Kilda Road, Melbourne)
  - Gamblers Help Southern (Gardeners Road, Bentleigh East)

An additional financial counselling service is available from Financial Counselling Vic Inc. (Suite 1A 147 Centre Dandenong Road, Cheltenham) for Glen Eira residents. This is funded through a philanthropic trust.

**5. Impact of the loss of the financial counselling service provided by Community Information Glen Eira for Glen Eira**

While the immediate impact of service loss is likely to be significant at CIGE, there remain options for referral and support for clients needing financial counselling in Glen Eira through Connections Uniting Care, Peninsula Community Legal Centre, Jewish Care, Gamblers Help Southern and Financial Counselling Victoria.

**6. Council funding for financial counselling?**

Local Government in Victoria is not responsible for financial counselling services. The development of financial counselling policy and funding is shared between the State and Federal Governments. Cost shifting continues to be a significant issue for Council, particularly when other spheres of government withdraw or reduce funding for local services.

**Item 9.12 (cont'd)****7. Future for a financial counselling service at CIGE**

Through this period of change in both State and Federal financial counselling funding arrangements there is a need to actively build relationships, partner and negotiate the best model to meet the needs for financial counselling services for residents in Glen Eira.

The possibility of a continued out-posted financial counselling service at CIGE needs to be the subject of negotiations with the new federally funded provider.

Council Officers have contacted the State provider, Connections Uniting Care, who has advised that they would be open to consider requests to provide out-posted onsite financial counselling support to Glen Eira residents at CIGE.

**8. Recommendation:**

That Council notes the report.

**DECLARATIONS OF INTEREST**

**Cr Esakoff declared a Conflict of Interest under s78B of the Local Government Act, an indirect interest, conflicting duties as she is the Vice President of the Management CIGE.**

**Cr Okotel declared a Conflict of Interest under s78B of the Local Government Act, an indirect interest, conflicting duties noting that she would be an incoming committee member for CIGE and felt that she had a Conflict at this stage.**

**9.50PM Cr Esakoff and Cr Okotel left the Chamber.**

**Crs Hyams/Pilling**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**

**9.51PM Cr Esakoff and Cr Okotel returned to the Chamber.**

**Item 9.13****FRAUD & CORRUPTION POLICY AND PROCEDURE AMENDMENT**

**Enquiries: Peter Swabey  
Chief Financial Officer**

**1. Purpose**

To amend the Fraud and Corruption Policy and Procedure document.

**2. Community Plan**

Theme 4 – Governance.

**3. Background**

The Fraud and Corruption Policy and Procedure document ('Policy') was first adopted by Council on 23 February 2010 and updated on 23 November 2010.

During the Planning Audit by the Victorian Auditor-General's Office in January 2015, the auditors recommended that Council update the Policy to refer to the Protected Disclosure Act.

Council's Corporate Counsel is also conducting a review of all Council adopted policies for legislative accuracy, style and consistency; and for compatibility with the Charter of Human Rights and Responsibilities Act 2006. Corporate Counsel completed a review of the above Policy and recommended a number of changes.

These amendments have been included in the revised Policy (refer marked-up copy attached).

**4. Recommendation**

That Council adopts the amended Fraud and Corruption Policy and Procedure.

**Crs Lipshutz/Hyams**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**

# **Fraud and Corruption Policy and Procedure**

**~~November 2010~~**



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## Fraud ~~& and~~ Corruption Policy ~~& and~~ Procedure

- TITLE: Fraud ~~& and~~ Corruption Policy ~~and~~ Procedure
- ~~ADOPTED BY:~~ Council
- DATE ~~FIRST~~ ADOPTED: 23 February 2010
- ~~DATE~~ AMENDED ~~AND ADOPTED:~~ 23 November 2010  
8 April 2015

### 1. TITLE

Fraud and Corruption Policy and Procedure

### 1.2. PURPOSE

The purpose of this policy is to demonstrate ~~the Glen Eira City~~ Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud and ~~corruption~~ conduct to aid in the prevention of fraud and corrupt conduct.

It is important for Council to establish an environment in which fraud and corrupt conduct is not tolerated and in which Councillors and staff (including officers) are naturally reluctant to act dishonestly. This environment will promote a culture where all fraudulent activities and corrupt conduct once noticed or legitimately suspected are reported, investigated and resolved in a timely and fair manner.

Council will not tolerate any incident of fraud or corrupt conduct. –

Councillors and staff ~~shall~~ will act in accordance with ~~the applicable eCodes~~ of eConduct and in the spirit of ethical standards.

### 2.3. POLICY

~~The Glen Eira City~~ Council is committed to protecting its revenue, expenditure and assets from any attempt by members of the public, contractors, agents, intermediaries, volunteers, Councillors or its own staff to gain financial or other benefits by deceit, bias, ~~or~~ dishonest or otherwise corrupt conduct.

~~The~~ Council's commitment to fraud and corrupt conduct control will be managed by ensuring that fraudulent or corrupt activity is discouraged, conflicts of interest are avoided, and auditing systems are in place to deter and/or identify fraudulent or corrupt activities.

In accepting its responsibility for good governance of the municipality, Council will set the example for honesty and integrity in the provision of services to the community and the management of the Council organisation.

### 3.4. SCOPE

This policy applies to all staff (including officers), Councillors, and volunteers engaged directly by ~~the Glen Eira City~~ Council as well as all agents and contractors either engaged by ~~the~~ Council or by an authorised contractor of ~~the Glen Eira City~~ Council.

## Fraud & and Corruption Policy & and Procedure

All reports received will be fully investigated and appropriate action taken.

Councillors and staff must be aware of ~~the~~ Council's intention to suspend or dismiss staff, report internal and/or external fraudulent and/or corrupt activity to Victoria Police and prosecute, where appropriate. Councillors or staff and any other parties to the matter, found to be involved in fraudulent or corrupt behaviour activities. Council will pursue recovery of any financial loss through civil proceedings.

### 4.5. DEFINITION OF FRAUD~~DEFINITION OF FRAUD~~

Fraud is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as:

"Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered "fraud" for the purposes of this definition."

Examples are:

- Theft and/or misappropriation of Council revenue in the form of cash, cheques, money order, electronic funds transfer or other negotiable instrument
- Unauthorised removal of equipment, parts, software, and office supplies from Council premises
- Deliberate over-ordering of materials or services to allow a proportion to be used for personal purposes
- Submission of sham taxation arrangements for an employee or contractor to circumvent ~~the~~ Council's procedures for engagement of employees and contractors
- Submission of fraudulent applications for reimbursement
- Payment of fictitious employees or suppliers
- Falsification of time records
- Damage, destruction or falsification of documents for the purpose of material gain
- Failure to disclose a conflict of interest in the performance of duties as a Councillor, employee or contractor of Council.
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of ~~Council-~~ owned software.

### 5.6. DEFINITION OF CORRUPTION~~DEFINITION OF CORRUPTION~~

Corruption is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as:

"Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of

## Fraud ~~&~~ and Corruption Policy ~~&~~ and Procedure

trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.”

This definition is to be read in conjunction with the definition of “Corrupt Conduct” contained within the Whistleblower Protected Disclosure Act 2012 Policy and Procedures (Executive-adopted).

### ~~6.7.~~ ROLES AND RESPONSIBILITIES ~~SOLES AND RESPONSIBILITIES~~

Responsibility for fraud and corrupt conduct prevention rests with all levels of management, Councillors, staff (including officers), volunteers and agency or contract ~~staff who~~ staff who represent ~~the~~ Council and who collectively must accept ownership of the controls relative to this policy. All parties must comply with the policy.

#### **Executive Group**

The Executive Group has principal responsibility for fraud and corrupt conduct control to ensure compliance with the relevant Australian Standards ~~and Guidelines~~ and appropriate governance structures are in place.

#### **Senior Managers**

Senior ~~M~~anagers have a responsibility to:

- ~~I~~ identify risk exposures to corrupt and fraudulent activities within their Division/Units;
- ~~e~~ Establish controls and procedures for prevention and detection of such activities;
- ~~p~~ Provide guidance and instruction to all staff relative to responsibilities and fraud and corrupt conduct reporting requirements;
- ~~m~~ Maintain effective auditing and reporting on key financial systems;
- ~~U~~ ndertake a risk assessment on fraud and corrupt conduct control every two years or when a major change occurs;
- ~~i~~ mplement action plans identified in risk assessment to eliminate or reduce the risk of fraud and corrupt conduct risk;
- ~~m~~ Monitor and actively manage excessive outstanding leave of staff in risk exposure areas.

Senior ~~M~~anagers will ensure that all contractors working for their Division/Unit are aware of Council's Fraud and Corruption Policy and Procedure and that it is incorporated into the relevant ~~C~~ontract and ~~to~~ will ensure that the ~~c~~Contractor's staff are made aware of their responsibilities and unacceptable behaviours.

#### **Staff/Contractors/Volunteers**

Staff/contractors/volunteers ~~shall~~ will assist in the identification of risk exposures to corrupt or fraudulent activities in the workplace and the immediate reporting of ~~the~~ possible activities.

#### **Councillors**

Councillors ~~shall~~ will be made aware of this policy.

#### **Training**

Councillors and staff members will be informed of ~~Council's this P~~ policy and the consequences arising from fraud and corrupt conduct, and who to speak to if they suspect fraud and/or corrupt conduct is occurring. Training on the conduct of risk assessments will also be provided by the Coordinator Risk Management ~~Unit~~. This policy ~~shall~~ will be included in the ~~i~~nduction program for new staff members.

## Fraud ~~& and~~ Corruption Policy ~~& and~~ Procedure

### 7.8. ~~FRAUD AND RISK ASSESSMENT~~ FRAUD RISK ASSESSMENT

The Council's commitment to fraud ~~and corrupt conduct~~ control will be met by identifying opportunities for fraud ~~and corrupt conduct~~, and implementing risk avoidance, prevention, minimisation procedures in day to day operations and showing coverage in Council's risk register.

### 8.9. ~~PROCEDURES FOR REPORTING FRAUD AND CORRUPTION~~ PROCEDURES FOR REPORTING FRAUD AND CORRUPTION

The following procedure ~~shall~~ will be used ~~for to~~ reporting of suspected fraudulent ~~or corrupt~~ conduct.

#### Staff

Where a staff member suspects that ~~an act of fraud or~~ fraudulent ~~or corrupt~~ conduct is occurring, or has occurred, the ~~eat~~ staff member should report ~~such those~~ suspicions to their ~~M~~anager.

~~Where the~~ Where the staff member does not feel comfortable reporting their suspicions to their ~~M~~anager they should report such matters to the ~~relevant~~ ~~spective D~~irector. If neither of the above options is appropriate, then the staff member should report such matters to the Manager Human Resources, ~~(HR)~~.

#### Director or Manager

On receiving a report of suspected fraud or corrupt conduct the ~~D~~irector or ~~M~~anager must record details of the report, including the time and date the report is made and details of matters raised. Where the issue may involve disciplinary action against a staff member, the Manager ~~H~~uman ~~R~~esources must be advised.

#### Notifying the Chief Executive Officer (CEO)

Except where it has been reported as a ~~Whistleblower action disclosure pursuant to the Protected Disclosure Act 2012 (which is a specifically 'protected' legislated protected action) under that Act~~, all reported incidents of suspected fraud or ~~fraudulent corrupt~~ conduct must be immediately reported to the CEO by the ~~D~~irector or ~~M~~anager ~~immediately and~~ prior to, any investigation of such allegations being undertaken.

#### Anonymous Reports

Although not encouraged, anonymous reports may be directed to the CEO. Adequate supporting information to enable an investigation to be undertaken must be provided.

#### Contractors

Contractors or other people involved in the contracting process may become aware of, or have information indicating, fraudulent or unfair activity in relation to the tender processes or service provision. Contractors may feel reluctant to report suspected fraud or ~~corrupt conduct or other~~ behaviour that is intimidatory or grossly unfair, for fear of repercussions affecting their future business dealings with Council. If these circumstances arise, ~~C~~ontractors are requested to contact Council's Chief Financial Officer (CFO), CEO or relevant ~~D~~irector.

