



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

9 JUNE 2015

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INDEX (cont'd)**12. CONSIDERATION OF IN CAMERA ITEMS**

- 12.1 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2015.042 Carnegie Library Forecourt Works, Carnegie.

| | |
|--|---------------|
| Number of tenders received | Four (4) |
| Number of evaluation criteria tenders assessed against | Three (3) |
| Estimated contract value | \$ 390,000.00 |

- 12.2 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.027 - Point of Sale system for Glen Eira Sports and Aquatic Centre.

| | |
|--|---------------------------|
| Number of tenders received | Five (5) |
| Number of evaluation criteria tenders assessed against | Three (3) |
| Estimated contract value | \$150,000 (excluding GST) |

- 12.3 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender Number 2015.026 - Mystery shopping program for GESAC

| | |
|--|---------------|
| Number of tenders received | Three (3) |
| Number of evaluation criteria tenders assessed against | Three (3) |
| Estimated contract value | \$40,000 p.a. |

- 12.4 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.021 – The supply of promotional items for sale/giveaway from Glen Eira City Council

| | |
|--|---------------------------|
| Number of tenders received | Five (5) |
| Number of evaluation criteria tenders assessed against | Five (5) |
| Estimated contract value | \$400,000 (excluding GST) |

- 12.5 under s89 (2)(d) “contractual” which relates the awarding of the contract for IT Products and Services.

13. CLOSURE OF MEETING



**MINUTES of the ORDINARY MEETING OF THE
GLEN EIRA CITY COUNCIL held on TUESDAY, 9 JUNE 2015**

The meeting opened at 7.30 pm in the presence of:

**Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jamie Hyams
Councillor Michael Lipshutz
Councillor Oscar Lobo
Councillor Karina Okotel
Councillor Neil Pilling
Councillor Thomas Sounness**

Cr Delahunty, Deputy Mayor, assumed the Chair.

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 - Cr Magee

Crs Lipshutz/Sounness

That the apology be received and noted.

The MOTION was put and CARRIED unanimously.

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/Hyams

That the minutes of the Ordinary Council Meeting held on Tuesday, 19 May 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 - Nil**

8. REPORTS FROM COMMITTEES

a. Advisory Committees

- i. Audit Committee

Crs Lipshutz/Pilling

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

That the recommendations of the Committee be adopted.

The MOTION was put and CARRIED unanimously.

b. Records of Assembly

- i. 28 April 2015
- ii. 5 May 2015
- iii. 12 May 2015
- iv. 19 May 2015
- v. 26 May 2015

Crs Lipshutz/Hyams

That the Records of the above Assemblies be received and noted.

The MOTION was put and CARRIED unanimously.

Audit Committee Minutes of Meeting held 29th May 2015

Present:

Members:

David Gibbs, Chairman
Dr Craig Nisbet, Independent Member
Lisa Woolmer, Independent Member
Councillors Michael Lipshutz and Mary Delahunty

Officers:

Andrew Newton, Chief Executive Officer
Peter Swabey, Chief Financial Officer
John Vastianos, Manager Finance
Rachel Ollivier, Group Manager, Environmental Strategy and Services (Item 4)
Warren Gardner, Manager Information Management (Item 8)
John Enticott, Manager Rates and Valuations (Item 8)
Noel Kiernan, Manager Building and Properties (Item 8)

Internal Auditor:

Jason Agnoletto, PricewaterhouseCoopers (attended by conference call for Items 3-4)
Nick Burjorjee, PricewaterhouseCoopers (Items 3-4)
Adrian Van Tonder, PricewaterhouseCoopers (Items 3-4)

External Auditors:

Tim Loughnan, Sector Director, Local Government, Auditor-General's Office (Item 5)
Siu Fa Lau, Victorian Auditor-General's Office (Item 5)

Minutes:

Alon Milstein, Financial Accountant

The Committee met at 8am in-camera in discussion of broad issues facing Council and the risk elements thereof.

At 8.30am, the Chairman welcomed Councillors, Officers, Messrs Burjorjee and Van Tonder from PricewaterhouseCoopers and Mr Loughnan and Ms Fa Lau from the Victorian Auditor-General's Office.

1. Matters for Agenda

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

2. Confirmation of Minutes and Action Items

The minutes of the previous Audit Committee meeting held on 20th February 2015 were confirmed.

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

3. Internal Audit Activity

Mr Agnoletto joined the Audit Committee Meeting via a telephone conference.

Mr Burjorjee presented the Internal Audit Activity Report. It was noted that the Parks and Open Space review as well as the Follow Up Review were scheduled to be tabled at the August 2015 Audit Committee Meeting. Mr Burjorjee also noted that a refreshed Strategic Audit Plan for 2016-2018 would be provided as part of the tender process.

A paper covering the "2015 State of the Internal Audit Profession Study" was distributed amongst Audit Committee Members.

4. Internal Audit Reviews

Clayton Landfill Review

Mr Agnoletto noted that there was a strong governance and oversight in place around the Clayton Landfill.

Mr Van Tonder noted that two "B" and one "O" rating had been identified and these were being addressed by Management.

Ms Woolmer requested that the Clayton Landfill be included as a standing agenda Audit Committee item with respect to any future risk updates.

Dr Nisbet recommended distributing the Internal Audit Report to the other four Joint Venture ('JV') partners for their feedback. Mr Agnoletto stated that PWC's were happy to share the report with the other JV owners, however advised that a disclaimer be made that the report was prepared specifically for Glen Eira City Council.

Councillor Delahunty asked how the Audit Committee would see the main findings of this review actioned. The CFO advised that high priority items were completed through the annual follow-up review.

At this stage Messrs Agnoletto and Van Tonder and Ms Ollivier left the meeting.

5. End of Year Audit

Mr Loughnan presented the Interim Management Letter for the year ending 30 June 2015 which included one current year finding and three prior year findings. He noted that all three prior year findings would be closed by 30 June 2015.

Both Councillors Delahunty and Lipshutz noted that the standard Interim Management Letter's '*Summary of findings*' alluded to "serious deficiencies" which was not the case at Glen Eira Council and requested that Mr Loughnan adjust it accordingly. Mr Loughnan advised that the letter was based on a template issued by VAGO and would amend the letter.

Mr Loughnan confirmed that VAGO had considered Council's auditable performance indicators and stated that all appropriate controls and systems were in place for completion of the Year End Accounts at 30 June 2015.

Mr Loughnan noted that there was a working group in place which was undertaking a review of the VAGO financial sustainability indicators with respect to their relevance to industries, objectives and levels.

The Chairman requested that the CFO formally invite the Auditor General to the August Audit Committee Meeting.

6. Local Government Performance Reporting Framework

The Audit Committee Agenda included a paper from the Department of Environment, Land, Water and Planning outlining the changes for the Local Government Performance Reporting Framework in 2014-15.

Based on trial results and feedback from the sector, the Government intends to implement a transitional year for HACC and MCH indicators to allow the sector to improve the quality of the data in time for the 2015-16 year. In addition, a number of economic development outcome indicators have been removed.

The Audit Committee noted the ambiguity and lack of relevance with a number of the indicators.

7. Fair Rates Framework

The CEO highlighted that Council was currently engaged in a consultation process with the Essential Services Commission with respect to the fare rates framework.

The CEO noted that there was uncertainty surrounding the framework and in particular the impact that rate capping would potentially have on:

- Long term financial plans and capital works projects;
- wage increases and EBA impact;
- service level planning and program funding; and
- other sources of revenue.

8. Risk Management Rolling Progress Reports

At 9:35am, the Chairman welcomed Messrs Gardner, Kiernan and Enticott to the meeting.

Mr Gardner presented an update to the Business Continuity Plan from an Information Management perspective.

Messrs Kiernan and Enticott presented their respective departmental risk management reviews.

Messrs Gardner, Kiernan and Enticott left the meeting at 10:30am.

9. Other Items

The Committee noted the report covering *State of Community Assets 2013-14*. The Committee also noted all information items that were tabled.

Councillor Delahunty requested additional information with respect to the circumstances leading to the closed landfill in Spring Road, Dingley Village having involvement with VCAT and whether it would lead to a possible contingent liability for Council to consider.

The Chairman requested that any Internal Audit reports prepared for the Clayton Landfill by external parties be tabled at future Audit Committee Meetings.

Ms Woolmer also requested that the Committee be provided with all documentation relating to the Clayton Landfill including the 2013/2014 Audited Landfill Accounts and the Golder Report and valuation.

The Chairman suggested that the Assurance Map disclose its alignment with the risk framework.

10. Close of Meeting

The meeting concluded at 10:45 am.

11. Next Meeting

Friday, 21 August 2015

Audit Committee Action Items

| Meeting Date Requested | Item | Responsibility | Proposed Completion Date |
|-------------------------------|---|--|---------------------------------|
| 29 May 2015 | Distribution of the Clayton Landfill Internal Audit Review to the other four Joint Venture partners | Chief Financial Officer | August 2015 |
| 29 May 2015 | Clayton Landfill be included as a standing agenda Audit Committee item with respect to any future risk updates | Group Manager, Environmental Strategy and Services | Ongoing |
| 29 May 2015 | Formally invite the Auditor General to the August Audit Committee Meeting. | Chief Financial Officer | August 2015 |
| 29 May 2015 | Additional information required with respect to the circumstances leading to the closed landfill in Spring Road, Dingley Village having involvement with VCAT and whether it would lead to a possible contingent liability for Council to consider. | Group Manager, Environmental Strategy and Services and Chief Financial Officer | August 2015 |
| 29 May 2015 | Provide the Committee with all documentation relating to the Clayton Landfill including the 2013/2014 Audited Landfill Accounts and the Golder Report and valuation. | Chief Financial Officer | August 2015 |
| 29 May 2015 | Disclose on the Assurance Map, its alignment with the risk framework | Corporate Counsel and Chief Financial Officer | August 2015 |

Schedule of meeting dates for 2015

- 21 August 2015
- 27 November 2015

Council Pre-Meeting

28 April 2015

Record under S 80 A (2)

Meeting commenced at 6.45PM

A. Present

Cr Jim Magee, Mayor
Cr Mary Delahunty (Arr. 7.23PM)
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 Waite
Ron Torres
John Vastianos
Paul Burke

B. Matters considered.

- (i) Council Papers for 28 April 2015 consisting of twenty Officer reports together with standing items on the Agenda.
 - (a) Agenda Item 9.2 - 247-251 Neerim Road Carnegie.
 - (b) Agenda Item 9.6 - Caulfield Village.
 - (c) Agenda Item 9.8 - Victoria's Development Boom and Its Effect on New Dwelling Approvals.
 - (d) Agenda Item 9.9 - Open Space – Possible Private Donations for Private Memorials on Public Land.
 - (e) Agenda Item 11.1 – Requests for Reports – Cr Okotel, Youth Connect.
 - (f) Agenda Item 11.1 – Requests for Reports – Cr Hyams, complaint handling.
 - (g) Agenda Item 11.1 – Requests for reports – Cr Esakoff , camouflage trees for phone towers.

7.23PM Cr Delahunty entered the room.

- (h) Agenda Item 11.1 – Requests for reports – Cr Sounness, Myna Birds.
- (i) Agenda Item 9.1 - Planning Application Fees.

Fin 7.30PM

Assembly of Councillors

5 May 2015

Record under S 80 A (2)

Meeting commenced at 6.50PM

A. Present

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

Andrew Newton
Peter Jones
Peter Waite
Ron Torres
John Vastianos
Paul Burke

Apologies

Cr Jamie Hyams
Cr Neil Pilling

B. Matters considered.

- (i) Open Space initiatives – Mile End/Mimosa Roads, Carnegie.

6.55PM the briefing meeting adjourned for the Special Council Meeting.

7.15PM the briefing meeting resumed in the presence of:

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

- (ii) Open Space Initiatives – Eskdale/Fitzgibbon, Caulfield North.

- (iii) The Age, urban density.

- (iv) Baker Street, Murrumbeena.

- (v) Records of Assembly.
- (vi) General Business by Councillors.
 - (a) Cr Sounness – Boardbooks.
 - (b) Cr Sounness – Flower business operator, Caulfield Park.
 - (c) Cr Sounness – resident access to mulch.
 - (d) Cr Lipshutz – Pedestrian crossing at the roundabout, Eskdale/Kambrook Roads, Caulfield North.
 - (e) Cr Okotel – Bass Council, MAV motion regarding charities and rates.
 - (f) Cr Okotel – electric line clearances.

Fin 7.40PM

Assembly of Councillors

12 May 2015

Record under S 80 A (2)

Meeting commenced at 6.51PM

A. Present

| | |
|-------------------------------|---------------|
| Cr Mary Delahunty | Andrew Newton |
| Cr Margaret Esakoff | Peter Jones |
| Cr Jamie Hyams | Peter Swabey |
| Cr Michael Lipshutz | Peter Waite |
| Cr Oscar Lobo | Ron Torres |
| Cr Karina Okotel | Karoline Ware |
| Cr Neil Pilling (Arr. 7.08PM) | Paul Burke |
| Cr Thomas Sounness | |

Apologies

Cr Jim Magee, Mayor

The Deputy Mayor, Cr Mary Delahunty, assumed the Chair.

B. Matters considered.

(i) Council Papers for the 19 May 2015 Council Meeting comprising twenty two officer reports together with standing items on the Agenda.

(a) Agenda Item 4, Minutes of the Special Council Meeting.

(b) Agenda Item 9.1 - 257-259 Alma Road, North Caulfield.

(c) Agenda Item 9.2 - 337-343 Balaclava Road.

(d) Agenda Item 9.3 - 1100 Dandenong Road, Carnegie.

7.08PM Cr Pilling entered the briefing room.

(e) Agenda Item 9.4 - New Local Park Proposal – Unnamed Road – Eskdale Road And Fitzgibbon Crescent, Caulfield North.

(f) Agenda Item 9.5 - New Local Park Proposal – Fitzgibbon Crescent and Eskdale Road, Caulfield North - Proposed Road Closure.

- (g) Agenda Item 9.6 - New Local Park Proposal – Mile End and Mimosa Roads, Carnegie.
- (h) Agenda Item 9.7 - 93 Mimosa Road and 11 Mile End Road, Carnegie-Planning Scheme Amendment C140 Public Acquisition Overlay.
- (i) Agenda Item 9.8 - Possible Open Space Conversion Joyce Park.

7.45PM Cr Pilling left the briefing room.

7.47PM Cr Pilling returned to the briefing room.

- (j) Agenda Item 9.9 - VCAT Watch – May 2015.
- (k) Agenda Item 9.10 - State Budget.
- (l) Agenda Item 9.11 - Quarterly Reporting.
- (m) Agenda Item 9.12 - Local Government Performance Reporting Framework.
- (n) Agenda Item 9.13 - Neighbourhood Character Effectiveness of Existing Planning Tools.
- (o) Agenda Item 9.14 - Opportunities for Development of Community Residential Units for Glen Eira.
- (p) Agenda Item 9.15 - Naming of pavilion in Centenary Park.

8.45PM the meeting adjourned.

9.03PM the meeting resumed in the presence of:

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

- (q) Agenda Item 9.16 - Creation of Easement – Land abutting 5 Exhibition Street, Mckinnon.
- (r) Agenda Item 9.17 - Changes to Rights of Way and Reserves – Discontinuance and Sale Policy.
- (s) Agenda Item 9.18 - Proposed Discontinuance and Sale of a Right of Way (Road) and Sale of Part of Council's Land adjoining the rear of 22 and 24 Riddell Parade, Elsternwick.
- (t) Agenda Item 9.19 - Policy for Senior Citizen Centres.
- (u) Agenda Item 9.20 - South East Water - Elster Sewer Safe Upgrade.
- (v) Agenda Item 9.21 - Finance Report – April 2015.

9.27PM Cr Sounness left the briefing room.

- (w) Agenda Item 11.1 – Request for Reports – size of apartments.
- (x) Agenda Item 12.1 - under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2015.035 Elsternwick Plaza Redevelopment, Glen Huntly Road, Elsternwick.

- (ii) Motions for MAV State Council. 1,

9.33PM Cr Sounness returned to the briefing room.

Motions, 2, 8, 11, 12, 13, 14, 15,

9.49PM Cr Pilling left the briefing room.

9.52PM Cr Pilling returned to the briefing room.

Motions, 16, 17, 18, 19, 21, 22, 23, 25,

10.08PM Cr Pilling left the briefing room.

Motions, 27, 28, 31, 34,

10.13PM Cr Pilling returned to the briefing room.

Motions, 35, 36, 37, 38, 39, 41, 47, 49, 52, 55, 56, 57, 59,

10.36PM Cr Lobo left the briefing room.

Motions, 62.

(iii) General Business raised by Councillors.

(a) Cr Hyams – rate capping.

10.41PM Cr Lobo returned to the briefing room.

(b) Cr Okotel – youth connect.

(c) Cr Okotel – flood alert.

(d) Cr Okotel – grade separation, Planning Scheme Amendment.

(e) Cr Okotel – upgrade to the central enrollment program is excellent.

(f) Cr Okotel – Council's pavilion upgrade program is excellent when compared to other areas.

(g) Cr Lobo – flooding in Schultz Street.

(h) Cr Lobo – Builders not taking care of trees.

(i) Cr Lobo – receiving complaints about cyclists and skaters on footpaths in shopping centres.

(j) Cr Lobo – overshadowing of solar panels on homes by developments next door.

(k) Cr Sounness – emails seeking support to ensure that the Trans Pacific Partnership does not infringe on the operations of local government.

Fin 10.53PM

Council Pre-Meeting

19 May 2015

Record under S 80 A (2)

Meeting commenced at 6.46PM

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 (Arr. 6.53PM)
Cr Thomas Sounness

Andrew Newton, CEO
Peter Jones
Peter Waite
Ron Torres
John Vastianos
Paul Burke

B. Matters considered.

- (i) Council Papers for 19 May 2015 consisting of twenty three Officer reports together with standing items on the Agenda.
 - (a) Agenda Item 9.2 - 337-343 Balaclava Road.
 - (b) Agenda Item 9.3 - 1100 Dandenong Road, Carnegie.
 - (c) Agenda Item 9.5 - New Local Park Proposal – Fitzgibbon Crescent and Eskdale Road, Caulfield North - Proposed Road Closure

6.53PM Cr Pilling entered the room.

- (d) Agenda Item 9.6 - New Local Park Proposal – Mile End and Mimosa Roads, Carnegie.
- (e) Agenda Item 9.8 - Possible Open Space Conversion Joyce Park.
- (f) Agenda Item 9.13 - Neighbourhood Character Effectiveness of Existing Planning Tools.

- (g) Agenda Item 9.15 - Naming of pavilion in Centenary Park.
- (h) Agenda Item 9.22 - Council's support of Youth Connect.
- (i) Agenda Item 11.1 – Request for a Report – Cr Hyams, apartment discussion paper.
- (j) Agenda Item 11.1 – Request for a Report – Cr Sounness, Trans Pacific Partnership agreement.
- (k) Agenda Item 11.4 – Public Questions.
- (l) Agenda Item 9.19 - Policy for Senior Citizen Centres.

7.24PM Cr Sounness left the room.

7.25PM Cr Sounness returned to the room.

- (m) Agenda Item 8(b) – Cr Lobo, Records of Assemblies.
- (n) Cr Okotel – Leaf litter.

Fin 7.26PM

Assembly of Councillors

26 May 2015

Record under S 80 A (2)

Meeting commenced at 6.48PM

A. Present

| | |
|---------------------------------|---------------|
| Cr Jim Magee, Mayor | Andrew Newton |
| Cr Mary Delahunty (Arr. 6.56PM) | Peter Jones |
| Cr Jamie Hyams | Peter Swabey |
| Cr Michael Lipshutz | Peter Waite |
| Cr Oscar Lobo | Ron Torres |
| Cr Karina Okotel (Arr. 7.48PM) | James Kearney |
| Cr Neil Pilling | Paul Burke |
| Cr Thomas Sounness | |

Apologies

Cr Margaret Esakoff

B. Matters considered.

(i) VicRoads Grade Separation update. VicRoads and John Holland.

6.51PM Cr Sounness left the briefing room.

6.52PM Cr Sounness returned to the briefing room.

6.56PM Cr Delahunty entered the briefing room.

(ii) State Government Better Apartments Consultation paper.

7.48PM Cr Okotel entered the briefing room.

8.13PM Cr Delahunty left the briefing room.

8.14PM Cr Delahunty returned to the briefing room.

(iii) Cr Magee – Caulfield Racecourse, Glasshouse refurbishment.

(iv) 14-22 Woorayl Street, Carnegie – VCAT decision.

(v) General Business by Councillors.

(a) Cr Delahunty – Car parking, construction staff, Caulfield Racecourse.

(b) Cr Delahunty – feedback from the public budget information session.

8.45PM Cr Pilling left the briefing room.

(c) Cr Delahunty – Elsternwick Traders.

(d) Cr Hyams – design of the Wheatley Road speed humps.

(e) Cr Hyams – response letter from the Premier's office.

8.48PM Cr Pilling returned to the briefing room.

(f) Cr Hyams – article about speed limit and speed humps in Brewer Road.

(g) Cr Hyams – company selling outdoor ping pong tables.

(h) Cr Hyams – rate capping letter to the Essential Services Commission.

(i) Cr Lipshutz – update on a meeting of a Caulfield Racecourse Reserve Trust Working Group and the appointment of a firm to undertake a Landscape Management Plan for the racecourse.

(j) Cr Sounness – Transport advisory committee.

(k) Cr Okotel – Wheatley Road speed humps.

(l) Cr Okotel – VLGA and rate capping.

Fin 9.02PM

9. PRESENTATION OF OFFICERS REPORTS

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- 9.19 Community Satisfaction Survey

Item 9.1**METROPOLITAN PLANNING LEVY****1. Community Plan**

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

2. Background

From 1 July 2015, the State Government will impose a Metropolitan Planning Levy (MPL) on all developments that have an estimated cost of \$1 million or more.

The levy will fund the implementation of *Plan Melbourne* and Metropolitan Planning Authority (State Government) initiatives. The Metropolitan Planning Authority stated that the levy is expected to raise an estimated \$17.1 million per year.

The levy is \$1.30 for every \$1000 of the estimated cost of the development. For example, the levy payable to the State Government for a proposed development worth \$10M is \$13,000.

The levy will be administered by the State Revenue Office, under the authority of the Minister for Planning.

Prior to lodging an application for a planning permit, a developer will be required to pay the levy to the State Revenue Office (SRO). The SRO will then issue a Metropolitan Planning Levy Certificate (MPLC). Council must then ensure that a MPLC is lodged with the application as proof that the Levy has been paid; another administrative step imposed on Local Government.

3. Discussion

A report on Planning Application Fees was presented to the 28 April 2015 Council meeting. The report stated that:

- Glen Eira ratepayers are subsidising multi-unit property developers by more than a million dollars each year;
- Planning application fees do not cover the cost of processing developers' applications. The fees are set by the State Government and have not been increased at all in the last six years.
- VCAT is funded by State Government. To offset Government costs, appeal fees have been increased markedly over the same period. Developers are covering a higher proportion of State costs but a lower proportion of local costs.

The introduction of the MPL is another example of the State Government offsetting its own costs, similar to the approach with VCAT.

Item 9.1 (cont'd)

Attached to the above report was a case study showing the amount of work that Council undertakes in relation to a planning application compared to VCAT. It also showed the fees received by Council compared to VCAT. This case study is also attached to this report.

If this case study application was lodged after 1 July 2015 then the fees payable by the developer would be:

1. Metropolitan Planning Levy (State Government) - \$13,000
2. Planning Application Fee (Council) - \$4,939
3. VCAT fees (State Government) - \$10,261

By comparison, the breakdown of workload for processing the application is:

1. Metropolitan Planning Authority (State Government) – Nil
2. Council – approximately 90%
3. VCAT – approximately 10%

The MPL highlights another example of State Government receiving greater revenue from planning applications than Council despite having little (if any) involvement in the processing of an application.

Following the 28 April Council meeting, the Mayor wrote to the Minister for Planning requesting that Planning Application fees for developments over \$500,000 be increased to cover the full cost of administering applications. No response has been received to date. A copy of this letter is attached.

4. Recommendation

That Council notes:

- a) that the State Government (Metropolitan Planning Authority) will receive a levy on developments (cost of \$1 million or more), without any involvement in the planning permit application.
- b) that the State Government (VCAT) receives fees from developers which have been markedly increased over the last six years, with limited involvement in the planning permit process.
- c) That planning permit applications fees have not been increased in the same period and do not cover the cost of processing developer's applications.
- d) Developers are covering a higher proportion of State costs but a lower proportion of local costs.

Item 9.1 (cont'd)

Crs Okotel/Hyams

That the recommendation in the report be adopted with addition of the following:

- e) That Council write to the Minister for Planning:**
 - (i) referring to our letter of 30 April 2015;**
 - (ii) enclosing a copy of this report and motion;**
 - (iii) requesting that this report and motion be taken into consideration as part of the Minister's response to our letter of 30 April 2015; and**
 - (iv) copying this correspondence to the same parties as for our letter of 30 April 2015."**

The MOTION was put and CARRIED unanimously.

Attachment 1- Case Study

Appendix 1 – Case Study (shop / apartment building)

| | Council Permit Application Process | VCAT Permit Application Process |
|-----|--|--|
| 1. | 2 x Pre-lodgement meetings with senior planning staff | <i>no involvement</i> |
| 2. | Planning Application lodged and registered by Records Department and Planning Department | |
| 3. | Letter sent to Applicant acknowledging receipt of application | |
| 4. | Application amended and re-submitted to address pre-lodgement concerns raised by Asset Engineering. | |
| 5. | Initial assessment to determine if further information is required – Senior Planner | |
| 6. | Determine public notice required – Senior Planner | |
| 7. | Prepare advertising including public notice to be erected on the land and send public notice to all affected parties | |
| 8. | Refer application to external Referral Authority (VicRoads) | |
| 9. | Refer application to internal Council departments (Four separate departments conduct assessments) | |
| 10. | Receipt and review of objections and acknowledgement letter sent (15) | |
| 11. | Receipt and review of external VicRoads referral advice – Senior Planner | |
| 12. | Receipt and review of internal referral advice – Senior Planner | |
| 13. | Assess planning application taking into consideration relevant State and Local planning policy, objectors' concerns and internal and external referral advice – Senior Planner | |
| 14. | Organise and invite all parties to planning conference | |
| 15. | Prepare planning conference report for Councillors – Senior Planner | |
| 16. | Attend and present at planning conference meeting (after hours) – Senior Planner and Councillor (2 hours) | |
| 17. | Prepare report for Council meeting with recommendation – Senior Planner | |
| 18. | Review of Council report by Manager and Director | |
| 19. | Prepare and send Council meeting invites to all parties | |
| 20. | Ordinary Council meeting (after hours) | |
| 21. | Confirmation of meeting minutes received prior to decision is sent | |
| 22. | Issue Notice of Refusal and send to all parties (17) | |
| | \$4,837.00 (application fee) \$102.00 (fee to lodge amended plans) | |

| Council (VCAT appeal) steps | | VCAT – appeal steps |
|--|--|---|
| 1. | Prepare and submit documentation to VCAT about planning application | Appeal lodged |
| 2. | Attend Practice Day Hearing at VCAT – Senior Planner | Letter sent to all relevant parties advising that appeal has been lodged |
| 3. | Assess amended plans lodged by applicant (applicant would have sent plans to all parties including VicRoads) | Receipt of Council's information providing full background and associated documentation relevant to appeal |
| 4. | Refer amended plans to internal departments of Council. Two separate departments review plans. | Organise dates for Practice Day hearing, mediation and full hearing |
| 5. | Receipt and consideration of referral advice – Senior Planner | Advise parties of hearing dates |
| 6. | Prepare brief for Planning Consultant representing Council at VCAT | Appoint Tribunal members to hear appeal |
| 7. | Planning Consultant inspects site and prepares written submission | Tribunal member attends Practice Day hearing (Deputy President) |
| 8. | Planning Consultant attends 2 day hearing at VCAT | Two Tribunal members attend two day hearing (Senior Tribunal members) |
| 9. | Receipt of VCAT decision | Tribunal members decide on appeal and issue their written decision |
| 10. | Prepare Planning Permit documentation as directed by VCAT | Decision sent to all relevant parties (2) |
| 11. | Send Planning Permit to all relevant parties including external referral authority (2) | |
| 12. | Council required to administer and enforce permit from VCAT process | |
| Fee received by Council for participating in the developer's appeal = \$0 | | Fee received by VCAT = \$10,261.00 \$3,442.40 (application fee) \$6,818.60 (hearing fee for 2 day hearing in Major Cases List) |
| Council process (post VCAT decision) | | VCAT process (post VCAT decision) |
| 1. | Plans lodged to comply with conditions imposed by VCAT | no involvement |
| 2. | Plans registered by Records Department and Planning Department | |
| 3. | Assess plans to ensure they comply with Planning Permit conditions – Senior Planner | |
| 4. | Refer plans to relevant departments of Council for assessment | |
| 5. | Receipt and consideration of referral advice – Senior Planner | |
| 6. | Prepare approval documentation and endorse plans | |
| 7. | Send approved plans to applicant | |
| Fee received by Council = \$0 | | |

Attachment 2 – Letter to Minister



Office of the Mayor

Cr Jim Magee

30 April 2015

Hon Richard Wynne MP
Minister for Planning
1 Spring St
MELBOURNE 3000

Dear Minister

Ratepayers Subsidising Property Developers – Government Action Required

At the Ordinary Meeting of 28 April 2015, Council resolved unanimously:

- a. That Council note the enclosed case study in which Government set a fee of \$10,261 to cover State government costs for VCAT but only \$4,939 for much more work undertaken at the expense of Council (ie ratepayers).
- b. That Council note that ratepayers are subsidising property developers by more than \$1m each year because State Governments have not increased planning application fees at all since 2009.
- c. That Council notes that all rates are higher than they would otherwise be in order to cover the cost of processing developers' applications.
- d. That Council write to the Minister for Planning, enclosing this Item, and requesting him to increase the planning application fees for developments over \$500,000
 - to cover the full cost of administering applications (including the costs of taking part in VCAT proceedings and administering conditions of permits)
 - or to the levels already set by the State government for VCAT, whichever is higher.
- e. That Council copies this correspondence to the Premier of Victoria and the Minister for Local Government and also to the relevant state representatives of the Southern Metropolitan Region, Caulfield, Bentleigh and Oakleigh and also to the Chair of the Essential Services Commission for their information.
- f. That Council also forward a copy of this report and motion to the Municipal Association of Victoria and the Victorian Local Governance Association to assist in their efforts to save the rate-payers of Victoria subsidising the costs of developers.

A copy of the paper is enclosed.

Glen Eira City Council

80 MCGs of parklands
enough footpaths to reach Sydney
enough drains to reach Mildura
enough roads to reach South Australia
\$500m of town planning projects
2,000 food safety inspections
4,000 off-street car spaces
23,000 tonnes of recycling
32,000 tonnes of waste
one million library loans
care for 4,500 elderly
services for 8,000 children
9,000 immunisations
67 school crossings
46,000 street trees
8,500 street lights
45 sportsgrounds
47 playgrounds
and much more

Glen Eira City Council

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

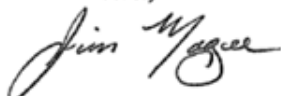
Telephone 03 9524 3333
National Relay Service TTY dial 13 36 77 or
Speak and Listen 1300 555 727 or
www.jpreilly.com.au then enter 03 9524 3333
Facsimile 03 9523 0339
Email mail@gleniera.vic.gov.au
Website www.gleniera.vic.gov.au

Bentleigh • Bentleigh East • Brighton East • Camberwell
Caulfield • East Croydon • Glenorie • Glen Eira
Mickleham • Murrumbidgee • Ormond • St Kilda East

The current situation is unacceptable and puts significant upwards pressure on rates. Council asks you to exercise your powers to ensure that the costs of administering planning applications are met by applicants and not by residents and ratepayers.

Council will be informing all residents and ratepayers of this issue and will report your position if it is received within one month of the date of this letter.

Yours sincerely



Cr JIM MAGEE
MAYOR

Copy Hon Daniel Andrews MP, Premier
Hon Natalie Hutchins MP, Minister for Local Government
Nick Staikos MP, State Member for Bentleigh
Steve Dimopoulos MP, State Member for Oakleigh
David Southwick MP, State Member for Caulfield
Phil Dalidakis MP, State Member for Southern Metropolitan
Sue Pennecuik MP, State Member for Southern Metropolitan
David Davis MP, State Member for Southern Metropolitan
Georgie Crozier MP, State Member for Southern Metropolitan
Margaret Fitzherbert MP, State Member for Southern Metropolitan
Dr Ron Ben-David, Chairperson, Essential Services Commission
MAV
VLGA

Item 9.2**53 MAGNOLIA ROAD, GARDENVALE
PLANNING SCHEME AMENDMENT C135
PUBLIC ACQUISITION OVERLAY****Enquiries: Rocky Camera
Co-ordinator Strategic Planning****1. Community Plan**

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

Development and Planning

2. Proposal

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

3. Recommendation

That Council:

- Notes one (1) submission received in support of the amendment;
- Adopts Amendment C135 as exhibited; and
- Requests the Minister for Planning to approve Amendment C135.

4. Open Space Strategy

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

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

5. Funding

Amendment C120 gazetted on the 12 March 2015, introduces a public open space developer contribution rate of 5.7% in the Planning Scheme. Compared to the previous developer contributions framework, this new framework applies a fixed, higher rate and also applies to non-residential subdivisions.

6. Submissions

One submission in support of the amendment has been received and can be summarised as follows:

- Support the amendment as it will extend and enhance Gardenvale Park.
- Concerned that previous indecision from Council regarding the property has led to the existing dwelling becoming unsightly and a location for criminal behaviour.