### 9.10. ~~EMPLOYMENT CONDITIONS~~ EMPLOYMENT CONDITIONS

#### Pre-employment screening

Pre-employment screening is considered by ~~Glen Eira City~~ Council to be an important first step in reducing the likelihood of fraud ~~or corrupt conduct~~ occurring, by

## Fraud & and Corruption Policy & and Procedure

ensuring Council employs honest and trustworthy people. As part of ~~our~~ Council's pre-employment screening process, criminal history checks may be requested from people who will be in positions where fraud or corrupt conduct is more likely to occur.

### ~~10-11.~~ PROCEDURES FOR FRAUD INVESTIGATION ~~PROCEDURES FOR FRAUD INVESTIGATION~~

#### **Preliminary Investigation**

Where information received by the CEO is assessed to warrant investigation, arrangements for such an investigation will be made with the relevant ~~D~~director. This arrangement will include securing all related documentation and may include suspension of staff member(s) being investigated.

Reports will be received in confidence and the person reporting the ~~event suspected fraud or corrupt conduct~~ event suspected fraud or corrupt conduct will be protected from any adverse repercussions, provided that there is no evidence of malice.

Any person contacted by an investigator should co-operate with the process.

#### **Investigation**

Depending on the nature of the allegations investigations will be undertaken in accordance with sound investigative practices. All potential instances of fraud or corrupt conduct or Whistleblower 'protected' disclosures will be referred to an independent third party for investigation.

Where external investigation is required, for example, ~~the~~ Victoria Police or other independent investigators, they will be in charge of such investigation.

Where the allegation has arisen through a ~~Whistleblower D 'protected'~~ Whistleblower 'protected' disclosure, ~~then~~ the investigation will be in accordance with the Council's Whistleblower Protected Disclosure Act 2012 Policy Guidelines and Procedures (Executive).

In all cases confidentiality will be maintained and the principles of natural justice ~~will be maintained~~ adhered to.

#### **Media**

~~The Glen Eira City Council's~~ media process ~~shall~~ will be observed at all times, and no staff member, Councillor or other persons associated with Council, ~~shall~~ will make any public comment in relation to any suspected fraud or corruption ~~conduct~~ conduct, whether proven or otherwise.

#### **Audit Committee (External Reporting)**

All incidences of proven ~~fraud~~ fraud and/or corrupt conduct ~~are to~~ will be reported to the Chair of the Audit Committee in a timely fashion.

### 12. HUMAN RIGHTS CHARTER COMPATIBILITY

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

### ~~11-13.~~ REFERENCES ASSOCIATED LEGISLATION AND DOCUMENTS

Local Government Act 1989

Australian Standard on Fraud Control and Corruption Control (AS 8001: 2008)

Australian Standard in Risk Management (AS 4360: 2004)

## Fraud ~~& and~~ Corruption Policy ~~& and~~ Procedure

~~Charter of Human Rights and Responsibilities Act 2006~~

~~Councillors' Code of Conduct~~

~~Corporate Data Ownership Policy~~

~~Glen Eira City Council — Whistleblowers Protection Act 2001 — Policy & Procedures~~

~~Independent Broad-Based Anti-Corruption Commission Act 2011~~

~~Internet and Email Policy~~

~~Local Government Act 1989~~

~~Protected Disclosures Act 2012~~

~~Protected Disclosure Act 2012 Policy and Procedures (Executive)~~

~~Protected Disclosures Regulations 2013~~

~~Glen Eira City Council — Councillors Code of Conduct~~

~~Staff Code of Conduct~~

~~Glen Eira City Council — Risk Management Policy~~

~~Glen Eira City Council — Corporate Data Ownership Policy~~

~~Glen Eira City Council — Security and Use of Council Computer~~

~~Equipment Policy~~

~~Glen Eira City Council — Internet and Email Policy~~

~~12. POLICY APPROVAL AND REVIEW~~

~~13. THE FRAUD AND CORRUPTION POLICY WAS ENDORSED BY COUNCIL ON 23  
FEBRUARY 2010 AND BECOMES EFFECTIVE FROM THAT DATE.~~

~~14. THIS DOCUMENT TO BE REVIEWED BY THE CFO ON AN ON-GOING BASIS.~~

# Fraud and Corruption Policy and Procedure

<b>Date first adopted:</b> <b>23 February 2010</b>  <b>Amended and adopted</b> <b>23 November 2010</b> <b>[8 April 2015]</b>	<b>Version: 3</b>  <b>Next review date:</b> <b>Ongoing</b>	<b>Status: Reviewed</b>
<b>Position Title of Responsible Business Unit Manager/or other:</b>	Chief Financial Officer	



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## **1. TITLE**

Fraud and Corruption Policy and Procedure

## **2. PURPOSE**

The purpose of this policy is to demonstrate Council's commitment to the prevention, deterrence, detection and investigation of all forms of fraud and corrupt conduct to aid in the prevention of fraud and corrupt conduct.

It is important for Council to establish an environment in which fraud and corrupt conduct is not tolerated and in which Councillors and staff (including officers) are naturally reluctant to act dishonestly. This environment will promote a culture where all fraudulent activities and corrupt conduct once noticed or legitimately suspected are reported, investigated and resolved in a timely and fair manner.

Council will not tolerate any incident of fraud or corrupt conduct. Councillors and staff will act in accordance with applicable Codes of Conduct and in the spirit of ethical standards.

## **3. POLICY**

Council is committed to protecting its revenue, expenditure and assets from any attempt by members of the public, contractors, agents, intermediaries, volunteers, Councillors or its own staff to gain financial or other benefits by deceit, bias, dishonest or otherwise corrupt conduct.

Council's commitment to fraud and corrupt conduct control will be managed by ensuring that fraudulent or corrupt activity is discouraged, conflicts of interest are avoided, and auditing systems are in place to deter and/or identify fraudulent or corrupt activities.

In accepting its responsibility for good governance of the municipality, Council will set the example for honesty and integrity in the provision of services to the community and the management of the Council organisation.

## **4. SCOPE**

This policy applies to all staff (including officers), Councillors, and volunteers engaged directly by Council as well as all agents and contractors either engaged by Council or by an authorised contractor of Council.

All reports received will be fully investigated and appropriate action taken.

Councillors and staff must be aware of Council's intention to suspend or dismiss staff, report internal and/or external fraudulent and/or corrupt activity to Victoria Police and prosecute, where appropriate, Councillors or staff and any other parties to the matter, found to be involved in fraudulent or corrupt activities. Council will pursue recovery of any financial loss through civil proceedings.

## 5. DEFINITION OF FRAUD

Fraud is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as:

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered “fraud” for the purposes of this definition.”

Examples are:

- Theft and/or misappropriation of Council revenue in the form of cash, cheques, money order, electronic funds transfer or other negotiable instrument.
- Unauthorised removal of equipment, parts, software, and office supplies from Council premises.
- Deliberate over-ordering of materials or services to allow a proportion to be used for personal purposes.
- Submission of sham taxation arrangements for an employee or contractor to circumvent Council's procedures for engagement of employees and contractors.
- Submission of fraudulent applications for reimbursement.
- Payment of fictitious employees or suppliers.
- Falsification of time records.
- Damage, destruction or falsification of documents for the purpose of material gain.
- Failure to disclose a conflict of interest in the performance of duties as a Councillor, employee or contractor of Council.
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Council-owned software.

## 6. DEFINITION OF CORRUPTION

Corruption is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as:

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.”

This definition is to be read in conjunction with the definition of “Corrupt Conduct” contained within the *Protected Disclosure Act 2012* Policy and Procedures (Executive-adopted).

## 7. ROLES AND RESPONSIBILITIES

Responsibility for fraud and corrupt conduct prevention rests with all levels of management, Councillors, staff (including officers), volunteers and agency or contract staff who represent Council and who collectively must accept ownership of the controls relative to this policy. All parties must comply with the policy.

### **Executive Group**

The Executive Group has principal responsibility for fraud and corrupt conduct control to ensure compliance with the relevant Australian Standards and appropriate governance structures are in place.

### **Senior Managers**

Senior managers have a responsibility to:

- Identify risk exposures to corrupt and fraudulent activities within their Division/Units.
- Establish controls and procedures for prevention and detection of such activities.
- Provide guidance and instruction to all staff relative to responsibilities and fraud and corrupt conduct reporting requirements.
- Maintain effective auditing and reporting on key financial systems.
- Undertake a risk assessment on fraud and corrupt conduct control every two years or when a major change occurs.
- Implement action plans identified in risk assessment to eliminate or reduce the risk of fraud and corrupt conduct.
- Monitor and actively manage excessive outstanding leave of staff in risk exposure areas.

Senior managers will ensure that all contractors working for their Division/Unit are aware of Council's Fraud and Corruption Policy and Procedure and that it is incorporated into the relevant contract and will ensure that the contractor's staff are made aware of their responsibilities and unacceptable behaviours.

### **Staff/Contractors/Volunteers**

Staff/contractors/volunteers will assist in the identification of risk exposures to corrupt or fraudulent activities in the workplace and the immediate reporting of possible activities.

### **Councillors**

Councillors will be made aware of this policy.

### **Training**

Councillors and staff members will be informed of this policy and the consequences arising from fraud and corrupt conduct, and who to speak to if they suspect fraud and/or corrupt conduct is occurring. Training on the conduct of risk assessments will also be provided by the Coordinator Risk Management. This policy will be included in the induction program for new staff members.

## **8. FRAUD RISK ASSESSMENT**

Council's commitment to fraud and corrupt conduct control will be met by identifying opportunities for fraud and corrupt conduct, and implementing risk avoidance, prevention, minimisation procedures in day to day operations and showing coverage in Council's risk register.

## **9. PROCEDURES FOR REPORTING FRAUD AND CORRUPTION**

The following procedure will be used to report suspected fraudulent or corrupt conduct.

### **Staff**

Where a staff member suspects that fraudulent or corrupt conduct is occurring, or has occurred, the staff member should report those suspicions to their manager.

Where the staff member does not feel comfortable reporting their suspicions to their manager they should report such matters to the relevant director. If neither of the above options is appropriate, then the staff member should report such matters to the Manager Human Resources.

#### **Director or Manager**

On receiving a report of suspected fraud or corrupt conduct the director or manager must record details of the report, including the time and date the report is made and details of matters raised. Where the issue may involve disciplinary action against a staff member, the Manager Human Resources must be advised.

#### **Notifying the Chief Executive Officer (CEO)**

Except where it has been reported as a disclosure *pursuant to the Protected Disclosure Act 2012* which is 'protected' under that Act, all reported incidents of suspected fraud or corrupt conduct must be immediately reported to the CEO by the director or manager prior to any investigation of such allegations being undertaken.

#### **Anonymous Reports**

Although not encouraged, anonymous reports may be directed to the CEO. Adequate supporting information to enable an investigation to be undertaken must be provided.

#### **Contractors**

Contractors or other people involved in the contracting process may become aware of, or have information indicating, fraudulent or unfair activity in relation to the tender processes or service provision. Contractors may feel reluctant to report suspected fraud or corrupt conduct or other behaviour that is intimidatory or grossly unfair, for fear of repercussions affecting their future business dealings with Council. If these circumstances arise, contractors are requested to contact Council's Chief Financial Officer (CFO), CEO or relevant director.

### **10. EMPLOYMENT CONDITIONS**

#### **Pre-employment screening**

Pre-employment screening is considered by Council to be an important first step in reducing the likelihood of fraud or corrupt conduct occurring by ensuring Council employs honest and trustworthy people. As part of Council's pre-employment screening process, criminal history checks may be requested from people who will be in positions where fraud or corrupt conduct is more likely to occur.

### **11. PROCEDURES FOR FRAUD INVESTIGATION**

#### **Preliminary Investigation**

Where information received by the CEO is assessed to warrant investigation, arrangements for such an investigation will be made with the relevant director. This arrangement will include securing all related documentation and may include suspension of staff member(s) being investigated.

Reports will be received in confidence and the person reporting the suspected fraud or corrupt conduct will be protected from any adverse repercussions, provided that there is no evidence of malice.

Any person contacted by an investigator should cooperate with the process.

### **Investigation**

Depending on the nature of the allegations investigations will be undertaken in accordance with sound investigative practices. All potential instances of fraud or corrupt conduct or 'protected' disclosures will be referred to an independent third party for investigation.

Where external investigation is required, for example, Victoria Police or other independent investigators, they will be in charge of such investigation.

Where the allegation has arisen through a 'protected' disclosure, the investigation will be in accordance with the *Protected Disclosure Act 2012* Policy and Procedures (Executive). In all cases confidentiality will be maintained and the principles of natural justice adhered to.

### **Media**

Council's media process will be observed at all times, and no staff member, Councillor or other person associated with Council, will make any public comment in relation to any suspected fraud or corrupt conduct, whether proven or otherwise.

### **Audit Committee (External Reporting)**

All incidences of proven fraud and/or corrupt conduct will be reported to the Chair of the Audit Committee in a timely fashion.

## **12. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

## **13. ASSOCIATED LEGISLATION AND DOCUMENTS**

Australian Standard on Fraud Control and Corruption Control (AS 8001: 2008)

Australian Standard in Risk Management (AS 4360: 2004)

*Charter of Human Rights and Responsibilities Act 2006*

Corporate Data Ownership Policy

Councillors' Code of Conduct

*Independent Broad-Based Anti-Corruption Commission Act 2011*

Internet and Email Policy

*Local Government Act 1989*

*Protected Disclosures Act 2012*

*Protected Disclosure Act 2012* Policy and Procedures (Executive)

*Protected Disclosures Regulations 2013*

Staff Code of Conduct

Risk Management Policy

Security and Use of Council Computer Equipment Policy

**Item 9.14**

**GLEN EIRA CITY COUNCIL  
FINANCIAL REPORT  
FOR THE PERIOD ENDING 28 FEBRUARY 2015**

**File No:**  
**Enquiries: Peter Swabey**  
**Chief Financial Officer**

**1. Proposal**

To receive the Financial Report for the period ending 28 February 2015.

**2. Corporate Goal*****Theme 4: Governance***

*To deliver strong local leadership and governance in an open and responsible manner in the best interests of the community.*

**Key Points**

- The positive operating result year to date is higher than was anticipated when the annual budget was set.
- The balance sheet position is sound.
- The cash position is sound.

**3. Liquidity**

Over the last few years, Council has fully utilised cash reserves by investing heavily in capital works projects. It is forecasted that Council's adjusted liquidity ratio (i.e. the level of current assets the Council has available to meet its current liabilities which are likely to fall due in the next 12 months) will remain above 1. This ratio has been adjusted for residential aged care deposits. This reflects a need for prudence with cash-flows (refer to page 17).

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**5. Recommendation**

That the report be received and noted.

**Item 9.14 (cont'd)**

**Crs Lipshutz/Delahuntz**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**



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**Glen Eira City Council Financial Report**  
**Executive Summary**  
*for the period ending 28 February 2015*

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**(a) Current Month Budget Result**

At the end of February 2015, the performance against budget from ordinary activities showed a positive variance of \$5.32M due to higher than anticipated revenue of \$2.9M and savings in operating expenditure of \$2.42M (refer to page 14 for details of the variances).

**(b) Current Month Forecast Result**

The forecast result expected for the financial year is an operating surplus of \$13.28M compared with the original adopted *2014-15 Annual Budget* of \$10.2M.

Please note that any surplus from day-to-day operations is used to accelerate capital works projects. Annual budget to forecast movements to date show an increase in operating revenue of \$2.92M, decrease in operating expenditure of \$159K and a net increase in non-operational activities \$3K.

**(c) Open Space Contributions**

Council receives public open space levies under the Subdivision Act. Council will continue to spend far more on additional and improved public open space than Council receives in levies.

On 25 November 2014, Council considered and adopted the Report of the Independent Panel and adopted Amendment C120. Council has requested the Minister of Planning approve Amendment C120 which has now been approved with the new uniform levy rate of 5.7% (Amendment C120).

The effect of Amendment C120, if it had applied to actual open space contributions from 1 July 2014 to 28 February 2015, would have been to increase revenue for open space by \$729,338 (33.3%), as per the amounts shown in the table below.

Description	Actual Contributions for month of February 2015	Contribution based on 5.7% Rate for the month of February 2015	Actual Contributions Year to Date	Contribution based on 5.7% Rate Year to Date
Open Space Monetary Contribution	\$200,875	\$270,750	\$2,190,544	\$2,919,882
Open Space Land Contribution	\$Nil	\$Nil	\$Nil	\$Nil

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**Glen Eira City Council Financial Report**  
**Executive Summary**  
*for the period ending 28 February 2015*

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**Open Space Reserve**

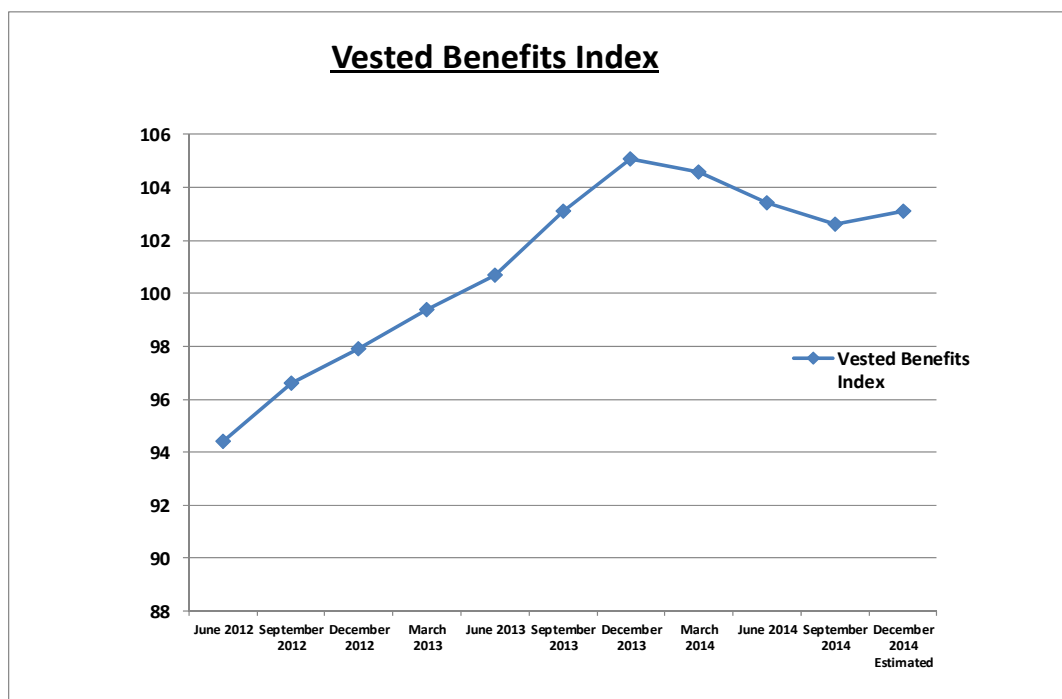
The balance of the Open Space Reserve as at 28 February 2015 is as follows:

Description	Amount
<b>Opening Balance as at 1 July 2014</b>	<b>\$2,482,802</b>
<u>Add:</u> Open Space Contributions received to date	\$2,190,544
<u>Less:</u> Open Space Capital Expenditure:	(\$1,217,566)
<b>Closing Balance as at 28 February 2015</b>	<b>\$3,455,780</b>

*Please note the majority of the Open Space Reserve funds are earmarked to be spent on the Glen Huntly Reservoir Site Redevelopment.*

**(d) Superannuation – Defined Benefits Scheme – Vested Benefits Index ('VBI')**

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day. For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. Below is the estimated VBI since 30 June 2012:



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**Glen Eira City Council Financial Report**  
**Executive Summary**  
*for the period ending 28 February 2015*

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**(e) Forecast adjustments for February 2015**

**Income from ordinary activities increase of \$94K**

**Expenditure from ordinary activities decrease of \$490K**

The favorable expenditure forecast movement is mainly due to:

- **Employee Costs favourable variance of \$231K** mainly due to the timing of staff recruitment.

**(f) Capital Works Program**

As at the end of February 2015, total capital works expenditure in 2014-15 is expected to be \$40.29M, represented by:

- New capital projects as per the *2014-15 Annual Budget* \$29.79M
- Capital works funding \$424K
- Carry forward expenditure from the 2013-14 financial year \$7.98M
- Forecast increase year to date \$2.10M.

**Capital Works Forecast Adjustments for February 2015 relate to:**

- Savings of \$60K due to two fleet vehicles on the original fleet schedule not being purchased.
- Additional funding of \$14K to accommodate works on Packer Park retaining wall.
- Reduction of \$65K for funding the Bentleigh West Kindergarten extension, as grant funding for this project was unsuccessful.

## FINANCIAL STRATEGY

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils based on analysis of the trends in some key financial indicators. At the Glen Eira Council Audit Committee meeting in August 2012, the Auditor-General stated that the financial indicators were just indicators rather than absolutes.

The following 3 pages explain and present the financial sustainability risks for Councils in 2013-14.

### Risk assessment criteria for financial sustainability indicators




Risk	Underlying result	Liquidity	Indebtedness	Self-financing	Capital replacement	Renewal gap
High	Negative 10% or less  Insufficient revenue is being generated to fund operations and asset renewal.	Equal to or less than 1.0  Insufficient current assets to cover liabilities.	More than 60%  Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 10%  Insufficient cash from operations to fund new assets and asset renewal.	Equal to or less than 1.0  Spending on capital works has not kept pace with consumption of assets.	Equal to or less than 0.5  Spending on existing assets has not kept pace with consumption of these assets.
Medium	Negative 10% to zero  A risk of long-term run-down to cash reserves and inability to fund asset renewals.	1.0–1.5  Need for caution with cash flow, as issues could arise with meeting obligations as they fall due.	40–60%  Some concern over the ability to repay debt from own-source revenue.	10–20%  May not be generating sufficient cash from operations to fund new assets.	1.0–1.5  May indicate spending on asset renewal is insufficient.	0.5–1.0  May indicate insufficient spending on renewal of existing assets.
Low	More than zero  Generating surpluses consistently.	More than 1.5  No immediate issues with repaying short-term liabilities as they fall due.	40% or less  No concern over the ability to repay debt from own-source revenue.	20% or more  Generating enough cash from operations to fund assets.	More than 1.5  Low risk of insufficient spending on asset renewal.	More than 1.0  Low risk of insufficient spending on asset base.

Source: Victorian Auditor-General's Office.

**FINANCIAL STRATEGY (continued)**

The overall financial sustainability risk assessment is calculated using the ratings determined for each indicator.




**Overall financial sustainability risk assessment**

	High risk of short-term and immediate sustainability concerns indicated by either: <ul style="list-style-type: none"><li>• <b>red</b> underlying result indicator or</li><li>• <b>red</b> liquidity indicator.</li></ul>
	Medium risk of longer-term sustainability concerns indicated by either: <ul style="list-style-type: none"><li>• <b>red</b> self-financing indicator or</li><li>• <b>red</b> indebtedness indicator or</li><li>• <b>red</b> capital replacement indicator or</li><li>• <b>red</b> renewal gap indicator.</li></ul>
	Low risk of financial sustainability concerns—there are no high-risk indicators.

*Source:* Victorian Auditor-General's Office.

A trend analysis uses actual figures for the previous five years and a trend analysis using forecast figures for the following three years. The sustainability indicators are colour coded in line with the risk assessment criteria. The legend is used in presenting the results of our assessments.

**Legend for financial sustainability tables**

	Downward trend
	No substantial trend
	Upward trend
<i>Source:</i> Victorian Auditor-General's Office.	