Item 9.2 (cont'd)

- Requests that the process to convert the subject land into a park be sped up in order to stop the current criminal behavior.

7. Planning Conference

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

- The current house on the subject land is run down and occupied by squatters.
- Concerned about the behaviour occurring in the vacant house.
- Concerned about safety within the neighbourhood as a result of the behaviour occurring in the vacant house.
- Request that the amendment process is sped up in order to convert the subject land into a park as this will put a stop to the bad behaviour on the land.

8. Public Acquisition Overlay Process

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

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

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

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

Council has not received a submission from either the land owner or any other party in opposition to the amendment. Given that the only submission received is in support of the amendment an independent panel process is not required to be undertaken. Council can therefore request that the Minister for Planning approve the amendment as exhibited.

Item 9.2 (cont'd)**9. Planning Scheme Amendment Process**

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

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

The Panel may make a recommendation to:

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

With regard to the current proposal, Council is at Step 2. Given that no submissions have been received which opposes or requests a change to the amendment, Council is able to adopt the amendment and forward it to the Minister for approval.

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Item 9.2 (cont'd)

APPENDIX 1 – Magnolia Road, Gardenvale



Item 9.3

15 Bent Street BENTLEIGH
APPLICATION NO. GE/PP-26034/2013/A

File No: GE/PP-26034/2013/A
Enquiries: Karoline Ware
Manager Statutory Planning



APPLICATION SUMMARY

| | |
|--------------------------------------|--|
| PROPOSAL | <p>Amendment to an existing planning permit that allows a three-storey building with seventeen (17) dwellings by;</p> <ul style="list-style-type: none"> • Construction of a fourth storey comprising an additional two dwellings (total of 19) and increase in height from 9.2m to 13.2m • Increase in parking provision (from 20 spaces to 22) • Increase in ceiling heights from 2.4m to 2.7m • Internal alterations • Modifications to materials and design |
| RECOMMENDATION | <p>Notice of Decision to Grant an Amended Permit subject to conditions to increase setbacks of the fourth storey from the east (to the street), modify the materials proposed and require a car stacker management plan</p> |
| KEY ISSUES | <ul style="list-style-type: none"> • Neighbourhood character • The intent and objectives of the Residential Growth Zone • Overshadowing to the south • Visual bulk and mass |
| MUNICIPAL STRATEGIC STATEMENT | <p>Urban Village Policy</p> |

Item 9.3 (cont'd)

| | |
|--|---|
| APPLICANT | Neil Fletcher Design Pty Ltd |
| PLANNING SCHEME CONTROLS | <ul style="list-style-type: none"> Residential Growth Zone |
| EXISTING LAND USE | Single storey dwelling |
| PUBLIC NOTICE | <ul style="list-style-type: none"> 10 properties notified 13 notices sent (owners and occupiers) 1 sign erected on site 2 objections received |
| Application fee payable (fee increased by the State Government in 2009) | \$707.00 |

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 Planning Permit GE/PP-26034/2013/A allowing the construction of a four storey building comprising up to nineteen dwellings in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne
- Rescode

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17th May 1999 and approved by the Minister on 5th August 1999.
- Urban Village 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
- Council's MSS
- ResCode

Item 9.3 (cont'd)Background

In December 2013, Council issued a Planning Permit for the construction of a three storey building comprising up to seventeen (17) dwellings.

An appeal at VCAT was lodged by the permit applicant (against conditions). The Planning Permit was then issued at the direction of VCAT in June 2014. Plans were endorsed by Council in December 2014.

The permit remains valid, with construction to commence by December 2015 (and be completed by December 2017).

Comparison with the Current Permit

The main changes can be summarised as follows:

- Construction of a fourth storey comprising two dwellings (total of 19) and increase in height from 9.2m to 13.2m
- Increase in parking provision (from 20 spaces to 22)
- Increase in ceiling heights from 2.4m to 2.7m
- Internal alterations
- Modifications to materials and design

Zoning

The subject site and all adjoining properties are located within the Residential Growth Zone. The Residential Growth Zone allows for the consideration of a building up to 13.5 metres.

There have been permits issued for four storey buildings within Bent Street, including directly to the east at 14-18 Bent Street and approximately 70m to the north at 23 Bent Street. These developments have not yet commenced but are valid permits.

It is considered that the addition of a fourth storey (subject to conditions) is consistent with the type of change anticipated for a site in the Residential Growth Zone within the Bentleigh Urban Village. The maximum height proposed (13.2m) is within the 13.5m height limit of the zone.

Streetscape

Whilst in principal a fourth storey is considered acceptable, concerns are raised with the limited setbacks to the street. The fourth storey has a minimum setback of 9.3m to the street is proposed which is only 500mm greater than the third storey. This will result in unreasonable bulk to the street and is not supported. Additional setbacks are recommended which will improve the streetscape appearance of the proposal.

It is recommended that an alternate material be proposed to the fourth storey to ensure it is visually recessive. This forms a recommended condition of permit.

Item 9.3 (cont'd)Increase in dwelling numbers

An additional two dwellings are proposed within the fourth storey (resulting in a total of nineteen dwellings).

The subject site located within the Bentleigh Urban Village which supports an increase in housing density. Given the policy direction and size of the site, an increase in dwellings numbers (by 2) is supported.

Internal alterations proposed to the approved dwellings will improve internal amenity. No new bedrooms are proposed to the approved dwellings.

Impact on Adjoining Properties

Directly to the north of the site is a single dwelling. To the west is a railway line. To the south are three single storey units with a common driveway which abuts the subject site. There is only one secluded private open space area which abuts the subject site on the adjoining property to the north, however the fourth storey has been setback over 6.8m from the northern boundary which will reduce visual bulk impacts to this property.

The recessing of the top floor from side boundaries will ensure that its visibility from the adjoining properties will be limited.

The dwellings on the adjoining properties will be protected from direct overlooking from the fourth storey with all habitable room windows and balconies within 9 metres of adjoining properties having fixed obscure glazing or screening (no more than 25% transparent) to a height of 1.7m above floor level as prescribed in Res Code.

Shadow diagrams submitted demonstrate that the vast majority of shadows will fall onto the common driveway and garages of the properties to the south. Overshadowing of adjoining properties satisfies Res Code requirements.

Car Parking

The current permit provides for a total of 20 car spaces within the basement, 17 for dwellings residential (in line with requirements) and 3 visitor car spaces

The amended proposal provides a total of 22 car spaces; 19 residential (one per dwelling) and 3 for visitors. The visitor car parking continues to comply with requirements (1 visitor car space for every 5 dwellings).

The additional car spaces have been proposed by converting two at grade car spaces to car stackers. The same make and model as previously approved has been used which is considered acceptable. The majority of residential car parking (and all visitor car spaces) will continue to be at grade.

The current permit contains standard conditions ensuring no residents will receive Residential Parking Permits. This will continue form part of the amended permit.

Item 9.3 (cont'd)Management Plans

The current permit has conditions requiring a waste management plan and a construction management plan which will continue to form part of any amended approval. An amendment to condition 15 will require the submission and approval of a car stacker management plan.

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

ADDRESS: 15 Bent Street, Bentleigh
APPLICATION NO: GE/PP-26034/2013/A

1. Proposal

Amendments to the existing permit to allow;

- Construction of a fourth storey comprising of two dwellings (total of nineteen) and subsequent increase in overall height to 13.2m
- Increase in parking provision
- Increase in ceiling heights from 2.4m to 2.7m
- Internal alterations
- Modifications to materials and design

2. Public Notice

- 10 properties notified
- 13 notices sent (owners and occupiers)
- 1 sign erected on site
- 2 objections received

The objectors' concerns are summarised as follows:

- Neighbourhood character
- Traffic and car parking

3. Referrals

No internal referrals required.

4. Planning Conference

The Conference, chaired by Cr Hyams, provided a forum where all interested parties could elaborate on their respective views. The objectors did not attend.

5. Conditions

The permit be amended as follows;

- Permit preamble to read;

Construction of a four storey building comprising up to nineteen (19) dwellings above basement car park

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

Item 9.3 (cont'd)

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 Basement, Ground Floor, First Floor, Second Floor, Third Floor, Roof Plan, Elevations, Sections and Landscape Plan, all Revision C dated 27/1/15 drawn by Neil Fletcher Design) but modified to show:
 - (a) The fourth storey to be setback 13m from the eastern boundary. The balcony to Unit 18 may be extended along the façade but must maintain a minimum setback of 11m from the east. Any internal alterations are to be to the satisfaction of the Responsible Authority;
 - (b) The fourth storey to be treated in an alternate material to reduce its visual prominence to the satisfaction of the Responsible Authority;

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

Condition 15 to be replaced as follows;

15. 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.

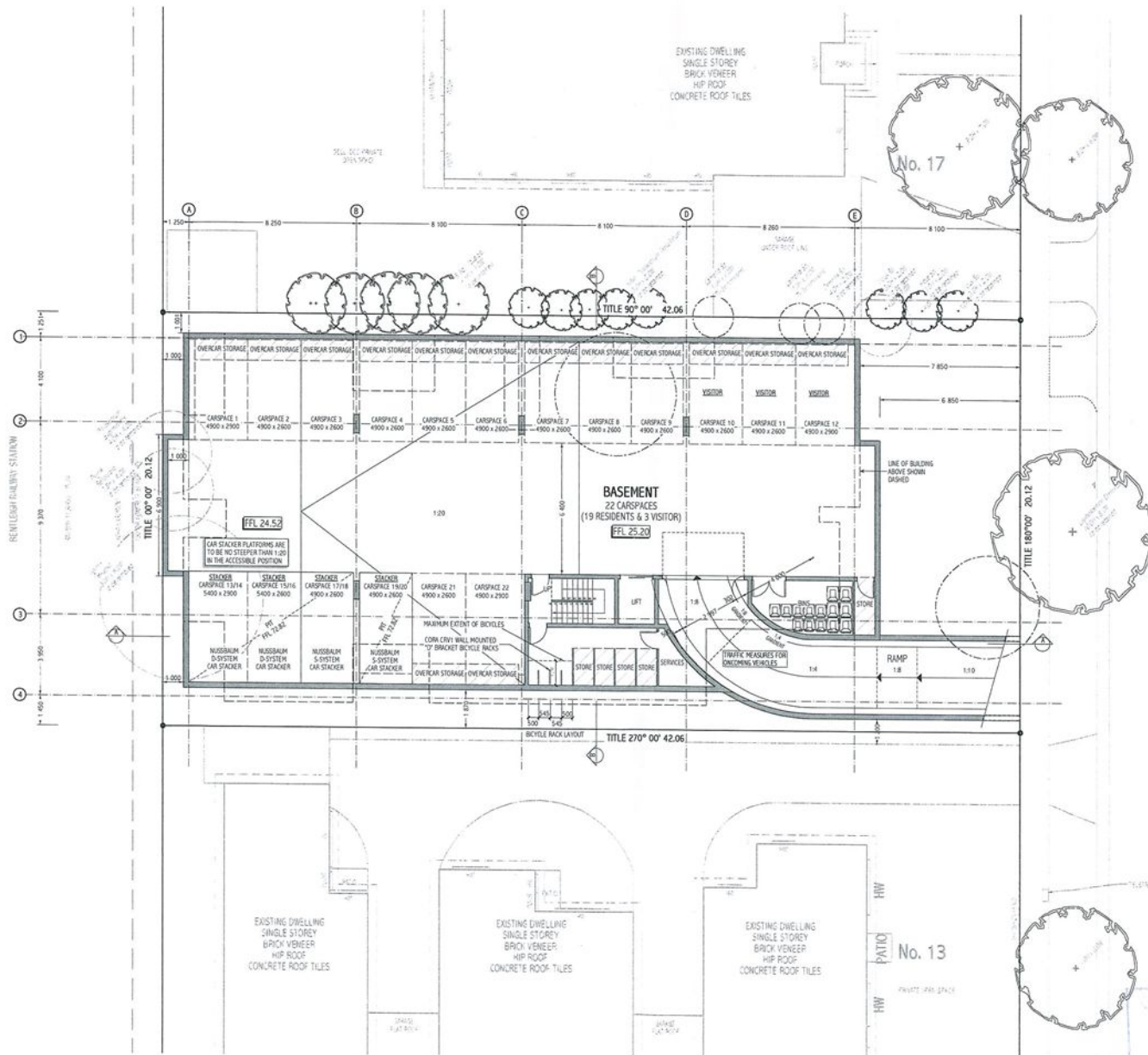
Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority

Item 9.3 (cont'd)

Crs Pilling/Hyams

That the recommendation in the report be adopted.

The MOTION was put and CARRIED.



BASEMENT FLOOR SITE LAYOUT PLAN

| SITE ANALYSIS | |
|---------------------------------------|-----------------------------|
| BASEMENT AREA | 563.7m ² |
| GROUND FLOOR AREA | 501.0m ² |
| FIRST FLOOR AREA | 469.4m ² |
| SECOND FLOOR AREA | 325.9m ² |
| THIRD FLOOR AREA | 190.6m ² |
| SITE AREA | 846.2m ² |
| SITE COVERAGE (INCLUDES OVERHANGS) | 563.7m ² (66.6%) |
| PAVED AREAS (UNCOVERED) | 54.0m ² |
| SITE PERMEABILITY | 228.5m ² (27.0%) |



| LEGEND | |
|---|--|
| IDENTIFIED LEVELS TO A.H.D. | |
| IDENTIFIED HABITABLE ROOM WINDOWS | |
| IDENTIFIED FIRST FLOOR HABITABLE ROOM WINDOWS | |
| IDENTIFIED OBSCURE GLAZED WINDOWS | |
| IDENTIFIED EXISTING VEGETATION | |
| IDENTIFIED VEGETATION TO BE REMOVED | |
| IDENTIFIED EXISTING SEWER | |
| IDENTIFIED PHOTO POINT LOCATION REFER PHOTOS ABOVE | |

| AMENDMENT DESCRIPTION | |
|-----------------------|---------------------------------|
| C | VOLUNTARY AMENDMENTS |
| B | AMENDMENTS TO PERMIT CONDITIONS |
| A | AMENDMENTS TO PERMIT CONDITIONS |
| No. | DATE |



NEIL FLETCHER DESIGN PTY. LTD.
Building Design & Planning Consultants
ACN 087 852 328
247 Nepean Highway
Edithvale VIC. 3196
Tel: (03) 9772 9933
Fax: (03) 9772 2680
Mob: 0414 545 988
Web: fletcherdesign.com.au

PROPOSED
MEDIUM DENSITY
DEVELOPMENT
AT 15 BENT STREET
BENTLEIGH
FOR JITKA DEVELOPMENTS

| | | | |
|---------|----------|---------------------|----------|
| DATE | 02.08.12 | APPROVED A.S.P. No. | DP-AD363 |
| SCALE | 1:200 | SHEET No. | 4 of 13 |
| DWG No. | 1432 | DATE | C |

STAGE 2 DRAWINGS

TREE PROTECTION NOTES

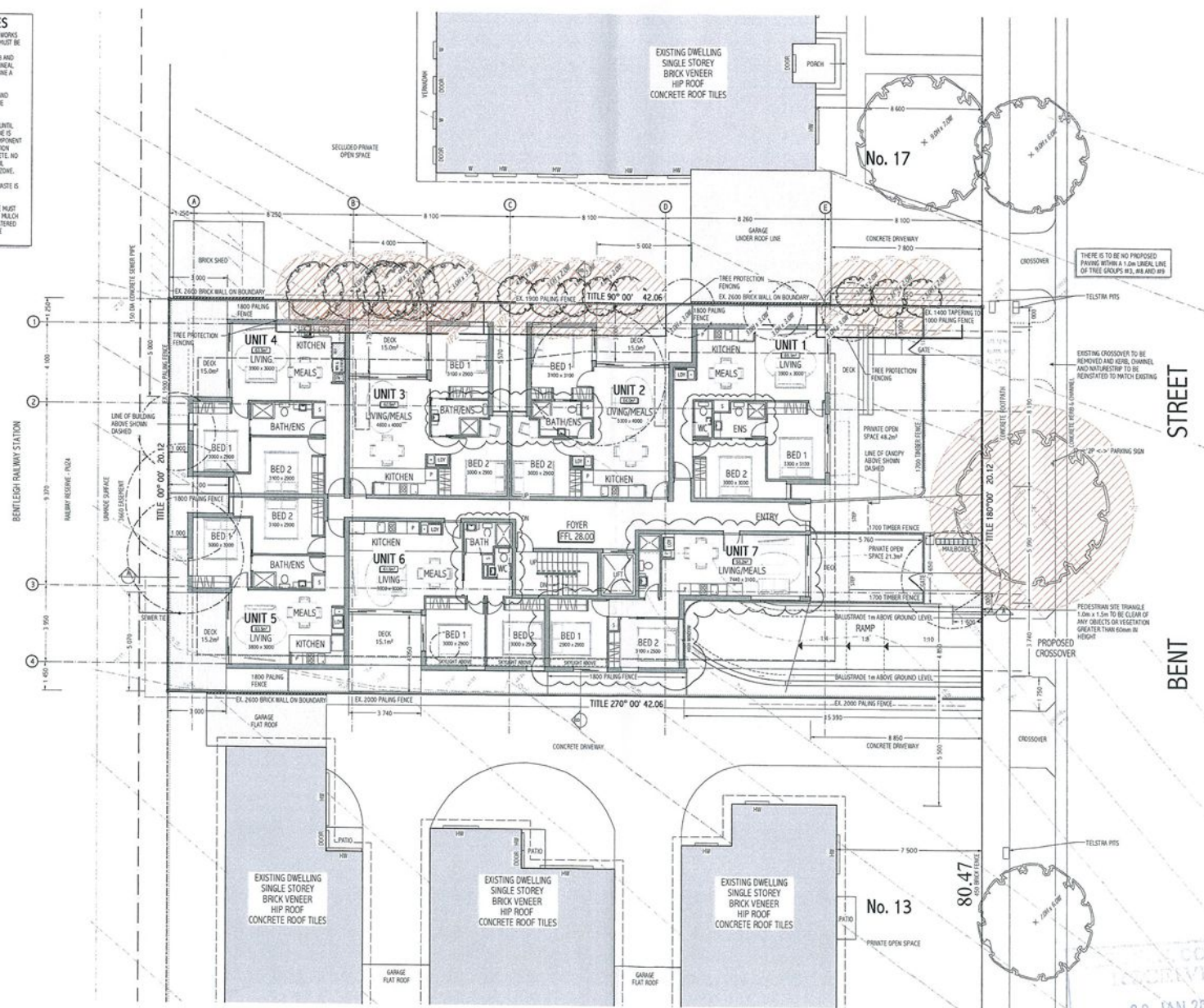
PRIOR TO THE COMMENCEMENT OF THE BUILDING AND WORKS (INCLUDING DEMOLITION), A TREE PROTECTION FENCE MUST BE ERECTED AROUND TREE GROUPS #1, #9 AND #10 (AS IDENTIFIED IN THE ARBORIST REPORT DATED 23.03.2013 AND PREPARED BY CONSTRUCTIVE ARBORICULTURE), AT A LINEAL LINE OF 1.0m FROM THE BASE OF THE TRUNKS TO DEFINE A 'TREE PROTECTION ZONE'.