## FINANCIAL STRATEGY (continued)

### Financial sustainability risk assessment results 2013–14

Inner metropolitan councils	Average Underlying result (%)	Liquidity	Indebtedness (%)	Self-financing (%)	Capital replacement	Renewal gap	Sustainability assessment
Banyule City Council	3.59	4.09	56.67	16.61	2.12	1.52	●
Bayside City Council	9.79	2.20	12.37	28.90	1.53	0.97	●
Boroondara City Council	8.68	1.76	33.66	23.58	2.09	1.76	●
Darebin City Council	3.58	1.64	1.24	17.63	1.17	1.08	●
Glen Eira City Council	8.38	1.38	17.97	23.53	2.23	1.77	●
Hobsons Bay City Council	5.62	0.99	0.88	24.61	1.50	1.33	●
Kingston City Council	7.85	1.68	14.00	24.32	1.71	1.45	●
Maribyrnong City Council	4.27	2.62	4.53	25.48	1.26	1.41	●
Maroondah City Council	2.61	1.61	1.65	25.00	1.53	1.03	●
Melbourne City Council	3.19	1.33	0.85	24.50	1.74	1.14	●
Monash City Council	-1.30	1.54	7.92	10.62	1.15	0.86	●
Moonee Valley City Council	3.02	1.61	6.99	16.66	1.25	0.87	●
Moreland City Council	4.39	1.49	35.74	14.90	1.55	0.96	●
Port Phillip City Council	0.24	1.59	2.52	7.89	1.37	0.73	●
Stonnington City Council	10.60	2.10	11.09	28.21	1.88	1.50	●
Whitehorse City Council	4.55	2.13	5.70	19.99	1.67	1.23	●
Yarra City Council	4.76	1.07	24.05	16.28	1.37	1.16	●
<b>Category average</b>	<b>4.93</b>	<b>1.81</b>	<b>13.99</b>	<b>20.51</b>	<b>1.60</b>	<b>1.22</b>	<b>●</b>
<b>Category risk assessment</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>

Source: Victorian Auditor-General's Office.

Glen Eira City Council was assessed as having a low sustainability risk in 2013-14.

# **FINANCIAL STRATEGY (continued)**

## **Monthly Report Relative to Financial Strategy**

		Objective	2014-2015 Annual Budget as at 30 June 2015	2014-2015 Forecast	Comment
a.	One of a Council's most important functions is to renew community infrastructure. This involves not only maintaining assets but renewing and improving assets (e.g. enlarging drains, providing for all abilities and genders in community facilities, providing for all-year-round recreation at GESAC). Inner metro Councils need to be spending significantly more than depreciation if they are to achieve this.	New Works: Depreciation  x 125% =  \$24.08m	\$30.21m	\$32.31m	Council adopted a capital works program of \$38.21m (includes \$30.21m of new works and carry forwards from 2013-14 of \$8m).  The forecast of \$32.31m excludes carry forwards from the 2013-14 financial year.
b.	Councils must make surpluses on their recurrent operations in order to have more money for capital expenditure.	Operating Surplus to be achieved.	Surplus  \$10.2m	Surplus  \$13.28m	Council's operating forecast has increased due to better than anticipated income and savings in expenditure items.
c.	Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate.  <ul style="list-style-type: none"> <li>Average Rates and Charges</li> <li>Pensioner Rate Rebate</li> </ul>	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,474 \$270	No Change	Average rates and charges are well below the average of inner metropolitan Councils (\$247 per assessment less than the average of inner metropolitan Councils). This means that Council charges \$15.2m p.a. less than inner metropolitan municipalities and has \$15.2m p.a. less for upgrading or providing facilities and services. In addition the Council provides one of the highest pensioner rebates in Victoria.*
d.	Operating costs per property should be kept as low as possible in order to generate <u>both</u> operating surpluses <u>and</u> lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$1,871	No Change	In terms of operational expenditure (excluding depreciation), Glen Eira ranks as spending \$197 less per assessment (\$12.1m) than the average for the Inner Metropolitan grouping.*
e.	Interest on the money borrowed to build GESAC should be paid for by GESAC.  <ul style="list-style-type: none"> <li>% of GESAC interest costs paid for by GESAC (before depreciation).</li> </ul>	100%	100%	100%	Community participation in GESAC has been ahead of expectations.
f.	Liquidity should be managed so as to cover all obligations as and when they fall due.	Adjusted Liquidity Ratio should be 1.0 or greater.	1.11	1.48	At this point, Council's liquidity ratio is forecast at 1.48.

\* Based on audited financial results from 2013-14.

## FINANCIAL STRATEGY (continued)

### Monthly Report Relative to Auditor General's Indicators

The Auditor General's indicators are set out on his website ("*Local Government: Results of the 2013-14 Audits*"). This includes the definitions of the indicators, the three categories of risk and the results for all Councils as at 30 June.































	Indicator	Actual 30-Jun-14	Budget 30-Jun-15	Forecast 30-Jun-15	Comment
a.	Adjusted Liquidity Ratio	1.38	1.11	1.48	Glen Eira's adjusted liquidity ratio is expected to remain between 1.0 and 1.5 in order to maximise renewal of community facilities.
b.	Underlying ( <i>Operating</i> ) Result	8.38%	6.05%	6.62%	A positive result indicates an operating surplus.
c.	Indebtedness	17.97%	29.74%	29.72%	Relates to Council's level on non-current liabilities ( <i>substantially borrowings</i> ) as a percentage of own-source revenue. This is expected to decrease over time.
d.	Self-Financing	23.53%	20.86%	22.82%	Measures the ability to replace assets using cash generated by Council's operations.
e.	Capital Replacement	2.23	2.17	2.43	A measure greater than 1.0 indicates a rate of spending higher than depreciation. Glen Eira has the highest average of all inner metropolitan Councils. Expect this figure to remain as a low risk.
f.	Renewal Gap	1.77	1.67	1.84	Measures the rate of spending on existing assets. Glen Eira has the highest average of all inner metropolitan Councils. Expect this figure to remain as a low risk.
g.	Sustainability Assessment	Green	Green	Green	Low risk ( <i>best available classification</i> ).



## ASSURANCE MAP

The assurance map considers the key risks to Council in achieving its objectives and performance expectations, and the assurance activities which have been conducted over the operation of controls that apply to those risks. The Assurance Map is indicative of the type of activity in place to provide Council Management with comfort that the control environment is operating as intended. A formal review of strategic risks is undertaken annually by Executive. The risks have been identified, assessed and ranked in order of risk exposure to Council. The assurance map will be updated after every formal review and when assurance activities are proposed or undertaken.

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. Legislation or Standards – Changes generally	E							Food Safety (2011/12) Statutory Planning (2013/14)
2. Legislation or Standards – Cost shifting	E							
3. Funding – Shortfalls	H							
4. Contracts – consultant errors	H							Tendering (2013/14) Contract Management (2013/14)
5. Insurance – failure to comply with policy	H							
6. Contracts – indemnities beyond insurance coverage	H							Contract Management (2013/14)
7. Contractors - insurances	H							Contract Management (2013/14)
8. Contractors – Council liability for the actions of contractors	H							Contract Management (2013/14) Parks & Open Space Maintenance (2014/15)
9. IT – security compromised	H							IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14)
10. Advice – incorrect advice provided	H							Statutory Planning (2013/14)

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
11. Infrastructure – serious deficiency	H							Asset Management (2013/14) Parks & Open Space Maintenance (2014/15) Land and Building Revaluation biennial (ongoing)
12. Contracts – wrong authority / process	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
13. Road Management Act / Plan – failure to comply	H							
14. Clayton Landfill – tightening of requirements and fines	H							Clayton Landfill Review (2014/15)
15. Contract Agreements /Partnerships inappropriate relationships entered into	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
16. Clayton Landfill – permanent site closure	H							Clayton Landfill Review (2014/15)
17. Health & Safety – safe & healthy workplace not maintained	H							SafetyMAP recertification (2013/14) OH&S Review (2015/16)
18. Embezzlement	H							Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing)
19. Public Liability General	M							
20. Power exercised inconsistent with delegation	M							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing) Fraud review (2013/14) Financial Controls (2014/15)

\* Reviews performed are ad-hoc and Council may or may not be included in selected sampling



Level of coverage provided where not all aspects of the risk may have been addressed by assurance activity.

Please note that the External Audit process is designed to enable the A-G to express an opinion on the annual financial report. The external audit is not a comprehensive audit of all systems and processes and is not designed to uncover all deficiencies, breaches and irregularities in those systems and processes.

**Glen Eira City Council**  
**Income Statement**  
*for period ending 28 February 2015*



	2014-15 Year to Date Actual	2014-15 Year to Date Budget	2014-15 Year to Date Variance	2014-15 Year to Date Variance	2014-15 Last Month Forecast	2014-15 Current Month Forecast	2014-15 Current Month Forecast Movement	2014-15 Annual Budget	2014-15 Budget Forecast Variance	2014-15 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
<b>REVENUES</b>										
<b>Revenue from Ordinary Activities</b>										
General Rates	76,668	76,613	55	0.1%	76,642	76,668	26	76,613	55	0.1%
Supplementary Rates	419	300	119	39.6%	516	515	3	400	119	29.7%
Waste and Recycling Charges	13,318	13,375	(57)	(0.4%)	13,826	13,826	(0)	13,728	98	0.7%
Investment Income	1,028	704	324	46.1%	1,353	1,386	27	1,055	324	30.7%
Grants	15,175	14,712	463	3.1%	21,606	21,565	(41)	21,152	413	2.0%
User Charges and Other Fees	15,846	15,595	251	1.6%	23,648	23,647	(0)	23,477	170	0.7%
Statutory Fees and Fines	3,135	3,076	60	1.9%	4,461	4,586	126	4,526	60	1.3%
Other Revenue	4,163	2,479	1,684	67.9%	5,443	5,396	(45)	3,716	1,683	45.3%
<b>Total Revenue from Ordinary Activities</b>	<b>129,752</b>	<b>126,854</b>	<b>2,897</b>	<b>2.28%</b>	<b>147,496</b>	<b>147,590</b>	<b>94</b>	<b>144,668</b>	<b>2,922</b>	<b>2.0%</b>
<b>EXPENSES</b>										
<b>Expenses from Ordinary Activities</b>										
Employee Costs	42,579	43,609	1,030	2.4%	62,914	62,683	231	63,428	745	1.2%
Training	284	472	188	39.9%	591	555	32	739	181	24.5%
Agency	678	912	235	25.7%	1,195	1,175	20	1,363	188	13.8%
Materials and Consumables	3,262	3,946	684	17.3%	5,768	5,586	182	5,912	326	5.5%
Contractor Payments	17,034	16,614	(419)	(2.5%)	26,548	26,497	51	25,255	(1,242)	(4.9%)
Maintenance	3,405	3,640	235	6.5%	5,844	5,852	(7)	5,885	33	0.6%
Utility Services	2,395	2,528	133	5.3%	3,786	3,782	4	3,611	(171)	(4.7%)
Insurances	701	793	92	11.6%	1,017	1,003	14	1,065	92	8.4%
Other Expenses	2,423	2,594	171	6.6%	3,884	3,905	(25)	3,982	73	1.8%
Council Donations, Grants and Subsidies	653	783	130	16.6%	898	895	(1)	892	(7)	(0.8%)
Debt Servicing	1,255	1,194	(61)	(5.1%)	2,037	2,047	(10)	1,966	(61)	(3.1%)
<b>Total Expenses from Ordinary Activities</b>	<b>74,669</b>	<b>77,087</b>	<b>2,419</b>	<b>3.1%</b>	<b>114,482</b>	<b>113,991</b>	<b>490</b>	<b>114,151</b>	<b>159</b>	<b>0.1%</b>
<b>Net Result for Reporting Period before non operational activities</b>	<b>55,083</b>	<b>49,767</b>	<b>5,316</b>	<b>10.7%</b>	<b>33,014</b>	<b>33,598</b>	<b>585</b>	<b>30,517</b>	<b>3,081</b>	<b>10.1%</b>
<b>NON OPERATIONAL ACTIVITIES</b>										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	1,031	320	711	221.9%	1,229	1,191	(38)	481	711	147.9%
Written Down Value of Assets Sold/Disposed including Cost of Sales	1,160	1,020	(140)	(13.7%)	1,666	1,676	(5)	1,531	(140)	(9.1%)
Depreciation and Amortisation	13,417	12,843	(574)	(4.5%)	19,846	19,838	8	19,264	(574)	(3.0%)
<b>Net Result for Reporting Period</b>	<b>41,537</b>	<b>36,224</b>	<b>5,313</b>	<b>14.7%</b>	<b>12,731</b>	<b>13,281</b>	<b>550</b>	<b>10,203</b>	<b>3,078</b>	<b>30.2%</b>
Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.										