THE FENCE MUST BE CONSTRUCTED OF STAIR 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 COMPLETED. 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, TRODDING 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.

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 MAINTAINED REGULARLY TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.



SITE ANALYSIS

| | |
|------------------------------------|-----------------|
| BASEMENT AREA | 563.7m² |
| GROUND FLOOR AREA | 501.0m² |
| FIRST FLOOR AREA | 469.4m² |
| SECOND FLOOR AREA | 325.9m² |
| THIRD FLOOR AREA | 190.6m² |
| SITE AREA | 846.2m² |
| SITE COVERAGE (INCLUDES OVERHANGS) | 563.7m² (66.6%) |
| PAVED AREAS (UNCOVERED) | 54.0m² |
| SITE PERMEABILITY | 228.5m² (27.0%) |



- LEGEND**
- IDENTIFIES LEVELS TO A.M.S.L.
 - IDENTIFIES HABITABLE ROOM WINDOWS
 - IDENTIFIES FIRST FLOOR HABITABLE ROOM WINDOWS
 - IDENTIFIES OBLIQUE GLAZED WINDOWS
 - IDENTIFIES EXISTING VEGETATION
 - IDENTIFIES VEGETATION TO BE REMOVED
 - IDENTIFIES EXISTING SEWER
 - IDENTIFIES PHOTO POINT LOCATION REFER PHOTOS ABOVE

| NO. | AMENDMENT DESCRIPTION | DATE |
|-----|---------------------------------|----------|
| C | VOLUNTARY AMENDMENTS | 27.01.15 |
| B | AMENDMENTS TO PERMIT CONDITIONS | 21.10.14 |
| A | AMENDMENTS TO PERMIT CONDITIONS | 30.07.14 |

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Web: hatcherdesign.com.au

PROPOSED
MEDIUM DENSITY DEVELOPMENT

AT
15 BENT STREET BENTLEIGH

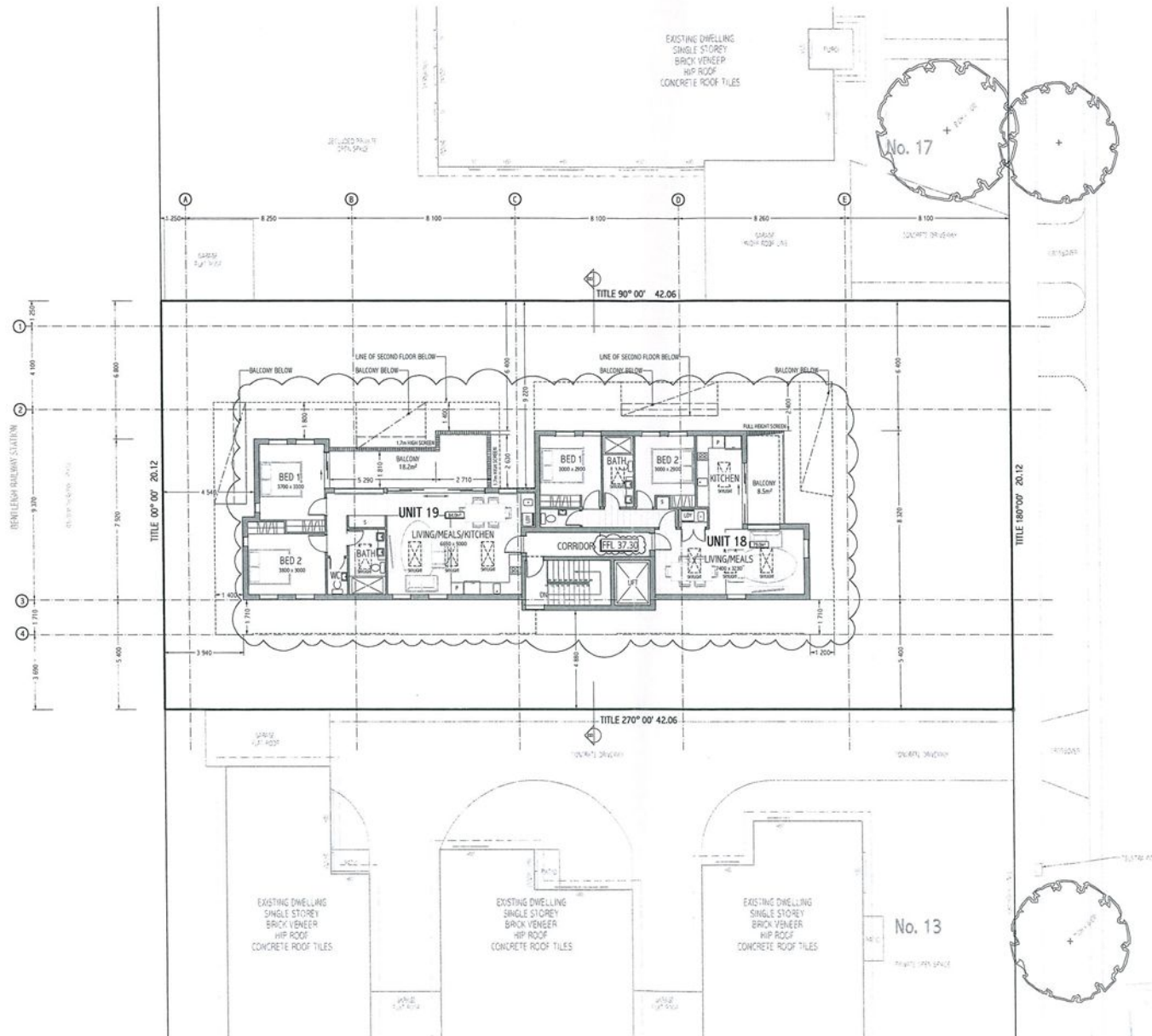
FOR
JITIKA DEVELOPMENTS

| | | | |
|----------|------------|--------------------|---------|
| DRAWN | KJ | CHECKED | ADUF |
| DATE | 02.02.15 | APPROVED A.S.P. BY | |
| SCALE | 1:200 (M4) | DP-AD363 | |
| DWG. NO. | 2422 | SHEET NO. | 5 of 13 |

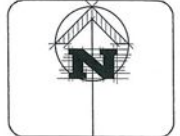
STAGE 2 DRAWINGS

**GROUND FLOOR
SITE LAYOUT PLAN**

RECEIVED
20 JAN 2015
STATUTORY PLANNING
DEPARTMENT



| SITE ANALYSIS | |
|---------------------------------------|-----------------|
| BASEMENT AREA | 563.7m² |
| GROUND FLOOR AREA | 501.0m² |
| FIRST FLOOR AREA | 469.4m² |
| SECOND FLOOR AREA | 325.9m² |
| THIRD FLOOR AREA | 190.6m² |
| SITE AREA | 846.2m² |
| SITE COVERAGE (INCLUDES OVERHANGS) | 563.7m² (66.6%) |
| PAVED AREAS (UNCOVERED) | 54.0m² |
| SITE PERMEABILITY | 228.5m² (27.0%) |



| LEGEND | |
|--------|--|
| + | DENOTES LEVELS TO A.M.D. |
| — | DENOTES HABITABLE ROOM WINDOWS |
| — | DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS |
| — | DENOTES OBSCURE GLAZED WINDOWS |
| — | DENOTES EXISTING VEGETATION |
| — | DENOTES VEGETATION TO BE REMOVED |
| — | DENOTES EXISTING SEWER |
| — | DENOTES PHOTO POINT LOCATION REFER PHOTOS ABOVE |

| No. | AMENDMENT DESCRIPTION | DATE |
|-----|---------------------------------|----------|
| C | VOLUNTARY AMENDMENTS | 27.01.15 |
| B | AMENDMENTS TO PERMIT CONDITIONS | 21.10.14 |
| A | AMENDMENTS TO PERMIT CONDITIONS | 10.07.14 |

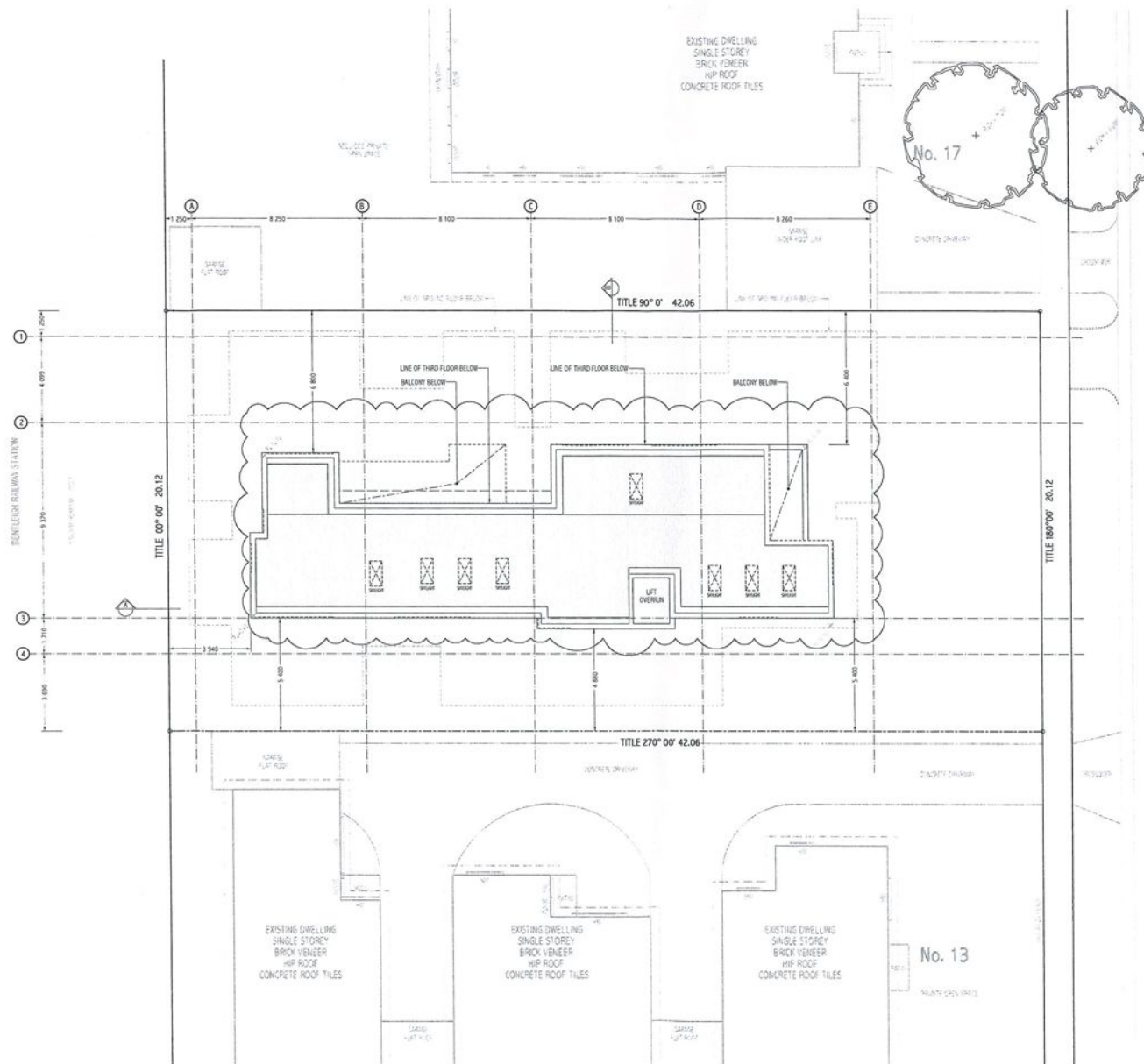


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PROPOSED
MEDIUM DENSITY
DEVELOPMENT
AT 15 BENT STREET
BENTLEIGH
FOR JITKA DEVELOPMENTS

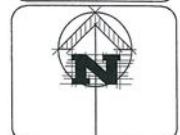
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|----------------|-------------------|
| Drawn: XJ | Checked: AWP |
| DATE: 02.08.13 | APPROVED B.P. No. |
| SCALE: 1:200 | DP-AD363 |
| SHEET No. 1422 | SHEET No. 8 of 13 |
| | ANT No. C |

STAGE 2 DRAWINGS



ROOF PLAN
SITE LAYOUT PLAN

| SITE ANALYSIS | |
|------------------------------------|-----------------------------|
| BASEMENT AREA | 563.7m ² |
| GROUND FLOOR AREA | 501.0m ² |
| FIRST FLOOR AREA | 469.4m ² |
| SECOND FLOOR AREA | 325.9m ² |
| THIRD FLOOR AREA | 190.6m ² |
| SITE AREA | 846.2m ² |
| SITE COVERAGE (INCLUDES OVERHANGS) | 563.7m ² (66.6%) |
| PAVED AREAS (UNCOVERED) | 54.0m ² |
| SITE PERMEABILITY | 228.5m ² (27.0%) |



| LEGEND | |
|--------|---|
| — | DENOTES LEVELS TO A.M.D. |
| — | DENOTES HABITABLE ROOM WINDOWS |
| — | DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS |
| — | DENOTES OBSCURE GLAZED WINDOWS |
| — | DENOTES EXISTING VEGETATION |
| — | DENOTES VEGETATION TO BE REMOVED |
| — | DENOTES EXISTING SEWER |
| — | DENOTES PHOTO POINT LOCATION REFER PHOTOS ABOVE |

| No. | AMENDMENT DESCRIPTION | DATE |
|-----|---------------------------------|----------|
| C. | VOLUNTARY AMENDMENTS | 27.01.15 |
| B. | AMENDMENTS TO PERMIT CONDITIONS | 21.10.14 |
| A. | AMENDMENTS TO PERMIT CONDITIONS | 30.07.14 |