**Glen Eira City Council**  
**Balance Sheet**  
*for period ending 28 February 2015*



	Actuals 2013-14	Annual Budget 2014-15	Annual Forecast 2014-15	Year to Date Actual 2014-15	Previous Month's Actuals 2014-15
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
<b>ASSETS</b>					
<b>Current Assets</b>					
Cash and Cash Equivalents	38,869	25,793	37,119	47,496	42,883
Trade and Other Receivables	8,707	8,650	8,707	40,270	51,464
Prepayments	472	631	472	301	385
<b>Total Current Assets</b>	<b>48,048</b>	<b>35,075</b>	<b>46,298</b>	<b>88,067</b>	<b>94,732</b>
<b>Non-Current Assets</b>					
Property, Infrastructure, Plant and Equipment	1,690,329	1,349,980	1,709,115	1,694,110	1,692,733
Intangible Assets	794	1,083	794	711	742
Investments in Associates	2,040	3,191	2,040	2,040	2,062
Financial Assets	5	5	5	5	5
<b>Total Non-Current Assets</b>	<b>1,693,168</b>	<b>1,354,259</b>	<b>1,711,954</b>	<b>1,696,865</b>	<b>1,695,542</b>
<b>TOTAL ASSETS</b>	<b>1,741,217</b>	<b>1,389,334</b>	<b>1,758,252</b>	<b>1,784,933</b>	<b>1,790,274</b>
<b>LIABILITIES</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	11,459	11,318	11,459	12,351	12,546
Trust Funds	22,909	22,369	22,909	23,984	23,978
Provisions	12,141	11,287	12,141	12,100	11,859
Interest-Bearing Liabilities	1,158	1,156	1,158	1,090	1,189
Superannuation — defined benefits call	2,561	-	-	2,609	2,609
<b>Total Current Liabilities</b>	<b>50,228</b>	<b>46,130</b>	<b>47,667</b>	<b>52,134</b>	<b>52,182</b>
<b>Non-Current Liabilities</b>					
Provisions	708	707	708	816	815
Interest-Bearing Liabilities	21,271	21,205	20,271	20,583	20,583
<b>Total Non-Current Liabilities</b>	<b>21,979</b>	<b>21,912</b>	<b>20,979</b>	<b>21,400</b>	<b>21,399</b>
<b>TOTAL LIABILITIES</b>	<b>72,207</b>	<b>68,042</b>	<b>68,646</b>	<b>73,533</b>	<b>73,581</b>
<b>NET ASSETS</b>	<b>1,669,009</b>	<b>1,321,292</b>	<b>1,689,606</b>	<b>1,711,399</b>	<b>1,716,693</b>
<b>Represented by:</b>					
<b>EQUITY</b>					
Accumulated Surplus	865,313	508,982	885,910	909,331	915,180
Reserves	803,696	812,309	803,696	802,068	801,513
<b>TOTAL EQUITY</b>	<b>1,669,009</b>	<b>1,321,292</b>	<b>1,689,606</b>	<b>1,711,399</b>	<b>1,716,693</b>

**Glen Eira City Council**  
**Income Statement by functional activities of the municipality**  
*for period ending 28 February 2015*

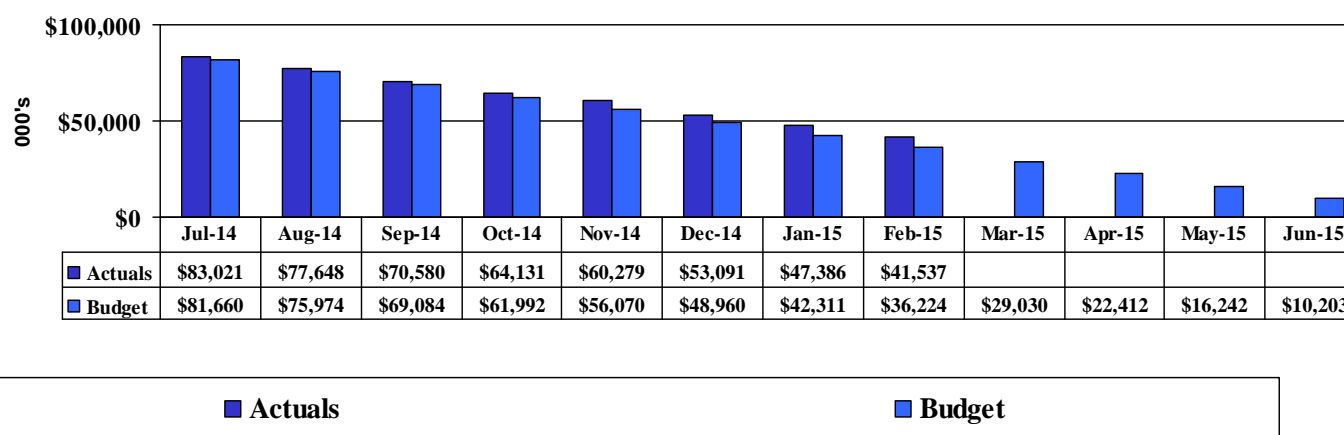


Functional activities	2014-15 Year to Date Revenue	2014-15 Year to Date Expenses	2014-15 Change in Net Assets	2014-15 Annual Forecast	2014-15 Annual Budget	2014-15 Budget Forecast Variance
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates	77,087	-	77,087	77,187	77,013	174
Roads, Drains and Building Maintenance	983	(8,779)	(7,797)	(11,294)	(11,026)	(268)
Sustainability	14,194	(8,698)	5,496	1,637	1,555	81
Community Safety	4,462	(6,829)	(2,367)	(3,130)	(3,388)	257
Park Services	26	(5,868)	(5,842)	(9,024)	(8,552)	(472)
Recreation	585	(1,461)	(875)	(1,445)	(1,707)	263
Libraries	936	(2,799)	(1,863)	(3,273)	(3,479)	206
Community Care	5,407	(5,865)	(457)	(801)	(1,033)	231
Family and Community Services	3,747	(6,309)	(2,562)	(4,244)	(4,487)	242
Cultural Services	63	(747)	(684)	(1,063)	(965)	(98)
Debt Servicing	-	(1,240)	(1,240)	(2,025)	(1,962)	(62)
Residential Aged Care	7,604	(8,881)	(1,277)	(2,014)	(2,193)	179
Proceeds, Depreciation/Amortisation, Written Down Value	1,031	(14,577)	(13,546)	(20,317)	(20,314)	(3)
Customer Service and Council Governance	2	(3,184)	(3,182)	(5,190)	(5,762)	573
Community Information	2	(737)	(735)	(1,464)	(1,572)	108
Corporate Counsel	5	(1,150)	(1,145)	(1,659)	(1,691)	32
Business Development	16	(348)	(332)	(565)	(599)	35
Financial Services	3,823	(5,689)	(1,865)	(4,222)	(5,136)	914
Capital Subsidies	305	-	305	313	363	(50)
Public Open Space Levies	2,191	-	2,191	2,924	2,200	724
Glen Eira Sports and Aquatic Centre (GESAC)	8,314	(6,085)	2,229	2,950	2,937	13
<b>Net Result for the Reporting Period</b>	<b>130,783</b>	<b>(89,246)</b>	<b>41,537</b>	<b>13,281</b>	<b>10,203</b>	<b>3,078</b>
Brackets denote net cost to Council						

# Glen Eira City Council

## Financial Performance

### Cumulative for the period ending 28 February 2015



The February 2015 year to date financial performance was \$5.31M better than the year to date budget mainly due to:

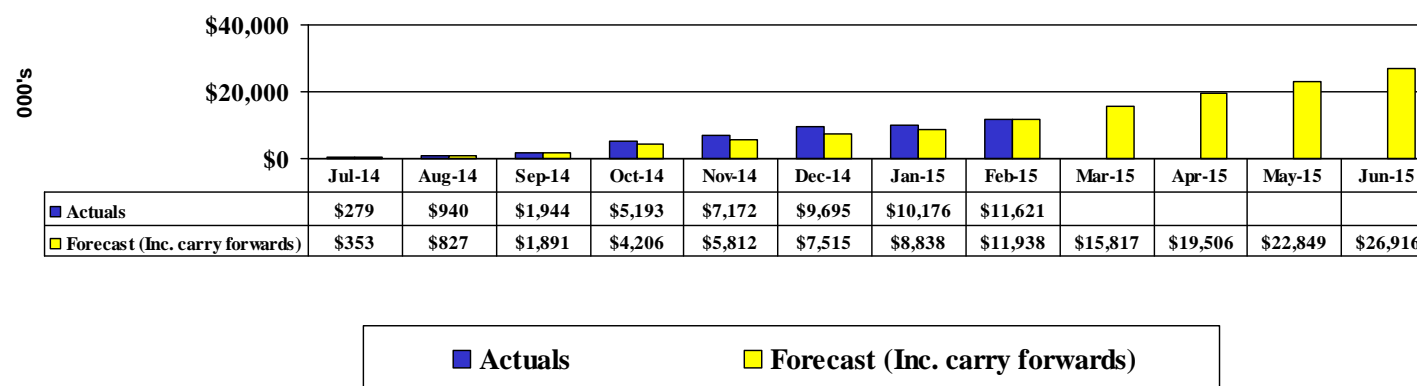
- Better than anticipated income received for Other Revenue \$1.68M (including carbon tax refund of \$876K and Open Space Contributions \$724K), Government Grants \$463K, User Charges and Other Fees \$251K, Supplementary Rates \$119K and Statutory Fees and Fines \$60K.
- Higher than expected Interest on Investments \$324K.
- Favourable variances in expenditure items including: Employee Costs \$1.03M, Materials and Consumables \$684K, Maintenance \$235K, Agency \$235K, Training \$188K, Other Expenses \$171K, Utility Services \$133K, Council Donations, Grants and Subsidies \$130K and Insurances \$92K.
- Unfavourable variance in Contractor Payments \$419K, Debt Servicing \$61K and Waste and Recycling Charges \$57K.





# Glen Eira City Council

## Capital Expenditure *(excluding Major Projects)* for the period ending 28 February 2015



Council's capital expenditure excluding major projects is behind forecast by \$317K mainly due to later than anticipated expenditure in GESAC Furniture and Equipment \$487K, Footpath Replacement \$316K, Information Systems \$287K, Recreation \$269K and Sports Ground Lighting \$150K.

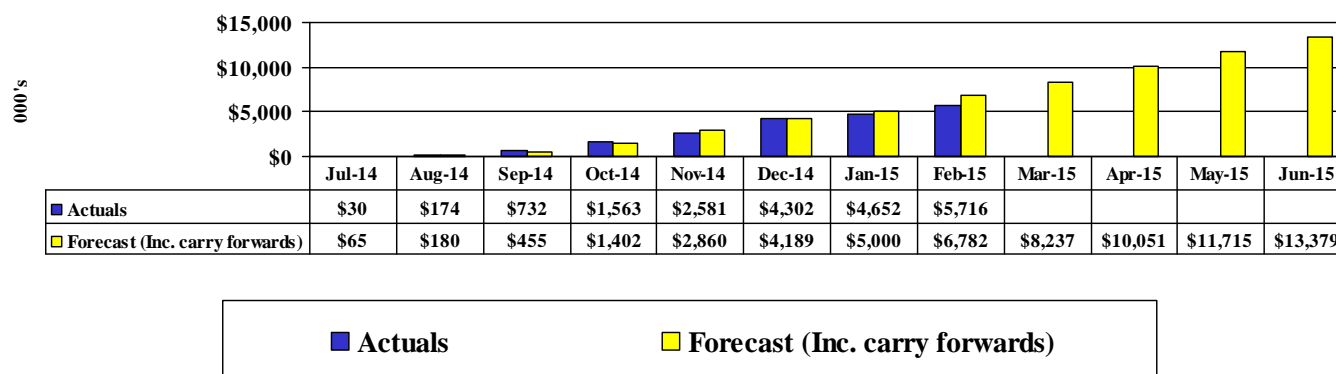
Offsetting this is earlier than anticipated expenditure on Drainage Improvements \$842K, Road Rehabilitation \$273K, Local Road Resurfacing \$241K and Vehicle Replacement \$231K.



# Glen Eira City Council

## Capital Expenditure *(Major Projects)*

### for the period ending 28 February 2015



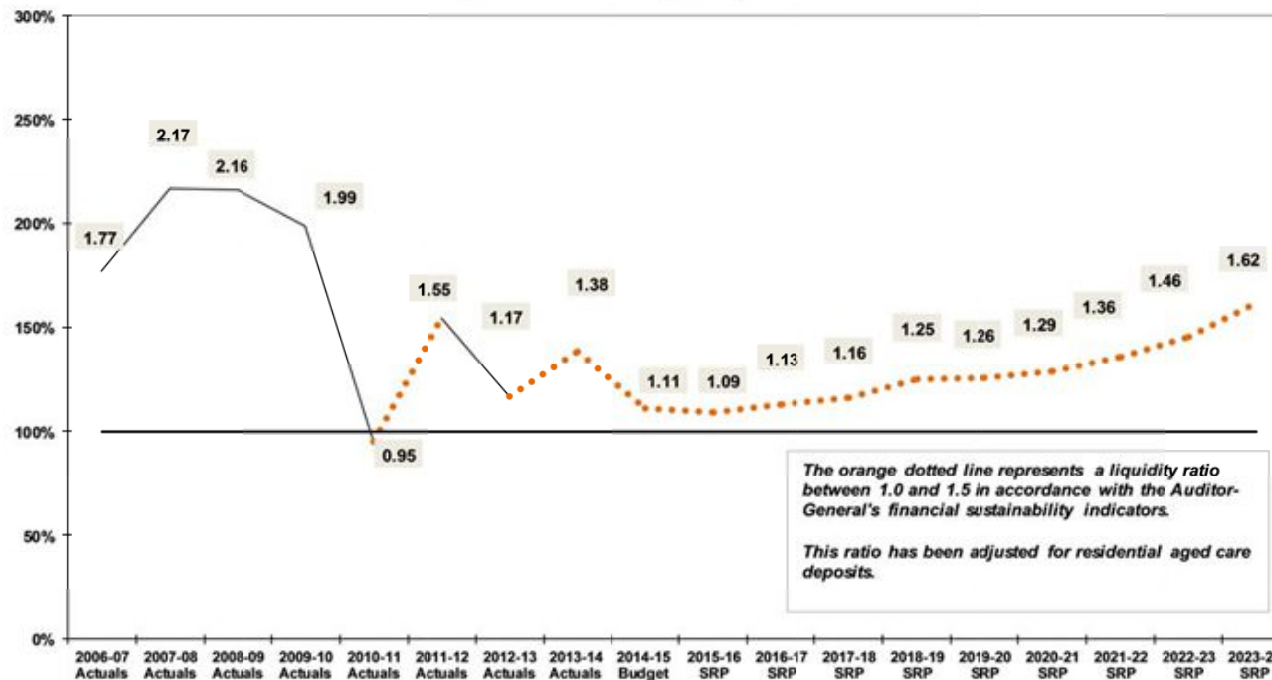
Council's capital expenditure on major projects is behind forecast by \$1.07M mainly due to Centenary Park Pavilion Upgrade.



# Glen Eira City Council

## Liquidity Management

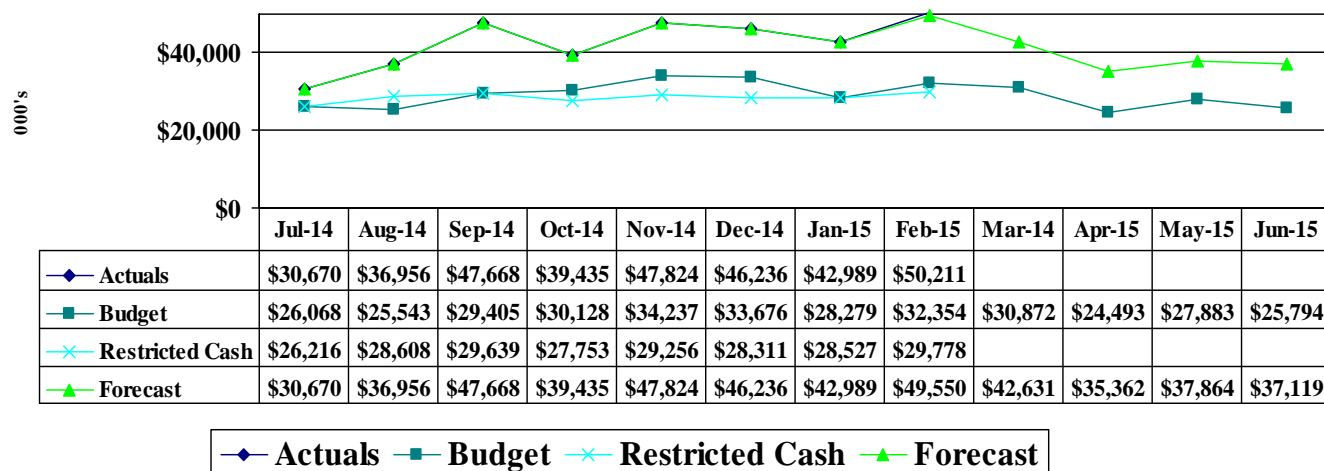
### Adjusted Working Capital Ratio



Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves. Council has fully borrowed \$25m to fund the construction of the Glen Eira Sports and Aquatic Centre (GESAC). Council will continue to have a large investment in capital works projects. The adjusted working capital ratio above expresses the level of current assets the Council has available to meet its current liabilities. This ratio has been adjusted for residential aged care deposits. Council's long-term forecast has the adjusted liquidity ratio remaining around 1 or 100% for the remainder of this Council term and into the next. This means careful monitoring of the cash flow position to ensure current liabilities are adequately covered and that unanticipated or unbudgeted capital or operating expenses are avoided. As at end of February 2015, the Adjusted Working Capital Ratio is 2.46.



## Glen Eira City Council Cash Balances For the period ending 28 February 2015

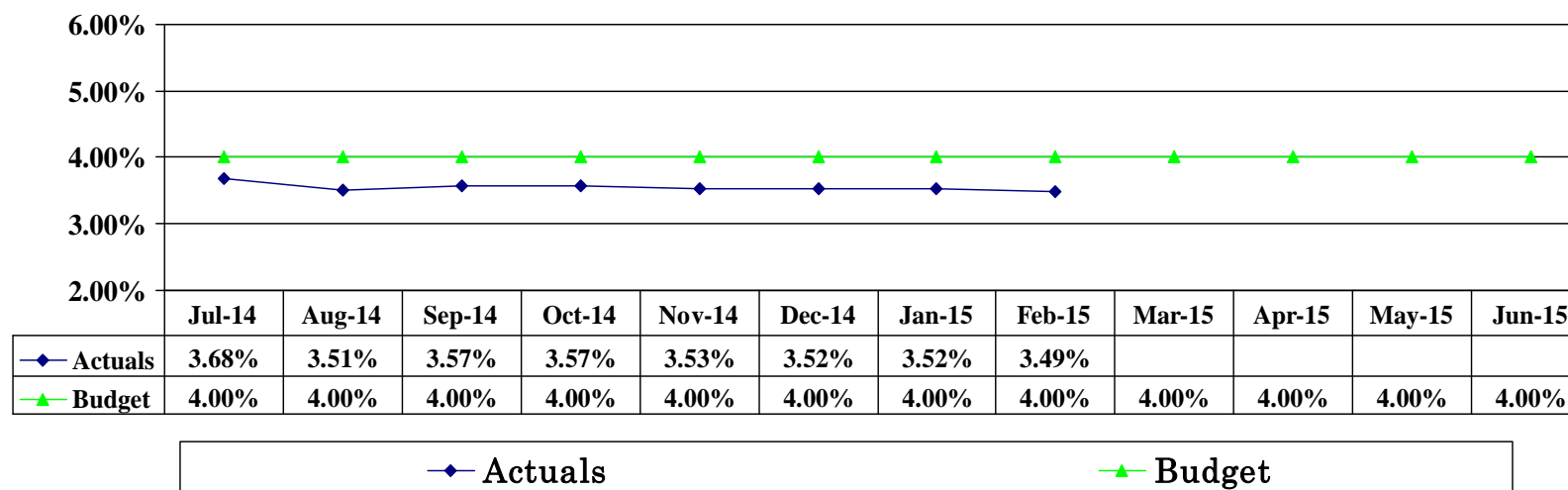


Council's year to date cash balance of \$50.21M is higher than budget for the current month. Council's forecast position to June 2015 of \$37.12M has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 28 February 2015 include: Residential Aged Care Deposits of \$20.42M, Trust Funds and Deposits \$3.57M (including asset protection permits), Open Space Reserve \$3.46M and Fire Services Property Levy \$2.33M.

# Glen Eira City Council

## Actual Interest Rate vs Budget Interest Rate for the period ending 28 February 2015



Council achieved a slightly lower return of 3.49% against the budget of 4.00%.

Glen Eira City Council  
Capital Works Program Expenditure  
for period ending 28 February 2015



Description	2014-15 Carry Forwards from 2013- 14	2014-15 Adopted Annual Capital Budget	2014-15 Capital Grant Funding	2014-15 Budget Plus 2013-14 Carry Forward	2014-15 YTD Work In Progress	2014-15 YTD Forecast	2014-15 YTD Variance	2014-15 Annual Forecast Projected end of June 2015 expenditure	2014-15 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>CAPITAL WORKS: MUST DO</b>									
INFORMATION SYSTEMS	708,000	887,900	-	1,595,900	931,497	1,218,000	(286,503)	1,595,900	-
VEHICLE REPLACEMENT	-	1,698,000	-	1,698,000	940,439	709,820	230,619	1,638,000	(60,000)
ROAD REHABILITATION-CAPITAL	-	3,553,000	-	3,553,000	1,067,469	794,000	273,469	3,553,000	-
DRAINAGE IMPROVEMENTS	-	3,500,000	-	3,500,000	1,783,258	941,500	841,758	3,500,000	-
LOCAL ROAD RESURFACING	-	1,150,000	-	1,150,000	1,201,351	960,000	241,351	1,500,000	-
FOOTPATH REPLACEMENT	-	1,725,000	-	1,725,000	833,717	1,150,000	(316,283)	1,725,000	-
KERB AND CHANNEL REPLACEMENT PROGRAM	-	160,000	-	160,000	71,414	107,200	(35,786)	160,000	-
RIGHT OF WAY RENEWAL PROGRAM	-	240,000	-	240,000	234,559	218,000	16,559	240,000	-
TRAFFIC SIGNAL RENEWAL PROGRAM	-	250,000	-	250,000	53,627	60,000	(6,373)	250,000	-
LATM REPLACEMENT	-	221,000	-	221,000	4,560	80,000	(75,440)	221,000	-
CAR PARK REHABILITATION	48,000	305,000	-	351,000	94,964	130,000	(35,036)	366,000	15,000
ROADS TO RECOVERY	-	-	288,000	288,000	152,019	-	152,019	288,000	-
<b>TOTAL MUST DO</b>	<b>754,000</b>	<b>13,689,900</b>	<b>288,000</b>	<b>14,731,900</b>	<b>7,368,874</b>	<b>6,368,520</b>	<b>1,000,354</b>	<b>14,686,900</b>	<b>(45,000)</b>
<b>CAPITAL WORKS: ROLLING ANNUAL</b>									
HEATING, VENTILATION AND COOLING SYSTEMS RENEWAL PROGRAM	-	25,000	-	25,000	23,830	30,980	(7,150)	30,980	5,980
BUILDING IMPROVEMENTS	-	567,000	-	567,000	187,610	165,200	22,410	557,000	(10,000)
BATHROOM RENEWAL	-	40,000	-	40,000	-	-	-	40,000	-
KITCHEN UPGRADES	-	24,000	-	24,000	24,325	24,000	325	65,000	41,000
PLANT RENEWAL	-	22,000	-	22,000	20,020	22,000	(1,980)	22,000	-
ROOF REPLACEMENT	19,000	130,000	-	149,000	40,086	39,000	1,086	149,000	-
SHOPPING CENTRE CARPARK IMPROVEMENTS	119,000	590,000	-	669,000	102,832	215,000	(112,168)	669,000	-
TRAFFIC ENGINEERING	22,000	926,000	-	948,000	374,140	148,000	226,140	948,000	-
LIBRARY BOOKS	-	725,334	61,123	786,457	495,366	555,516	(60,150)	786,457	-
BUILDING PAINTING PROGRAM	-	123,000	-	123,000	43,689	73,800	(30,111)	77,000	(46,000)
RECREATION	159,413	250,000	-	409,413	115,825	105,000	10,825	409,413	-
POOL REFURBISHMENT	-	150,000	-	150,000	128,896	157,000	(28,104)	185,000	35,000
BICYCLE STRATEGY	97,000	150,000	-	247,000	39,141	93,000	(53,859)	247,000	-
UPGRADE AND REPLACE AGED PARK FURNITURE	-	444,500	-	444,500	186,755	329,000	(142,245)	444,500	-
SPORTS GROUND LIGHTING	-	192,000	-	192,000	14,538	164,000	(149,462)	192,000	-
DROUGHT TOLERANT GRASS	-	500,000	-	500,000	-	125,000	(125,000)	500,000	-
SAFETY SAILS	-	60,000	-	60,000	64,445	60,000	4,445	60,000	-
PARK PATHWAY LIGHTING	-	30,000	-	30,000	-	15,000	(15,000)	30,000	-
SMALL PARK LANDSCAPING	-	195,000	-	195,000	197,290	195,000	2,290	195,000	-
<b>TOTAL ROLLING ANNUAL</b>	<b>416,413</b>	<b>5,103,834</b>	<b>61,123</b>	<b>5,581,370</b>	<b>2,058,788</b>	<b>2,516,496</b>	<b>(457,708)</b>	<b>5,607,350</b>	<b>25,980</b>