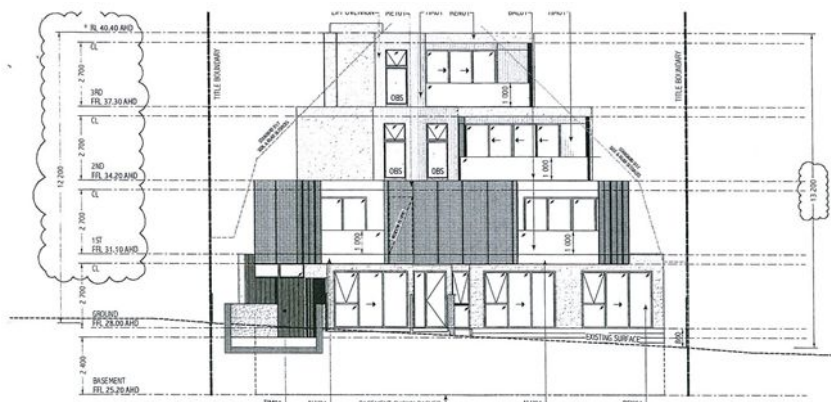


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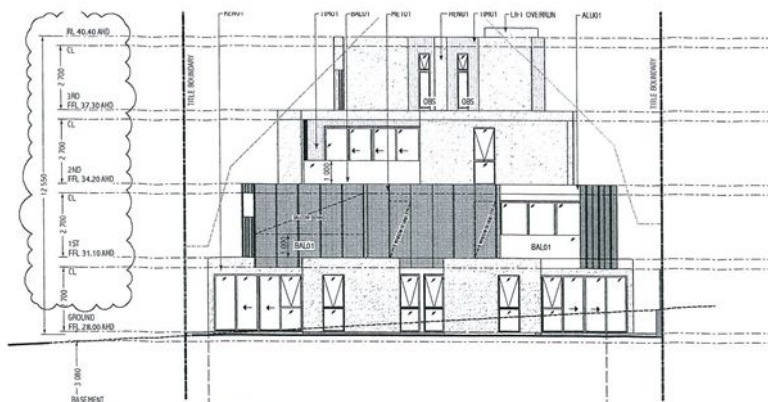
PROPOSED
MEDIUM DENSITY
DEVELOPMENT
AT
15 BENT STREET
BENTLEIGH
FOR
JITKA DEVELOPMENTS

| | | | |
|--------|-----------|---------------------|---------|
| DATE | 02.08.13 | APPROVED R.B.P. No. | |
| SCALE | 2:1000/41 | DP-AD163 | |
| DWG No | 1422 | SHEET No | 9 of 13 |
| | | ART No | C |

STAGE 2 DRAWINGS



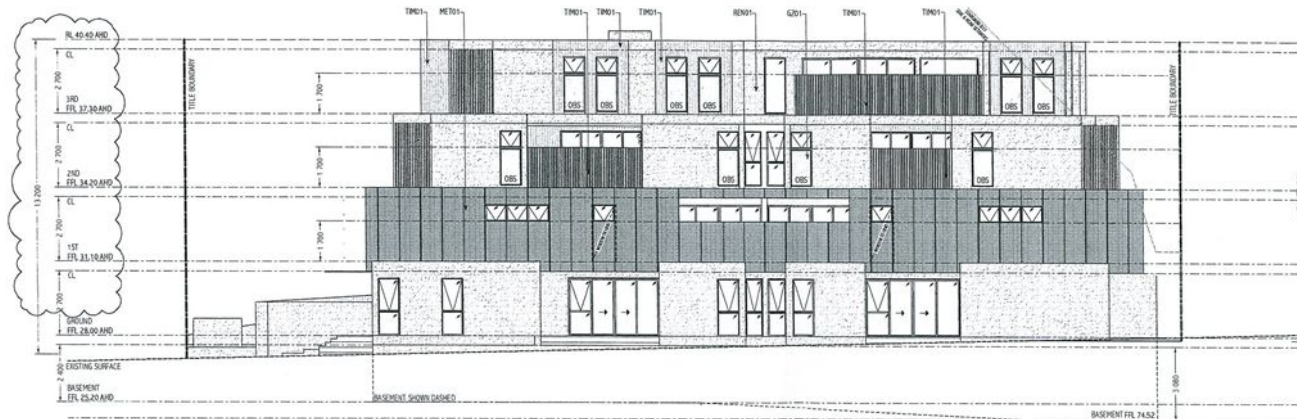
EAST ELEVATION



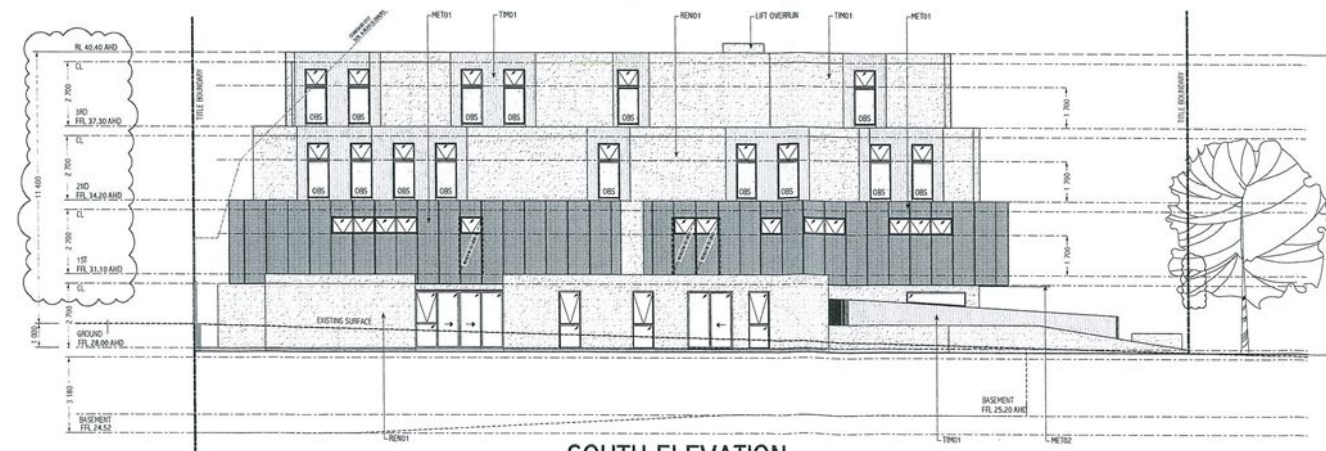
WEST ELEVATION

MATERIAL/FINISHES LEGEND

| | |
|-------|---|
| ALU01 | ALUMINIUM WINDOW FRAMES, MONOPONT P.F. FINISH |
| BAL01 | CLEAR SAFETY GLASS BALUSTRADE WITH ALUMINIUM HANDRAIL, 1m APPL. |
| G201 | DARK GREY TINTED GLAZING |
| MET01 | PERFORATED ALUMINIUM PANEL, 25% MAX. TRANSPARENCY BLACK FINISH |
| MET02 | STEEL CANOPY, BLACKENED RAIN FINISH |
| RE01 | LIGHTWEIGHT CLADDING, WHITE RENDER FINISH |
| TND01 | VERTICAL TIMBER PINE CLADDING, NATURAL OAK FINISH |
| OBS | FIXED OSCURE GLAZING |



NORTH ELEVATION



SOUTH ELEVATION

LEGEND

| | |
|----|---|
| + | DENOTES LEVELS TO A.H.D. |
| W | DENOTES HABITABLE ROOM WINDOWS |
| EF | DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS |
| OG | DENOTES OSCURE GLAZED WINDOWS |
| EV | DENOTES EXISTING VEGETATION |
| ○ | DENOTES VEGETATION TO BE REMOVED |
| + | DENOTES EXISTING SEWER |
| ○ | DENOTES PHOTO POINT LOCATION. REFER PHOTOS ABOVE. |

| C | VOLUNTARY AMENDMENTS | 27.01.15 |
|-----|---------------------------------|----------|
| B | AMENDMENTS TO PERMIT CONDITIONS | 21.10.14 |
| A | AMENDMENTS TO PERMIT CONDITIONS | 30.07.14 |
| No. | AMENDMENT DESCRIPTION | DATE |



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PROPOSED
MEDIUM DENSITY DEVELOPMENT
 AT 15 BENT STREET
 BENTLEIGH
 FOR JITIKA DEVELOPMENTS

| | | | |
|----------|-----------|-----------|------------|
| OWNER | XJ | CHECKED | NAV |
| DATE | 02.08.13 | APPROVED | A.B.P. No. |
| SCALE | 1:250/400 | DP-AD363 | |
| DRG. No. | 1422 | SHEET No. | 10 of 13 |
| | | ART. No. | C |

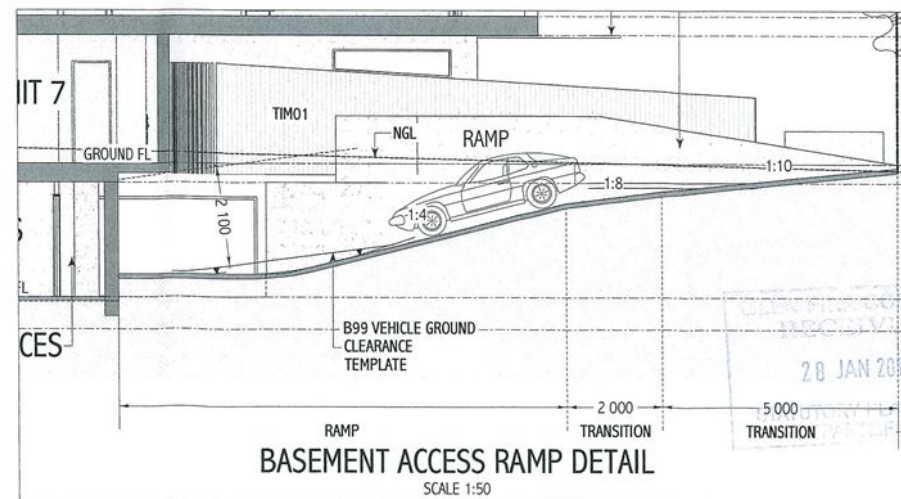
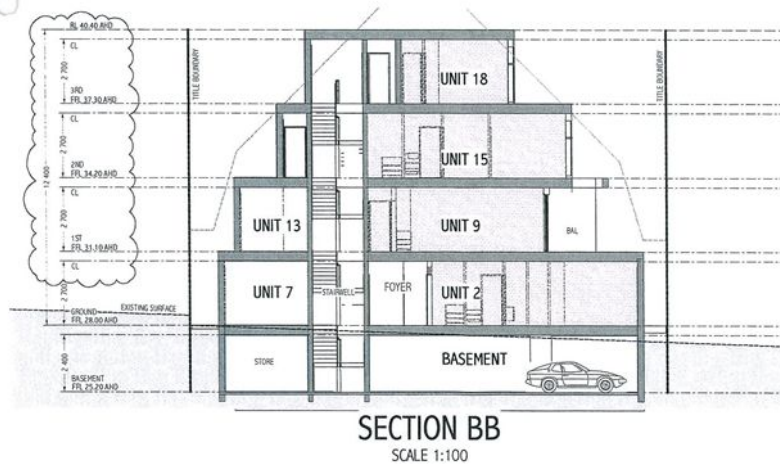
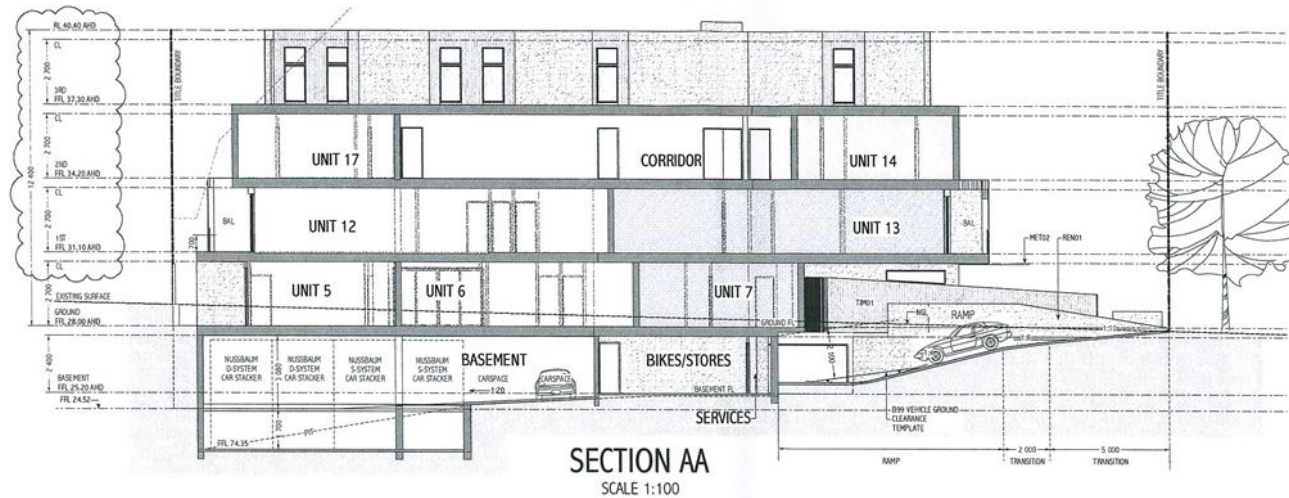
STAGE 2 DRAWINGS

STATUTORY PLANNING
 RECEIVED
 20 JAN 2015



MATERIAL/FINISHES LEGEND

| | |
|-------|--|
| ALU01 | ALUMINIUM WINDOW FRAMES, MONUMENT P.F. FINISH |
| BLD01 | CLEAR SAFETY GLASS BALCONY WITH ALUMINIUM WINDOW, 1m H/L |
| GZ01 | DARK GREY TINTED GLAZING |
| MET01 | PERFORATED ALUMINIUM PANEL, 25% MAX. TRANSPARENCY BLACK FINISH |
| MET02 | STEEL CANOPY, BLACKENED RAW FINISH |
| RE01 | LIGHTWEIGHT CLADDING, WHITE RENDER FINISH |
| TPO1 | VERTICAL THINER PINE CLADDING, NATURAL OAK FINISH |
| OS | FIXED OBSCURE GLAZING |



LEGEND

| | | | |
|---|----------|----------|----------|
| + | EL 40.40 | EL 40.40 | EL 40.40 |
| + | EL 37.30 | EL 37.30 | EL 37.30 |
| + | EL 34.30 | EL 34.30 | EL 34.30 |
| + | EL 31.30 | EL 31.30 | EL 31.30 |
| + | EL 28.30 | EL 28.30 | EL 28.30 |
| + | EL 25.30 | EL 25.30 | EL 25.30 |
| + | EL 22.30 | EL 22.30 | EL 22.30 |
| + | EL 19.30 | EL 19.30 | EL 19.30 |
| + | EL 16.30 | EL 16.30 | EL 16.30 |
| + | EL 13.30 | EL 13.30 | EL 13.30 |
| + | EL 10.30 | EL 10.30 | EL 10.30 |
| + | EL 7.30 | EL 7.30 | EL 7.30 |
| + | EL 4.30 | EL 4.30 | EL 4.30 |
| + | EL 1.30 | EL 1.30 | EL 1.30 |
| + | EL 0.00 | EL 0.00 | EL 0.00 |

| | | |
|-----|---------------------------------|----------|
| C | VOLUNTARY AMENDMENTS | 27.01.15 |
| B | AMENDMENTS TO PERMIT CONDITIONS | 21.10.14 |
| A | AMENDMENTS TO PERMIT CONDITIONS | 30.07.14 |
| No. | AMENDMENT DESCRIPTION | DATE |

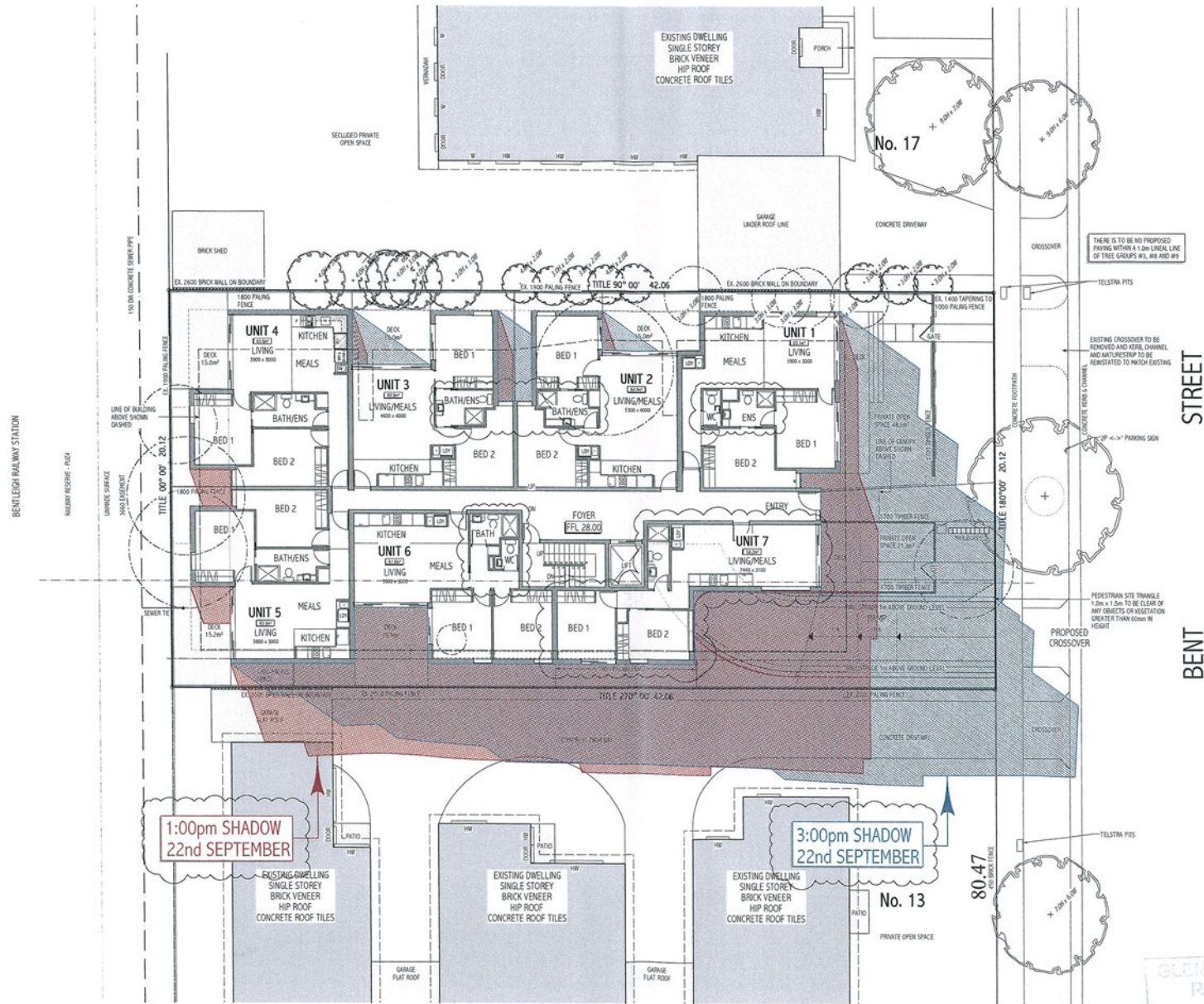


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PROPOSED
MEDIUM DENSITY
DEVELOPMENT
AT 15 BENT STREET
BENTLEIGH
FOR JITIXA DEVELOPMENTS

| | | | |
|---------|----------|-------------------|----------|
| DATE | 02.08.13 | APPROVED A.P. No. | |
| SCALE | AS NOTED | DP-AD363 | |
| DWG No. | 1422 | SHEET No. | 11 of 13 |
| | | ART No. | C |