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Glen Eira City Council  
Capital Works Program Expenditure  
for period ending 28 February 2015 (continued)



Description	2014-15 Carry Forwards from 2013- 14	2014-15 Adopted Annual Capital Budget	2014-15 Capital Grant Funding	2014-15 Budget Plus 2013-14 Carry Forward	2014-15 YTD Work In Progress	2014-15 YTD Forecast	2014-15 YTD Variance	2014-15 Annual Forecast Projected end of June 2015 expenditure	2014-15 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>CAPITAL WORKS: MAJOR PROJECTS</b>									
PAVILION UPGRADE (CENTENARY PARK)	600,000	1,350,000	50,000	2,000,000	533,059	1,240,000	(706,941)	2,900,000	-
PAVILION UPGRADE (DUNCAN MACKINNON)	4,972,853	1,900,000	-	6,872,853	3,415,589	3,598,069	(182,480)	6,872,893	-
CENTENARY PARK CAR PARK CONSTRUCTION	-	575,000	25,000	600,000	-	-	-	600,000	-
OPEN SPACE INITIATIVES	-	1,120,000	-	1,120,000	841,377	944,000	(102,623)	1,120,000	-
ELSTERNWICK PLAZA LANDSCAPE IMPROVEMENTS	236,220	350,000	-	586,220	25,145	-	25,145	586,220	-
BOORAN ROAD RESERVOIR COMMUNITY CONSULTATION AND MASTER PLAN DEVELOPMENT	-	200,000	-	200,000	901,451	1,000,000	(98,549)	2,200,000	2,000,000
	<b>5,809,113</b>	<b>5,495,000</b>	<b>75,000</b>	<b>11,379,113</b>	<b>5,716,621</b>	<b>6,782,069</b>	<b>(1,065,448)</b>	<b>13,779,113</b>	<b>2,000,000</b>
<b>SHORT TERM PROJECTS</b>									
FURNITURE & FITTINGS	-	50,000	-	50,000	-	-	-	50,000	-
INFORMATION SYSTEMS	8,000	249,560	-	257,560	89,816	132,500	(42,684)	257,560	-
HEATING, VENTILATION AND COOLING SYSTEMS RENEWAL PROGRAM	-	250,000	-	250,000	73,900	62,500	11,400	250,000	-
BUILDING IMPROVEMENTS	65,000	902,000	-	967,000	365,116	334,000	31,116	1,954,000	87,000
UPGRADE AUDIO & VISUAL EQUIPMENT	-	19,688	-	19,688	21,873	19,688	2,185	19,688	-
REFURBISHMENT OF ILUs	67,000	100,000	-	167,000	126,550	153,000	(26,450)	167,000	-
CONTRACT MANAGEMENT SOFTWARE	8,000	-	-	8,000	-	8,000	(8,000)	8,000	-
SECURITY AND CCTV	-	40,000	-	40,000	-	-	-	40,000	-
FURNITURE, FITTINGS & EQUIPMENT - ADASS	-	-	-	-	34,567	33,045	1,522	33,045	33,045
GREENWASTE BIN ROLLOUT	-	827,000	-	827,000	687,584	724,262	(36,678)	827,000	-
LIBRARY FAST TRACK CUSTOMER SERVICE	-	615,661	-	615,661	73,432	59,161	14,271	615,661	-
CAULFIELD PARK CONSERVATORY	68,000	-	-	68,000	43,087	-	43,087	68,000	-
RECREATION	203,000	884,000	-	1,087,000	320,101	589,000	(268,899)	968,000	(119,000)
GESAC FURNITURE & EQUIPMENT	583,000	903,320	-	1,486,320	24,908	512,000	(487,092)	1,594,320	108,000
PARKS MINOR CAPITAL WORKS	-	275,000	-	275,000	80,147	185,000	(104,853)	288,500	13,500
PUBLIC HALL FURNITURE	-	10,400	-	10,400	2,852	10,400	(7,548)	10,400	-
PLINTH CURBING	-	80,000	-	80,000	5,100	30,000	(24,900)	80,000	-
BIN ENCLOSURES	-	17,000	-	17,000	17,458	17,000	458	17,000	-
RESIDENTIAL AGED CARE & STORAGE IMPROVEMENTS	-	246,000	-	246,000	226,514	156,000	70,514	246,000	-
FURNITURE AND EQUIPMENT - MCH OFFICES	-	27,100	-	27,100	-	27,100	(27,100)	27,100	-
<b>TOTAL SHORT TERM PROJECTS</b>	<b>1,002,000</b>	<b>5,496,729</b>	<b>-</b>	<b>6,498,729</b>	<b>2,193,005</b>	<b>3,052,656</b>	<b>(859,651)</b>	<b>6,421,274</b>	<b>122,545</b>
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>7,981,526</b>	<b>29,785,463</b>	<b>424,123</b>	<b>38,191,112</b>	<b>17,337,288</b>	<b>18,719,741</b>	<b>(1,382,453)</b>	<b>40,294,637</b>	<b>2,103,525</b>
<b>2014-15 Capital Works Reconciliation for period ending 28 February 2015</b>									
Capital Works Carried Forwards from the 2013-14 financial year			\$	7,981,526					
Annual Budget 2014-15			\$	29,785,463					
Capital Grant Funding 2014-15			\$	424,123					
<b>Total 2014-15 Annual Budget including Capital Grants and Carried Forward Projects</b>			<b>\$</b>	<b>38,191,112</b>					
<b>Monthly Forecast Movements:</b>									
Jul 2014	33,045		Oct 2014	2,000,000	Jan 2015	143,000	Apr 2015		
Aug 2014	-		Nov 2014	38,980	Feb 2015	(111,500)	May 2015		
Sep 2014	-		Dec 2014	-	Mar 2015		Jun 2015		
<b>Closing Capital Balance</b>									<b>40,294,637</b>

**OUTSTANDING (NON-RATE) DEBTOR REPORT (\$'000)**

Debtors	Current 0-30 days	31-60 days	61-90 days	90 + days	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
<b>General Debtors</b>							
Finance and Valuations	83	-	-	-	83	-	83
Buildings and Facilities	2	10	-	-	12	-	12
Planning and Transport	-	-	10	-	10	-	10
Community Relations	169	12	33	2	216	1	216
Arts and Cultural Services	13	-	-	-	13	-	13
Recreation	192	22	1	-	215	-	215
Community Services	8	23	1	-	32	-	32
Child Care Centres	79	1	-	9	89	2	87
Residential Aged Care	105	11	2	10	128	3	126
Home and Community Care	91	9	3	-	133	-	133
Assets and Facilities	-	10	-	-	10	-	10
<b>General Debtors Total</b>	<b>742</b>	<b>98</b>	<b>50</b>	<b>21</b>	<b>911</b>	<b>5</b>	<b>906</b>
<b>Other Debtors</b>	<b>Current 0-3 months</b>	<b>4-6 months</b>	<b>7-12 Months</b>	<b>12 Months +</b>	<b>Total Debtors</b>	<b>Provision for Doubtful Debtors</b>	<b>Net Debt Outstanding</b>
Parking Infringements - Council	631	145	71	25	872	87	785
Parking Infringements - PERIN	-	76	91	1,193	1,360	1,224	136
<b>Other Debtors Total</b>	<b>631</b>	<b>221</b>	<b>162</b>	<b>1,218</b>	<b>2,232</b>	<b>1,311</b>	<b>921</b>
<b>Total Debtors</b>	<b>1,373</b>	<b>319</b>	<b>212</b>	<b>1,239</b>	<b>3,143</b>	<b>5,082</b>	<b>1,827</b>

**Comments**

**Residential Aged Care**

The majority of the \$10K in 90+ days is under investigation.

**Parking Debtors**

Council's Parking Debtors for the current period comprise of :

	<b>\$,000</b>
Collection by Council	872
Collection by PERIN Court	1,360
<b>Total Parking Debtors</b>	<b>\$ 2,232</b>

**Rate Debtors**

Instalment	2014-2015 Opening Balance \$'000	2014-2015 Year to date \$'000
Arrears Brought Forward	4,809	4,809
2014-15 Rates & Garbage Generated	90,671	90,071
2014-15 Fire Services Property Levy	11,242	11,242
<b>Total Rates &amp; Charges</b>	<b>106,722</b>	<b>106,122</b>
<b>Adjustments:</b>		
Glen Eira Pension Rebate	(493)	(514)
State Government Rebate	(1,654)	(1,722)
Fire Services Property Levy Rebate	(398)	(414)
Receipts	-	(68,224)
Interest	-	251
Supplementary Valuations	-	556
Adjustments	-	9
<b>Total Adjustments</b>	<b>(2,545)</b>	<b>(70,058)</b>
<b>Rates &amp; Charges Balance at Month End</b>	<b>103,177</b>	<b>36,063</b>



**Glen Eira City Council**  
**Financial Ratios (Performance Indicators)**  
for period ending 28 February 2015



Financial Ratios (performance indicators)	February 2014-15 (%)	February 2014-15 Ratio	February 2013-14 (%)	February 2013-14 Ratio
<b>(1) Rates/Total Revenue</b> (To identify Council's dependence on non-rate income)				
General & Supplementary Rates	59.41 %	0.59 :1	58.66 %	0.59 :1
Total Revenue				
(The level of Council's reliance on Rate Revenue is determined by assessing rate revenue as a proportion of the Total Revenue of Council)				
<b>(2) Garbage Charge/Total Revenue</b> (To identify Council's dependence on Garbage Charges)				
Garbage Charge	10.26 %	0.10 :1	11.49 %	0.11 :1
Total Revenue				
<b>(3) Interest Received</b> (To identify Council's dependence on Interest Received)				
Interest Received	0.79 %	0.01 :1	0.78 %	0.01 :1
Total Revenue				
<b>(4) Grants &amp; Subsidies/Total Revenue</b> (To identify Council's dependence on Grants & Subsidies)				
Grants & Subsidies	11.70 %	0.12 :1	10.78 %	0.11 :1
Total Revenue				
<b>(5) User Charges &amp; Other Fees/Total Revenue</b> (To identify Council's dependence on User Charges & Other Fees)				
User Charges & Other Fees	12.21 %	0.12 :1	12.00 %	0.12 :1
Total Revenue				
<b>(6) Statutory Fees &amp; Fines/Total Revenue</b> (To identify Council's dependence on Statutory Fees & Fines)				
Statutory Fees & Fines	2.42 %	0.02 :1	2.89 %	0.03 :1
Total Revenue				
<b>(7) Other Revenue/Total Revenue</b> (To identify Council's dependence on Other Revenue)				
Other Revenue	3.21 %	0.03 :1	3.39 %	0.03 :1
Total Revenue				
<b>(8) Accounts Receivable Turnover (days)</b> (To identify the number of days on average it takes for a debtor to pay)				
Average Debtors	29 days	0.29 :1	32 days	0.32 :1
Average Credit Sales				

**10. URGENT BUSINESS - Nil****11. ORDINARY BUSINESS****(a) Crs Delahunty/Sounness**

That a report be prepared showing the actual costs to council of the administration of town planning applications and the gap between these costs and the revenue generated in fees. That the report show how the lack of indexation has grown the real cost to rate-payers since 2009 and compare fee increases to cover councils' costs with fee increases to cover VCAT costs. That the report indicate a preferred path forward for the State Government to consider.

The MOTION was put and CARRIED unanimously.

**(b) Crs Sounness/Delahunty**

That a report be prepared on the effectiveness of existing planning scheme tools addressing neighbourhood character, and consider the merits of a fresh publicly advertised scheme amendment, local policy and/or design guidelines to establish the preferred emerging neighbourhood character.

The MOTION was put and CARRIED unanimously.

**(c) Crs Delahunty/Magee**

1. That a report be prepared detailing the naming history of the Pavilion in Centenary Park Bentleigh East.
2. That the report also detail all other named pavilions in Glen Eira and provide a brief description of who is commemorated by these names.
3. That the report suggest a policy for future practice.

The MOTION was put and CARRIED unanimously.

**(d) Crs Magee/Delahunty**

That a report be prepared that identifies opportunities for Community Residential Units (CRU) on land owned or land managed by Council.

The MOTION was put and CARRIED unanimously.



**11.2 Right of reply – Nil.**

**11.3 Councillor questions – Nil.**

**11.4 Public questions to Council**

**10.11PM Cr Delahunty left the Chamber.**

**From:** Jim Walker  
**Subject:** New park works

- “1a. Regarding the recent landscaping of Koormang Park, how many indigenous trees, shrubs and grasses were planted as part of these works and*  
*b. If any indigenous plants were used which species were they?*  
*2a. Were any indigenous plants used in the landscaping of the new park at the junction of Riddell Parade and Archibald Street, and if so what species of indigenous plants were used?*  
*2b. Was the wooden tank trap on the Riddell Parade side of this park constructed of recycled timber, and*  
*2c. what was the species of timber used?”*

The Mayor read Council's response. He said:

- “1a and 1b**      A selection of exotic and native species were planted but not indigenous. The plants are tough, low maintenance varieties which are proven performers over 20 or more years (including during the drought) in Melbourne's climate.
- 2a**              A selection of exotic and native species were planted but not indigenous. The plants are tough, low maintenance varieties which are proven performers over 20 or more years (including during the drought) in Melbourne's climate.
- 2b and c**       The wooden posts on the Riddell Parade side of the park, described as beautiful by local residents, are not recycled and are of Cyprus Pine.”

**10.12PM Cr Delahunty returned to the Chamber.**

**From:** Mary Healy  
**Subject:** Caulfield Racecourse environs

- “1. I wish to ask what prices have been paid by Beck, the developers, for the public land which it is assuming ownership of by way of loss of Off-street car parking spaces and roadway in the Station Street/Bond Street area? I enclose pamphlet to give you substantiation of this.*
- 2. Are the developers paying rental for the footpath and service areas and if so, how much?*
- 3. Why since the Mayor stated in February that there was to be a footpath, has this been overlooked? Why are the lives of pedestrians being exposed to unnecessary risk?*
- 4. To the west of the racecourse we have suffered 2 noisy rave concerts and always suffer in the middle of the night as the MRC has contractors come to empty industrial bins, noisily... which is against the law at such times. Does Council also believe that residents require uninterrupted sleep?”*

The Mayor read Council's response. He said:

1. “There are two separate constructions underway. Both have received permission to temporarily occupy parts of the road during the construction phase. The Caulfield Village developer was required to pay \$18,580.80 (to date) and the Station Street developer \$3,313 (to date).
2. As above.
3. The removal of pedestrian access across the construction sites was not overlooked. Since the commencement of the development at 2-4 Station Street, Council officers noticed pedestrians were not adhering to the designated safe pathway (approved under a traffic management plan). Therefore, it was agreed by Council to close the footpath across both frontages in Station Street and redirect pedestrians. The new path is both safe and being used by pedestrians.
4. Council officers wrote to the Melbourne Racing Club on the 28th January 2015 advising them that their waste contractor was arriving in the early hours of the morning. This has since been rectified. On the 25th March 2015, Council advised the Melbourne Racing Club about the noise concerns from the recent concerts. Evidence of decibel readings taken along Station Street and Kambrook Roads during the concerts has been provided to Council. The readings demonstrated that the sound levels were under the EPA's recommendations of 65dB for such events.”

**From:** Rosetta Manaszewicz  
**Subject:** Planning Scheme

“When will Council be undertaking a comprehensive review of its planning scheme (as opposed to the Council Plan)? Will council be holding full public consultation on such a review?”

The Mayor read Council’s response. He said:

“Council will undertake a review of its planning scheme once the State Government has completed its comprehensive review of both the State and local planning policy frameworks. The State Government review will help to guide Council’s future planning scheme review.

Other Councils are also awaiting the completion of the State Government review before undertaking their respective planning scheme reviews.

Council will undertake public consultation of the next planning scheme review in accordance with the requirements of the Planning and Environment Act 1987.”

**From:** Rosetta Manaszewicz  
**Subject:** Proposed Pocket Park - North Caulfield

*“I request the following information on the proposed Eskdale Road/Fitzgibbon Crescent local park proposal -*

- 1. What is the total area of this proposed park?*
- 2. What is the anticipated cost of implementing this proposal?*
- 3. What was the total cost for the concept plan?*
- 4. Have any traffic surveys of the area been conducted? If so, will Council make the findings public?”*

The Mayor read Council’s response. He said:

- “1. Bearing in mind that public consultation is still underway and nothing has yet been finalised, the area currently proposed is approximately 550m<sup>2</sup>.
2. That is yet to be determined following the outcome of the public consultation process.
3. \$6,980 + GST.
4. As the public consultation material makes clear, the unnamed road currently caters for very low and localised traffic volumes, and would not create adverse traffic conditions for the surrounding road network. No traffic surveys have been conducted. Existing access to residential properties will not be impacted.”

**12. CONSIDERATION OF ITEMS IN CAMERA****Crs Lipshutz/Hyams**

That the meeting be now closed to members of the public under Section 89(2) of the Local Government Act 1989 in order to consider:

- 12.1 which relates to the awarding of the contract for Tender number 2015.024 Provision of Services for the Design, Supply, Installation and Commissioning of grid connected Solar Photovoltaic Systems Various sites through the Municipality.**

<b>Number of tenders received</b>	<b>5</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>In excess of \$242,000 per annum exclusive of GST.</b>

- 12.2 under s89 (2)(d) “contractual” which relates to disposal of general household waste**

- 12.3 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.022 – Specialist Mechanical Engineering Consultant - Major Projects Capital Works Program and other Minor Works**

<b>Number of tenders received</b>	<b>11</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>in excess of \$500K</b>

- 12.4 under s89 (2)(d) “contractual” which relates to the awarding of the contract for– Tender number 2015.020 The supply and delivery of retail products to the Glen Eira Sports and Aquatic Centre**

<b>Number of tenders received</b>	<b>Seven (7)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>in excess of \$800,000</b>

- 12.5 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2014041 Publication Design Services.**

<b>Number of tenders received</b>	<b>Fourteen (14)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>\$200,00 per annum</b>

**The MOTION was put and CARRIED unanimously.**

**OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****Item 12.1****Crs Lipshutz/Sounness**

1. That Council appoints Suntrix Commercial Pty Ltd, ACN 160 118 034 as a panel contractor under Tender 2015.024.
2. That Council appoints The Environment Shop Pty Ltd, ACN 108 916 614 as the trustee for Environmental Futures Trust, trading as EnviroGroup, ABN 95 736 464 715 as panel contractor under Tender number 2015.024.
3. The contracts be prepared in accordance with the Conditions of Contract in the tender.
4. That the contract be executed in an appropriate manner by affixing of the Council Seal.
5. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

**Item 12.3****Crs Hyams/Lipshutz**

1. That Council appoints the tenderer Braird Engineers Pty Ltd, A.C.N. 159 938 940 as panel contractor under Tender number 2015.022 in accordance with the Schedule of Rates submitted.
2. That Council appoints the tenderer Connor Pincus Group Pty Ltd, A.C.N. 132 246 292 as panel contractor under Tender number 2015.022 in accordance with the Schedule of Rates submitted.
3. In the event Mr Govind Kartha sets up a suitable corporate entity (of which he is a director) that meets Council's requirements, appoint this company as a panel contractor under Tender 2015.22 in accordance with the Schedule of Rates Mr Kartha submitted with his tender as a sole trader. (Noting that Mr Kartha could not be an employee and a contractor at the same time).
4. That the contracts be prepared in accordance with the Conditions of Contract included in the tender.
5. That the contracts be executed in an appropriate manner by affixing of the Council Seal.
6. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

**OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS (cont'd)****Item 12.4****Crs Lipshutz/Sounness**

1. That Council appoints Karin Barclay, trading as Go Splash, ABN 13 440 069 297 as the panel contractor under Tender number 2015.020 in accordance with the schedule of rates submitted.
2. That Council appoints Hanesbrands Australia Pty Ltd, ACN 139 789 889 as the panel contractor under Tender number 2015.020 in accordance with the schedule of rates submitted.
3. That Council appoints Running Bare Australia Pty Ltd, ACN 064 012 157 as the panel contractor under Tender number 2015.020 in accordance with the schedule of rates submitted.
4. That Council appoints Speedo Australia Pty Ltd, ACN 050 097 375 as the panel contractor under Tender number 2015.020 in accordance with the schedule of rates submitted.
5. That Council appoints Vorgee Pty Ltd, ACN 110 472 707 as the panel contractor under Tender number 2015.020 in accordance with the schedule of rates submitted.
6. That Council appoints Zoggs Australia Pty Ltd, ACN 077 979 296 as the panel contractor under Tender number 2015.020 in accordance with the schedule of rates submitted.
7. That the contracts be prepared in accordance with the Conditions of Contract included in the tender.
8. That the contracts be executed in an appropriate manner by affixing of the Council Seal.
9. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

**Item 12.5****Crs Lipshutz/Pilling**

1. That Council appoints Nuttshell Graphics Pty Ltd, ACN 006 420 159 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
2. That Council appoints RA and MJ Clare, trading as Mono Design, ABN 71 583 900 201 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.

**OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS (cont'd)**

3. That Council appoints Gusto Holdings Pty Ltd, ACN 127 893 298 as the trustee for Gusto Unit Trust, trading as Voodoo Creative, ABN 64 174 780 406 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
4. That Council appoints Hive Creative Pty Ltd, ACN 109 732 176 as trustee for the Hive Creative Unit Trust, trading as Hive, ABN 57 976 495 452 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
5. That Council appoints Australian Opco Pty Ltd, trading as Fatfish, ACN 003 279 534 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
6. That Council appoints Fluid Group Pty Ltd, ACN 097 815 720 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
7. That Council appoints Disport Group Pty Ltd, trading as Four Creative, ACN 113 322 124 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
8. That Council appoints Celsius Design Pty Ltd, ACN 097 150 573 as trustee for the Simmons Family Trust, trading as Celsius Graphic Design, ABN 19 756 561 996 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
9. That Council appoints Red Crayon Pty Ltd, ACN 111 766 502 as the panel contractor under Tender number 2014.041 in accordance with the schedule of rates submitted.
10. That the contracts be prepared in accordance with the Conditions of Contract included in the tender.
11. That the contracts be executed in an appropriate manner by affixing of the Council Seal.
12. That this resolution be incorporated in the public minutes of this Meeting.

**The MOTION was put and CARRIED unanimously.**

**Crs Lipshutz/Sounness**

**That the meeting be resumed in open Council.**

**The MOTION was put and CARRIED unanimously.**

**13. CLOSURE OF MEETING**

The meeting closed at 10.24PM.

CONFIRMED THIS 28 APRIL 2015

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**CHAIRPERSON**