STAGE 2 DRAWINGS



LEGEND

- Denotes levels to A.M.L.
- Denotes habitable room windows
- Denotes first floor habitable room windows
- Denotes obscure glazed windows
- Denotes existing vegetation
- Denotes vegetation to be removed
- Denotes existing sewer
- Denotes photo point location refer photos above

| Amendment | Description | Date |
|-----------|---------------------------------|----------|
| C | Voluntary Amendments | 27.01.15 |
| B | Amendments to Permit Conditions | 27.10.14 |
| A | Amendments to Permit Conditions | 30.07.14 |

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PROPOSED MEDIUM DENSITY DEVELOPMENT

AT 15 BENT STREET BENTLEIGH

FOR JITTARA DEVELOPMENTS

| Drawn By | Checked By | Approved By |
|-----------|------------|-------------|
| DP-AD-163 | DP-AD-163 | DP-AD-163 |

DATE: 02.08.12

SCALE: 1:1000

SHEET No. 1422

SHEET 13 of 13

STAGE 2 DRAWINGS

1. NATIVE FRANGIPANI

NATIVE TREE / DISTINCTIVE FOLIAGE



NATIVE TREE / FRANGIPANI FLAVUM
HEIGHT 6000mm
WIDTH 1500mm
FULL SUN / PART SHADE
TO BE PLANTED AT TIME OF PLANTING

2. ROCK THRYPTOMENE

NATIVE SHRUB / DISTINCTIVE FOLIAGE & COLOURING



NATIVE SHRUB / THRYPTOMENE SAXOSA
HEIGHT 1000mm
WIDTH 1000mm
FULL SUN / PART SHADE
POST SIZE 150

3. MYRTLE

NATIVE SHRUB / PURPLE AND DARK BLUE FOLIAGE



NATIVE SHRUB / MYRTLE COMMUNIS
HEIGHT 1500mm
WIDTH 1000mm
FULL SUN
POST SIZE 150

4. NATIVE FLAX LILY

NATIVE BORDER PLANT / DISTINCTIVE FOLIAGE & COLOURING



NATIVE BORDER / DIANELLE TASMANICA
HEIGHT 800mm
WIDTH 1000mm
FULL SUN / PART SHADE
POST SIZE 150mm

5. MAT LILY

NATIVE BORDER PLANT / DISTINCTIVE FOLIAGE & COLOURING



NATIVE BORDER / DIANELLE CAERULEA 'KING ALFRED'
HEIGHT 700mm
WIDTH 1000mm
FULL SUN / PART SHADE
POST SIZE 150

6. SMALL LEAF CLEMATIS VINE

NATIVE VINE / DISTINCTIVE FOLIAGE & COLOURING



NATIVE VINE / CLEMATIS MICROPHYLLUM
HEIGHT N/A
WIDTH N/A
FULL SUN / PART SHADE
POST SIZE 150mm

LANDSCAPE SPECIFICATION

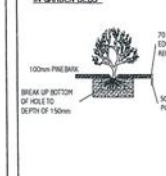
- Site Preparation**
Where site is grassed or heavily wooded, the area shall be spray poisoned with Roundup (or similar product), using a red coloured dye in the mix. Two applications, 3 weeks apart will be required to totally remove unwanted vegetation.
- Grading for Garden Beds and Driveway Areas**
Existing subgrade shall be excavated or filled to 150mm below finished grade in garden beds to allow for 75mm topsoil and 100mm mulch. Allow for 50mm soil cover in lawn areas. All imported loam to finish flush with edge and instant lawn to sit over. Any imported fill to be compacted in layers of 150mm to properly consolidate substrate, avoiding compaction of trees.
- Tree Protection**
Where existing trees have been identified, both within the property and on adjacent properties, for retention within the overall landscape development they shall be protected in accordance with specification separately attached if required.
- Lawn Areas**
Subgrade to be cultivated to a depth of 100mm following application of Gypsum to clay soils at a rate of 2kg/square metre. Soil to be spread to an even thickness of 50mm and will be:
- Free from excessive material greater than 25mm diameter
- Free from perennial weeds and their roots, bulbs or rhizomes
- Ph. to be 6.0-7.0
- Topsoil to be light, highly sandy loam - not packing sand and/or its derivative
- Free from silt or clay material
Lawn areas to be edged with 12.5mm lambs edging held in place with 50 x 50 x 450mm hardwood stakes at 1500mm centres. Place instant lawn (Sapphire Buffalo), over prepared areas and fertilise/water in accordance with growers' instructions.
- Shrub Areas**
Subgrade to be rotary hoed to a depth of 100mm. Gypsum added if clay present. Soil as per above description added to a depth of 75mm then covered with fine shredded pine mulch to a depth of 100mm.
- Planting**
Plant materials to be of the species, quantity and container size as shown in the planting schedule. Plants will not be substituted without the consent of the designer and Responsible Authority. Plants to be healthy, sturdy stock, free from disease, injury, insects, all weeds and roots of weeds.
Planting to be carried out in accordance with standard drawings as shown on landscape plan.
- Uplift Topping Areas**
Uplift Toppings to be used in narrow and/or highly polluted areas in preference to lawn. Toppings to be laid on 75mm depth consolidated crushed rock to a depth of 50mm. Surface to be graded to ensure water is directed towards lawn and/or grassed area and absorbed.
- Paved Areas**
Large areas - 400 x 400 x 60mm to be laid on mortar over 75mm thickness reinforced concrete base. Colour and make to be chosen by client to suit garden and unit design. Pavers to be graded to ensure water is directed towards lawn and/or grassed area and absorbed.
- Irrigation**
Should irrigation of the site be required by the Responsible Authority, then the following will apply for private open spaces and common areas:
- Trees to be connected to water line and 2 way tap
- pipe to be minimum 150mm below ground level
- dripper to be used to connect fittings to pipe
- Teflon tape to be used on threaded risers
- fully adjustable Hunter popups to be used in lawn areas, area must overlap
- wide shrub areas adjustable shrub sprays or 1.5mm threaded risers to be used
- in narrow shrub areas <500mm width, adjustable low drippers connected to 15mm pipe with flexible hose popups laid to each plant
- system to be fully checked and operational before handover
- Maintenance Schedule**
The following maintenance schedule shall apply to all landscaped areas for 12 months following Practical Completion. Work to be carried out by owner or body corporation:
- plants, including grass, to be regularly checked for pests and diseases and appropriate treatments applied where necessary
- pruning to ensure good shape and remove dead limbs shall be undertaken at 3 month intervals
- additional applications of Gypsum to be applied in accordance with manufacturers recommendations
- all plants to be regularly watered during summer months and periods of drought
- mowing to be carried out regularly, mower blade height to be set at 50mm above ground height

PLANTING LEGEND

| Code | Generic name | Common name | Height mm | Width mm | Pot mm | No | Origin | Shade |
|------|---------------------------------|--------------------------|-----------|----------|--------|----|--------|---------|
| 1. | Hymenosporum flavum | Native Frangipani | 6000 | 3500 | 200 | 3 | N | FSN |
| 2. | Thryptomene saxicola | Rock Thryptomene | 1000 | 1200 | 150 | 16 | N | FSN/PSD |
| 3. | Myrtus communis | Myrtle | 1500 | 1200 | 150 | 34 | E | FSN/PSD |
| 4. | Dianelle tasmanica | Native Flax lily | 800 | 800 | 140 | 6 | N | FSN/PSD |
| 5. | Dianelle caerulea 'King Alfred' | Mat Lily | 700 | 500 | 140 | 53 | N | FSN/PSD |
| 6. | Clematis microphyllum | Small leaf Clematis Vine | N/A | N/A | 150 | 6 | N | FSN/PSD |

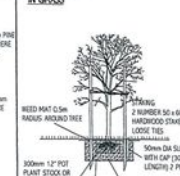
Trees 1 to be 2000 high at time of planting.
Vines to be supported on 100x100 light wire mesh
FSN=Full Sun, PSD=Part Shade
N=Native, I=Indigenous, E=Exotic

SHRUBS AND GROUND COVER PLANTINGS IN GARDEN BEDS



REFILL HOLE WITH MIXTURE (50-50) OF BLENDED SOIL MIX AND EXISTING SOIL
N.B. APPLY COCOPEAT AS FOLLOWS:
50mm TUBES 10gms (1 TEASPOON)
150mm TUBES 15gms (1 1/2 TEASPOONS)
200mm TUBES 20gms (2 TEASPOONS)
300mm TUBES 30gms (3 TEASPOONS)
ADULT TREES 80gms (8 TEASPOONS)
PLUS 16 BUCKET OF WATER IMMEDIATELY AFTER PLANTING
IN A HEAVY CLAY SOIL ROTARY HOE OFFTOP INTO GROUND AT A RATE OF 2g/m² sq.

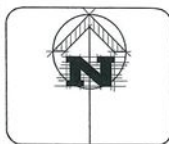
TREE PLANTINGS IN GRASS



REFILL HOLE WITH MIXTURE (50-50) OF BLENDED SOIL MIX AND EXISTING SOIL
N.B. 80 gms of COCOPEAT PER PLANT MIXED IN WITH SOIL AND 20 LITERS BUCKET OF WATER IMMEDIATELY AFTER PLANTING

Legend

- Boral "Promenade" paving on concrete
- Coloured concrete paving
- Lilydale toppings on a crushed rock base
- Lawn - Sapphire Buffalo
- Tree Protection Zone
- Trees to be removed
- Proposed trees and shrubs
- Existing trees to be retained



| LEGEND | |
|--------|--|
| + | DENOTES LEVELS TO A.H.D. |
| HB | DENOTES HABITABLE ROOM WINDOWS |
| FF | DENOTES FIRST FLOOR HABITABLE ROOM WINDOWS |
| OB | DENOTES OBSCURE GLAZED WINDOWS |
| EX | DENOTES EXISTING VEGETATION |
| + | DENOTES EXISTING SEWER |
| PH | DENOTES PHOTO POINT LOCATION |
| PH | REFER PHOTOS ABOVE |

| AMENDMENT DESCRIPTION | DATE |
|-----------------------------------|----------|
| C VOLUNTARY AMENDMENTS | 27.01.15 |
| B AMENDMENTS TO PERMIT CONDITIONS | 21.10.14 |
| A AMENDMENTS TO PERMIT CONDITIONS | 30.07.14 |
| NA | |

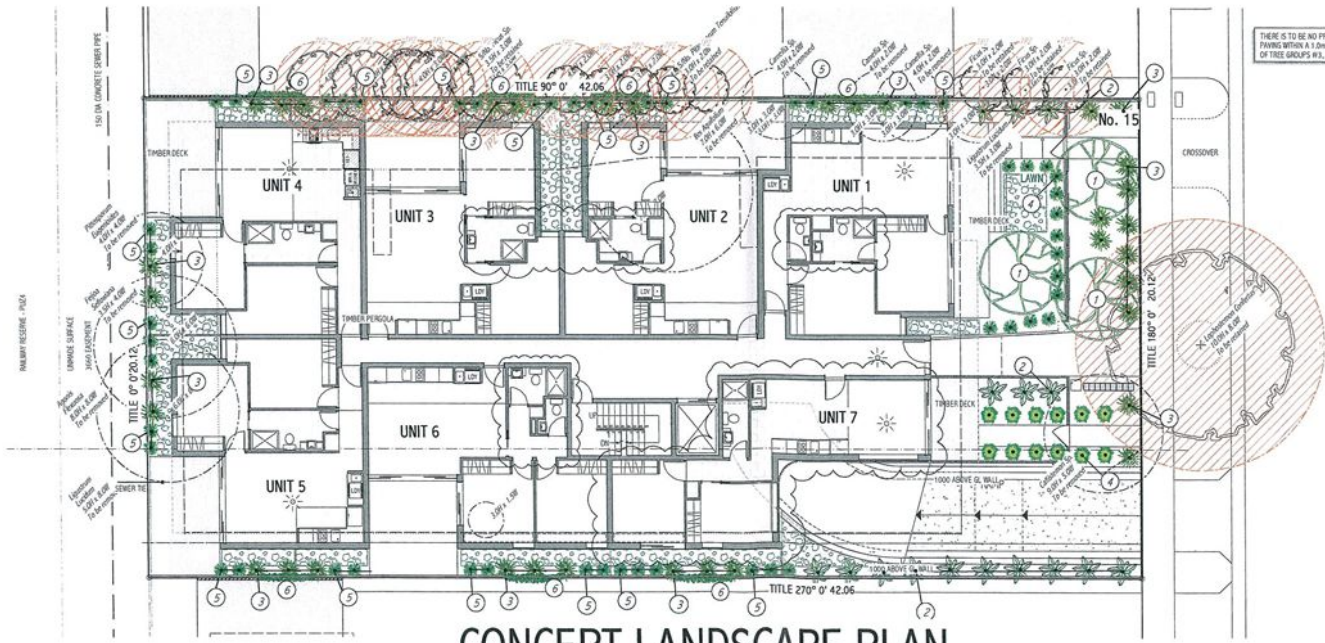
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Web: fletcherdesign.com.au

PROPOSED
MEDIUM DENSITY
DEVELOPMENT
AT
15 BENT STREET
BENTLEIGH
FOR
JITIKA DEVELOPMENTS

| DATE | CHECKED | APPROVED |
|----------------|--------------------|------------|
| DATE: 02.08.15 | APPROVED: A.B. No. | |
| SCALE: 1:1000 | SHEET No. | DP-AD363 |
| DWG. No. 1822A | 1 of 1 | INT. No. C |

STAGE 2 DRAWINGS



CONCEPT LANDSCAPE PLAN

Item 9.4

40 Mavho Street BENTLEIGH
APPLICATION NO. GE/PP-27683/2015

File No: GE/PP-27683/2015
Enquiries: Karoline Ware
Manager Statutory Planning



| APPLICATION SUMMARY |
|---------------------|
|---------------------|

| | |
|--|--|
| PROPOSAL | A four (4) storey building with twenty-five (25) dwellings |
| RECOMMENDATION | Notice of Decision to Grant a Permit, with conditions that reduce the number of apartments to twenty-three (23) through increased setbacks for the second and third floors. |
| KEY ISSUES | <ul style="list-style-type: none"> • Neighbourhood character • Amenity impacts on adjoining properties • Car parking and traffic • The intent and objectives of the Residential Growth Zone • Variations to a number of ResCode standards • Reduction of visitor car parking |
| MUNICIPAL STRATEGIC STATEMENT | Bentleigh Urban Village |
| APPLICANT | Mavho Property Group Pty Ltd |
| PLANNING SCHEME CONTROLS | <ul style="list-style-type: none"> • Residential Growth Zone • Parking Overlay (PO2-3) |
| EXISTING LAND USE | Single storey dwelling |
| PUBLIC NOTICE | <ul style="list-style-type: none"> • 15 properties notified • 58 notices sent (owners and occupiers) • 1 sign erected on site • 8 objections received |
| Application fee payable (fee increased by the State Government in 2009) | \$8,064 |

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-27683/2015 the construction of a four (4) storey building above basement car parking, comprising of up to twenty-three (23) dwellings in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne
- ResCode

Glen Eira City Council

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

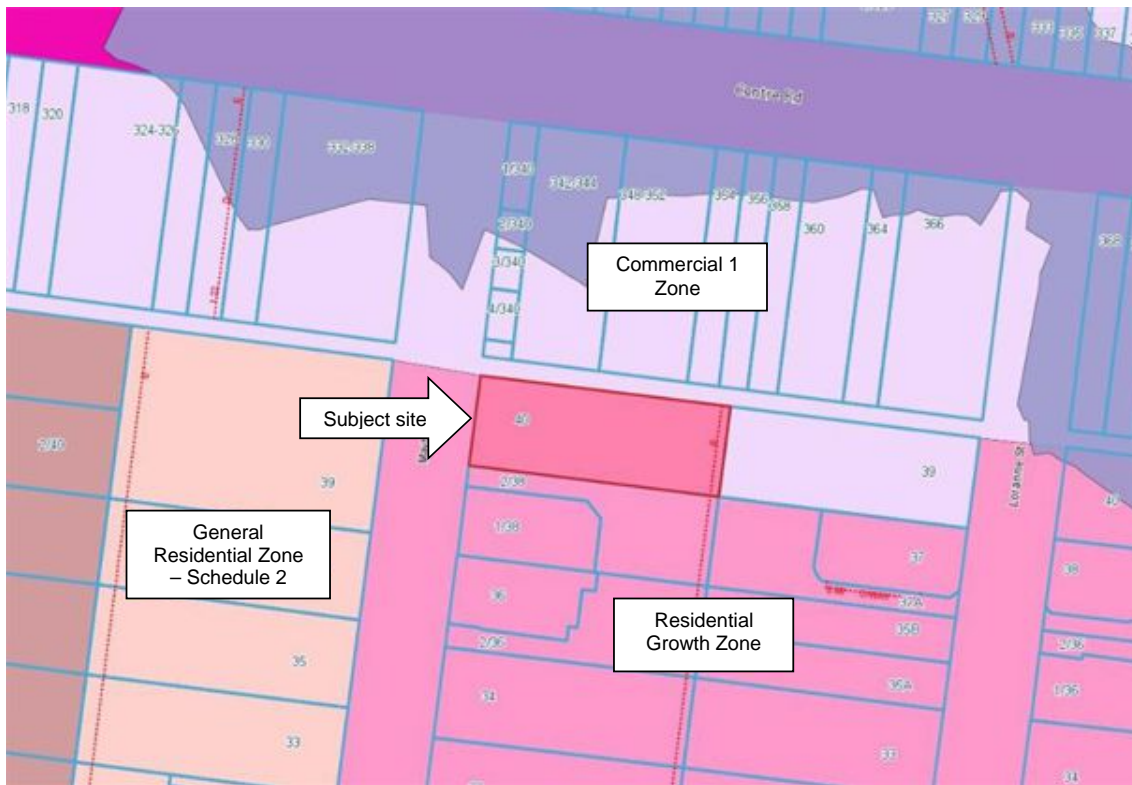
4. Reasons For Recommendation

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

Policy and Zoning

The site and adjoining properties to the south are within the Residential Growth Zone. The site to the west is located within the General Residential Zone – Schedule 2, whilst the sites to the north and east are all within the Commercial 1 Zone. All adjoining sites are located within the Bentleigh Urban Village.

This zone has a mandatory maximum building height control of 13.5 metres (4 storeys). The maximum height of the building is 13.48 metres.

Item 9.4 (cont'd)**Neighbourhood Character and streetscape**

The immediate neighbourhood character consists of a varied streetscape that is currently evolving due to recent development approvals within the street. To the north of the subject site are two-storey commercial properties that are separated from the subject site by the existing laneway. The site known as 348-352 Centre Road was recently issued a planning permit at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for the construction of a four storey mixed use development.

The site to the west (39-41 Mavho Street) is located within the General Residential Zone and is currently under construction for a three-storey residential development comprising of 27 dwellings. To the east (rear) of the site is a three storey commercial building.

Located to the south of the subject site are two units, one single storey and one double storey. These dwellings are separated from the subject site by their driveway. Further to the south along Mavho Street, there are examples of three-storey development approvals at 24-26 Mavho Street (subject to a current VCAT appeal) and 32 Mavho Street.

The design seeks to take full advantage of the non-sensitive abutments to the north, east and west, whilst providing for a more sympathetic response to the units located to the south, by providing for a transition from the commercial sites to the residential sites. This has been achieved by providing increased street setbacks and articulation to the southern portion of the façade of the building at all levels, which will soften the views of the development when viewed from the south along Mavho Street. The remainder of the upper levels of the façade is generally setback in line with the eastern wall of the commercial property to the north at 340 Centre Road, which responds to the single storey form of the this building that is on the corner of Centre Road and Mavho Street.

Item 9.4 (cont'd)

The development incorporates a contemporary design that includes the use of metal cladding and features and render finishes that will provide for a visually interesting and positive addition to the area. The contemporary design of the building will have an acceptable level of fit within the emerging Mavho Street character.

Amenity impacts

The subject site is provided with limited sensitive interfaces. This is limited to the dwellings to the south at 38 Mavho Street. The dwellings to the south are separated from the proposal by their driveway, whilst the secluded private open space areas of the dwellings are to their south and further separated from the proposal. This assists in reducing potential visual mass and bulk impacts.

The rear dwelling of 38 Mavho Street is provided with two north facing ground floor habitable room windows that are within 3 metres of the boundary of the subject site. The development does not comply with the minimum requirements of ResCode for these windows. The applicant has indicated that one of habitable rooms is provided with a secondary light source and both rooms are not considered to be primary living areas. It is also noted that the existing boundary fence is 2.5 metres high. On this basis they have sought a variation from the minimum setback requirements of ResCode.

The setbacks of the top two floors of the development to these windows fail to satisfy ResCode by a considerable amount. It is considered that even with the above circumstances, such significant departures from the minimal requirements that relate to solar access are insufficient. Furthermore, the visual dominance of the development when viewed from this property is also considered to be unreasonable, resulting in visual mass and bulk impacts. It is therefore recommended that increased setbacks adjacent to these windows be adopted as permit conditions, which will also result in a decrease to the number of dwellings.

The development will result in additional overshadowing of the dwellings to the south. However, due to the location of the secluded private open space being to south of their respective dwellings, the development does not overshadow these areas.

The upper level windows and balconies on the southern elevation are to be provided with obscure glazing for the windows and screening to the balconies to a height of 1.7 metres. It is recommended that further information be included on the plans to ensure that the windows and balconies are screened in accordance with ResCode. These requirements will form part of the recommendation.

The remainder of the development has non-sensitive interfaces, as the site abuts the commercial properties to the north that front Centre Road and a three storey Telstra exchange/infrastructure building to the east that fronts onto Lorraine Street. The development does not satisfy some of the numerical requirements of ResCode in relation to street setbacks, side setbacks and walls on boundaries, site coverage and permeability. However, the design of the development will provide for an appropriate transition from the adjoining commercial properties to the north and east, to the residential sites to the south, particularly when the recent approvals and recommended changes are taken into consideration.

Parking and Traffic

State Government Guidelines require 25 car spaces for the dwellings and 5 visitor car spaces. A total of 25 spaces within car stackers have been provided for the dwellings and 2 at-grade visitor spaces, within the basement.

Item 9.4 (cont'd)

The reduction of 3 visitor car spaces is not supported, particularly when the other recently approved developments are taken into consideration. It is recommended that all visitor car spaces be provided, which will be 4, given the increased setbacks and subsequent reduction of dwellings.

Councils Transport Planning Department has recommended conditions to ensure vehicular access into and within the basement is acceptable. These changes are minor and do not result in any significant changes to the basement. These requirements will 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.

On-site amenity

The development provides for ground floor courtyards of between 18 and 23 square metres. The upper level dwellings are provided with balconies of at least 8 square metres.

It is considered that the private open space provisions are satisfactory, as they provide for a diversity of layouts within the development.

Council's Landscape Officer has advised that the only available area for landscaping is within the front setback. It is considered that the provision of some form of landscaping within the front setback is acceptable in this context, particularly given the interface of the development to commercial properties or the driveway of the site to the south. It is recommended that the 'terrace' for Dwelling G01 be used for landscaping, concluding canopy trees. This requirement will form part of the recommendation.

Management Plan Requirements

A Construction Management Plan (CMP), Waste Management Plan (WMP) and Car Stacker System Management Plan are all required. A recommended condition has been included in the Appendix outlining the requirements of all of the plans.

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

ADDRESS: 40 MAVHO STREET, BENTLEIGH
APPLICATION NO: GE/PP-27683/2015

1. Proposal

(Refer to attached plans)

Features of the proposal include:

- Demolition of the existing dwelling
- Basement car parking comprising of 25 car spaces for the dwellings and 2 visitor car spaces
- Reduction of 3 visitor car spaces
- A new crossover onto Mavho Street
- 18 x 2 bedroom and 7 x 1 bedroom
- Maximum overall building height of 13.48 metres
- Site coverage of 76 per cent (68.4 per cent when balcony overhangs are excluded)

2. Public Notice

- 15 properties notified
- 58 notices sent (owners and occupiers)
- 1 sign erected on site
- 8 objections received

The objectors' concerns are summarised as follows:

- Overdevelopment of the site
- Neighbourhood character
- Traffic and car parking
- Height, massing and bulk
- Overlooking
- Overshadowing and loss of natural daylight
- Cumulative impact of other recently approved developments of this density within the street
- Construction management concerns
- Loss of trees
- Impacts on existing infrastructure (rubbish collection and utilities)

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)*Transport Planning*

- A minimum of 3 visitor car spaces are required.
- Transport Planning requires changes to the basement access and car spaces to ensure adequate access is achieved.
- 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.

Landscape Assessment Officer

- The front setback is the only area that can accommodate some form of landscaping.

Park Services

- The existing street tree can be removed and replaced.

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:

- First floor walls along the southern boundary
- Loss of daylight and sunlight
- Overlooking
- Car parking and traffic
- Construction management issues
- Intensity of the development within one block of land
- Neighbourhood character – typically 2 to 3 storey in height
- Impacts on existing infrastructure

A further Conference was chaired by Cr Hyams. The applicant and objector parties discussed the following matters:

- Overdevelopment of the site
- Cumulative impacts of developments such as this within the area. This needs to be taken into account when considering applications in relation to character and traffic/car parking
- Car parking and traffic
- Construction Management of other development sites in Mavho Street
- The number of developments occurring across the suburb

The permit applicant did not make any undertakings.

Item 9.4 (cont'd)**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 TP05B and dated 05.02.15, TP10B and TP13B and dated 23.03.15, TP06C, TP07C, TP08C and TP09C and dated 23.03.15 and TP11D and TP12D and dated 23.03.15 and all prepared by Papapetrou Rice Architecture) but modified to show:

Design

- (a) The eastern wall of the living room of Dwelling 205 adjacent to the balcony is to be setback a minimum of 8 metres from the eastern boundary. The balcony of this dwelling is to be deleted and Dwelling's 205 and 204 are to be consolidated into one dwelling. These changes are to be absorbed within the remainder of the approved building envelope;
- (b) The third floor of the development is to be setback a minimum of 8.5 metres from the eastern boundary, with this change absorbed within the remainder of the approved building envelope. Dwelling's 304 and 305 are to be consolidated into one dwelling to the satisfaction of the Responsible Authority;
- (c) The upper level habitable room windows on the southern elevation that are labelled 'OG' are to also be labelled as being fixed to a height of 1.7 metres above the finished floor level;
- (d) The third floor south facing window of the living area of Dwelling 301 is to be provided with a sill height of 1.7 metres above the finished floor level;
- (e) The south facing balconies are to be provided with screening to a height of 1.7 metres above the finished surface level. A sectional diagram plan is to be provided that clearly demonstrates the proposed screening details, which is dimensioned;

Transport and Car Parking

- (f) The provision of four (4) visitor car spaces within the basement. These spaces must not be located within car stackers;
- (g) The proposed vehicle crossover is to measure 3 metres in width and be centrally aligned within the vehicle accessway. The existing street tree is to be shown as to be removed;
- (h) The vehicle access ramp is to be 3.6 metres in width, including the provision of 300mm wide kerbs along either side of the accessway. This must be clearly dimensioned on the plans;
- (i) The basement ramp shown on the sectional elevation plan is to be dimensioned in accordance with the dimensions shown on the basement/ground floor plans;
- (j) The 1:8 transition section of the basement ramp is to be lengthened to a minimum of 2.5 metres to the satisfaction of the Responsible Authority;
- (k) The minimum height clearance between the basement ramp and the underside of the building is to be 2.25 metres. This must be dimensioned on the plans and demonstrated as per Figure 5.3 of AS2890.1:2004 in a longitudinal cross section plan;

Item 9.4 (cont'd)

- (l) The specific car stacker systems are to be clearly notated on the plans. The car stackers are to be provided with a minimum useable platform width of 2.4 metres and at least 25 per cent need to accommodate a vehicle height of 1.8 metres. The dimensions (pit depths, height clearances, gate and platform widths) are to also be shown on the plans and cross-sectional plan is to be provided;
- (m) The column between the two visitor car spaces is to be located no less than 250mm and extend no more than 1.25 metres from the car park aisle. This is to be clearly dimensioned on the plans;
- (n) A convex mirror is to be provided at the base of the basement ramp to the satisfaction of the Responsible Authority;
- (o) Pedestrian sight triangles measuring 1.5 metres (along the driveway edge) by 1 metre (along the property line) are required on both sides of the driveway. This area is to be clear of any objects or vegetation greater than 600mm in height (this is to be dimensioned and notated on the plans);

General

- (p) 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) 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.
 - (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the front setback.

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

Item 9.4 (cont'd)

4. 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

5. 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
6. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
7. 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.
8. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
9. Prior to the occupation of the development, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
10. 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.

Item 9.4 (cont'd)

- (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.

11. 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.
12. 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.

Item 9.4 (cont'd)

13. 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
14. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
15. Prior to the commencement of the development, a fee of \$1246.00 must be paid to the Responsible Authority for the removal and replacement of the existing street tree. 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. 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. 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.
19. The car parking allocation for the approved development must be:
 - Not less than one (1) car space per one or two bedroom dwelling;
 - Not less than two (2) car spaces per three (3) or more bedroom dwelling;
 - Visitor spaces (4) marked accordingly.
20. 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.

Item 9.4 (cont'd)

21. 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.

22. 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.
23. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
24. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
25. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.
26. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note A.
27. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.

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

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

- C. 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.
- D. 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
- 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. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable
- 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 9.4 (cont'd)

- I. 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.
- J. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- K. Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.
- L. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- M. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.

Crs Hyams/Lobo**That Council:**

Issues a Refusal to Grant a Permit for Application No. GE/PP-27683/2015 for the following reasons:

- 1. **The proposal represents an overdevelopment of the site as a result of its density, mass and scale.**
- 2. **The proposal fails to meet a number of objectives of Clause 55 of the Glen Eira Planning Scheme including:**
 - **Clause 55.03-1 – Street Setbacks (The street setbacks of the building at all levels fails to respect the existing character of the area)**
 - **Clause 55.03-3 – Site Coverage (The site coverage fails to respect the existing character of the area)**
 - **Clause 55.03-4 – Permeability (The area of the site covered by impervious surfaces will impact on increased stormwater run-off on the drainage system)**
 - **Clause 55.03-8 – Landscaping (The development does not provide for sufficient areas for reasonable landscaping opportunities)**
 - **Clause 55.04-1 – Side and Rear Setbacks (The height and setbacks of the building from the adjoining boundaries fail to respect the existing character of the area)**
 - **Clause 55.04-2 – Walls on Boundaries (The extent and height of walls on boundary fails to respect the existing character of the area)**

Item 9.4 (cont'd)

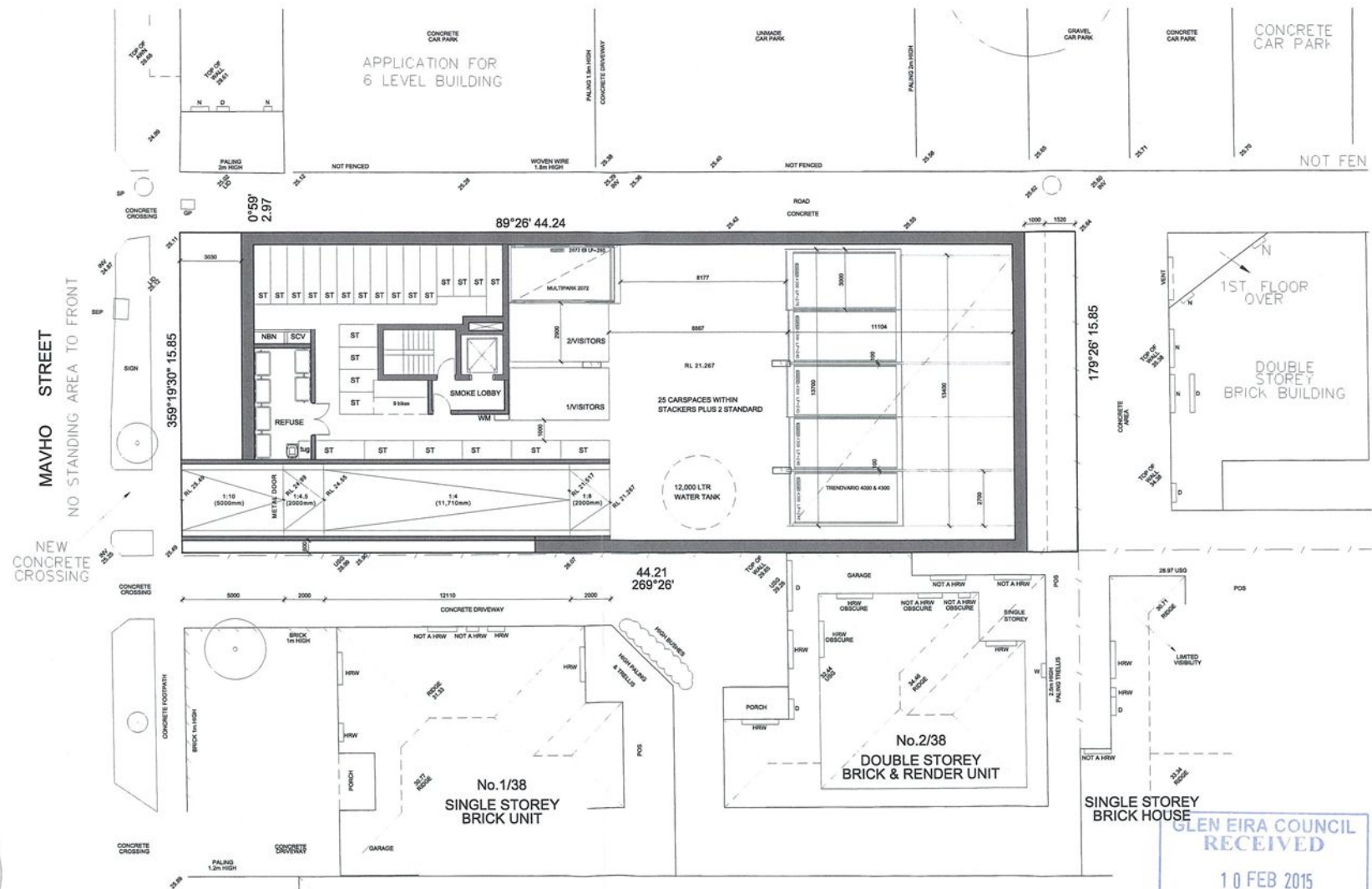
- **Clause 55.04-4 – North Facing Windows** (The development will unreasonably impact on the amount of solar access provided to the north facing habitable room windows of the adjoining property to the south)
 - **Clause 55.04-6 – Overlooking** (The development will result in unreasonable overlooking impacts on the adjoining properties)
3. **Clause 52.06 – Car parking** (The reduction of visitor car parking is not considered appropriate having regard to the demand generated by the development).
4. **The proposal does not satisfy the requirements of Clause 52.06-8 (Design Standards)** in relation to access, car parking spaces, access, ramp gradients and basement design.

DIVISION

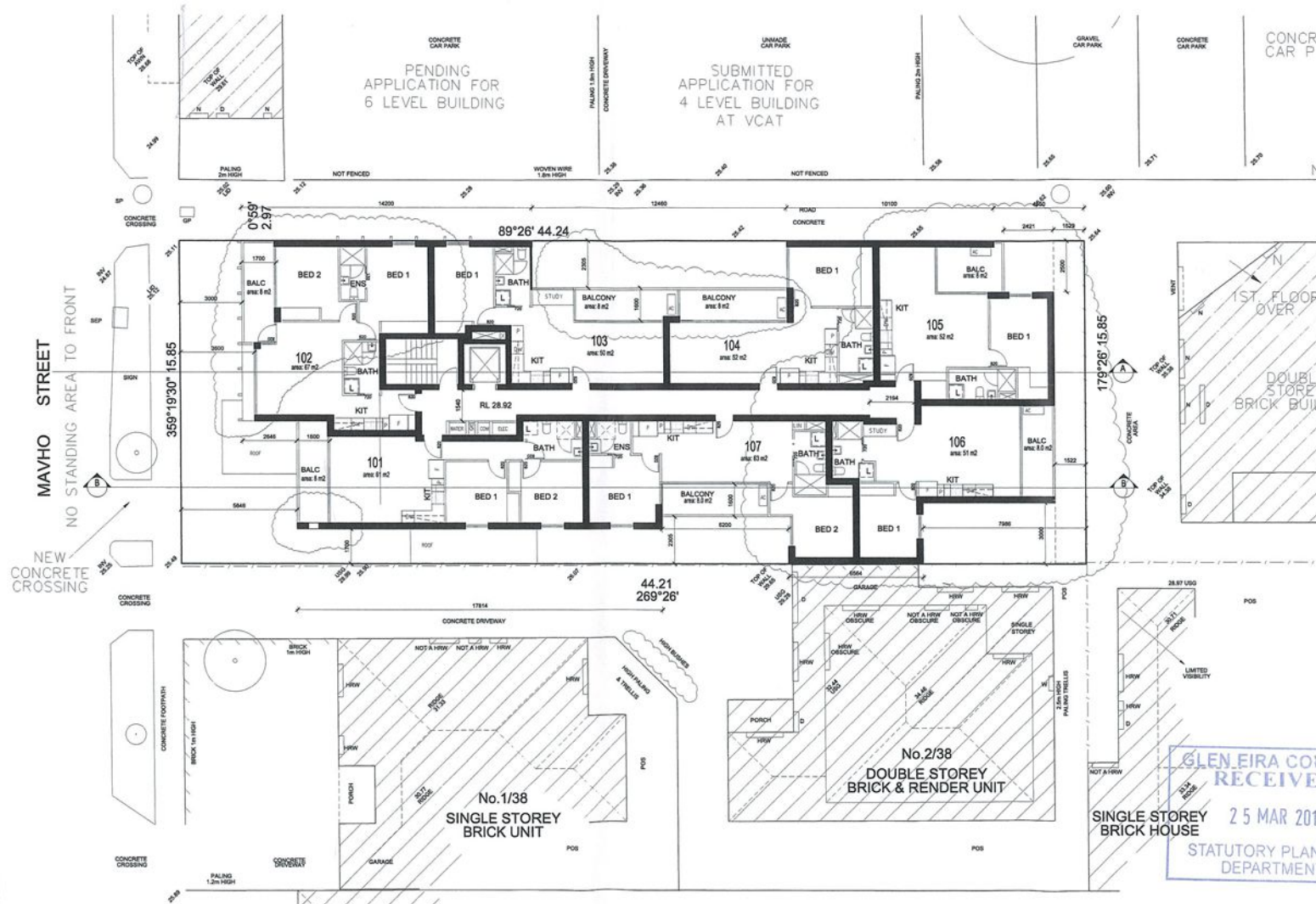
Cr Lobo called for a **DIVISION** on the voting of the **MOTION**.

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

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

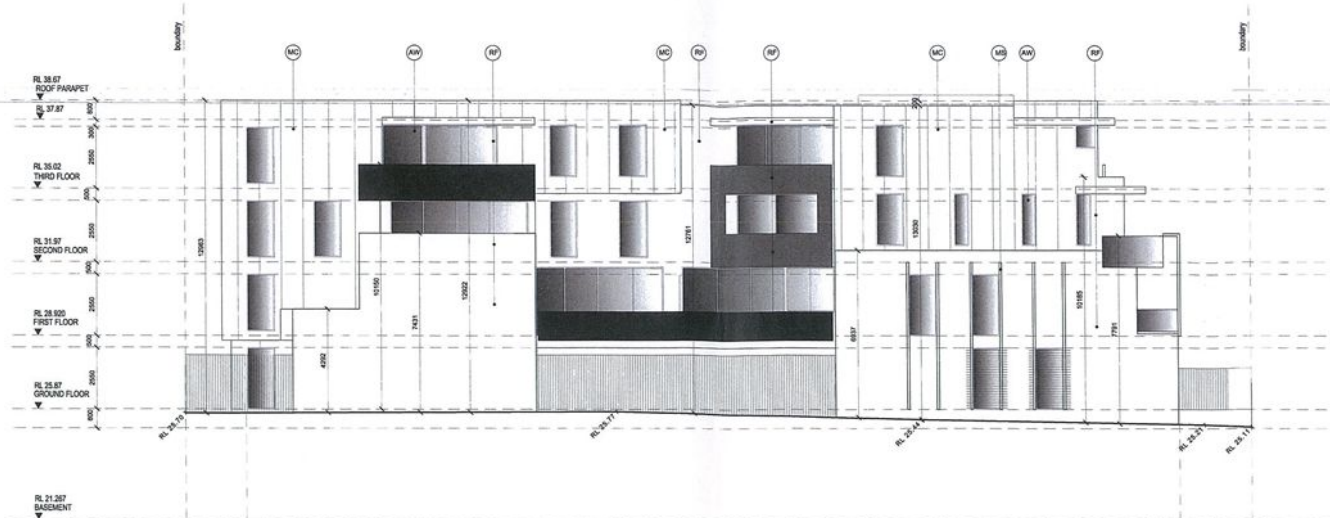


GLEN EIRA COUNCIL
RECEIVED
10 FEB 2015
STATUTORY PLANNING
DEPARTMENT



**GLEN EIRA COUNCIL
RECEIVED**
25 MAR 2015
STATUTORY PLANNING
DEPARTMENT

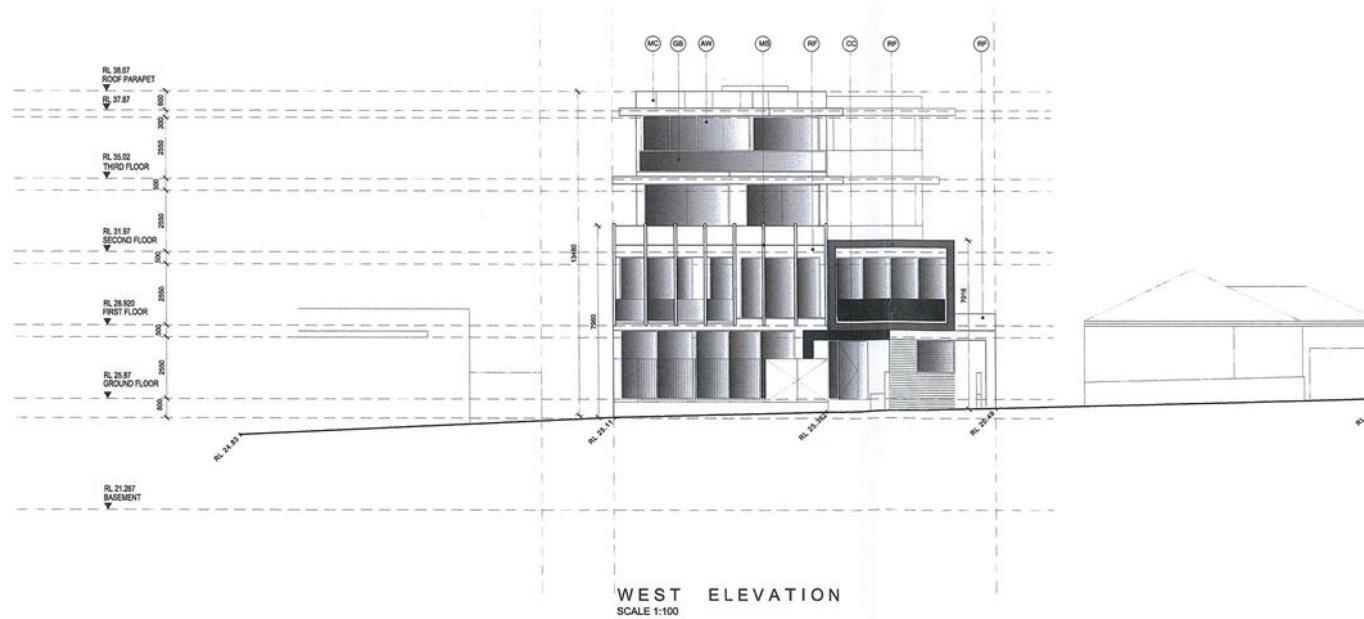
| ISSUE | DATE | AMENDMENT |
|-------|----------|---------------------------------|
| A | 22.01.15 | GENERAL UPGRADE |
| B | 02.02.15 | GENERAL UPGRADE |
| C | 03.02.15 | TOWN PLANNING SUBMISSION |
| D | 23.03.15 | AMENDED TO SUIT RPI DATED 24/02 |



FINISHES LEGEND

- ⊙ METAL MALL GLAZING LIGHT GREY
- ⊙ METALWORK STRAPPING CHARCOAL
- ⊙ ALUMINUM FRAMED WINDOWS POWDERCOAT FINISH-CHARCOAL
- ⊙ RENDER FINISH- WHITE
- ⊙ GLAZED BALUSTRADE
- ⊙ ALUMINUM LOUNGE POWDERCOAT FINISH-CHARCOAL
- ⊙ OBTUSE GLAZING
- ⊙ COMPOSITE ALUMINUM GLAZING-HUST COLUMN
- ⊙ ALUMINUM SCREENING TO 1700MM HT

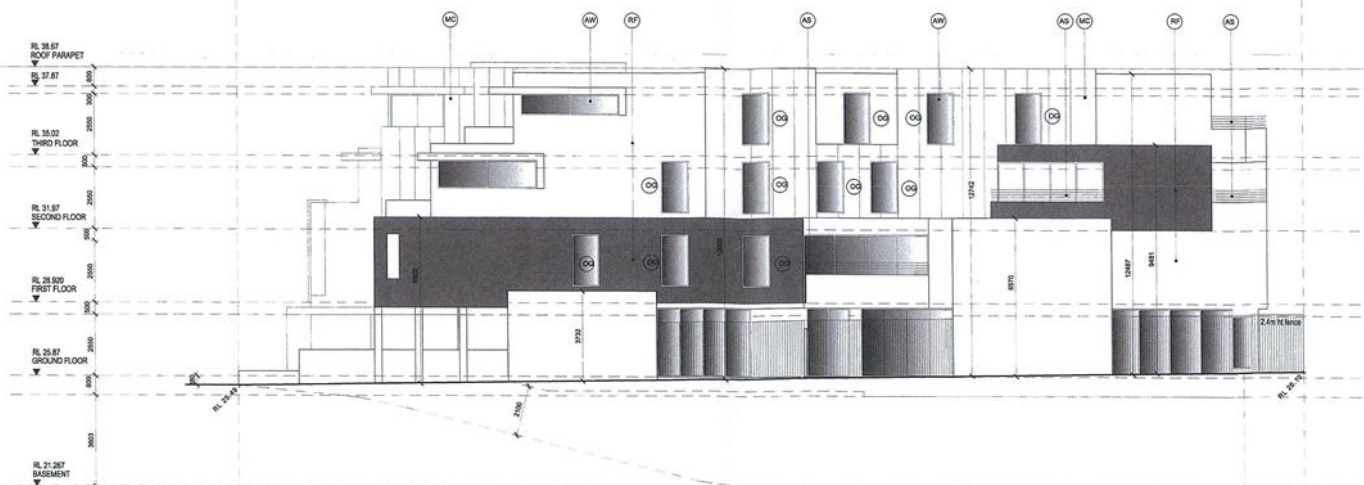
NORTH ELEVATION
SCALE 1:100



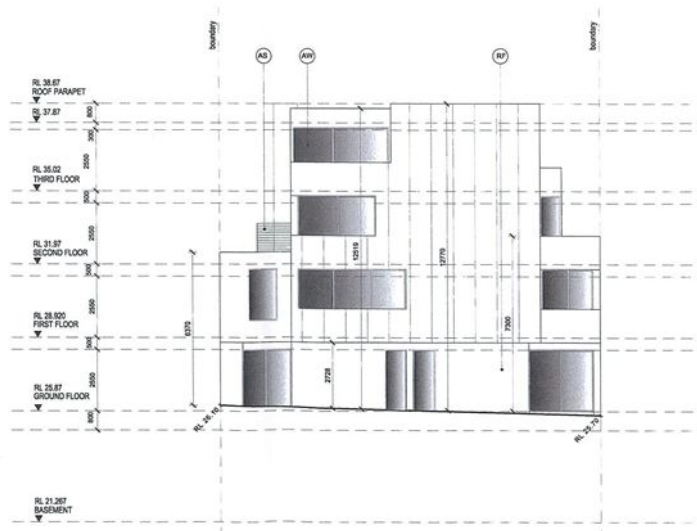
WEST ELEVATION
SCALE 1:100

GLEN EIRA COUNCIL
RECEIVED
25 MAR 2015
STATUTORY PLANNING
DEPARTMENT

| ISSUE | DATE | AMENDMENT |
|-------|----------|---------------------------------|
| A | 22.01.15 | GENERAL UPGRADE |
| B | 02.02.15 | GENERAL UPGRADE |
| C | 03.02.15 | TOWN PLANNING SUBMISSION |
| D | 23.03.15 | AMENDED TO SUIT RFI DATED 24/02 |



SOUTH ELEVATION
SCALE 1:100

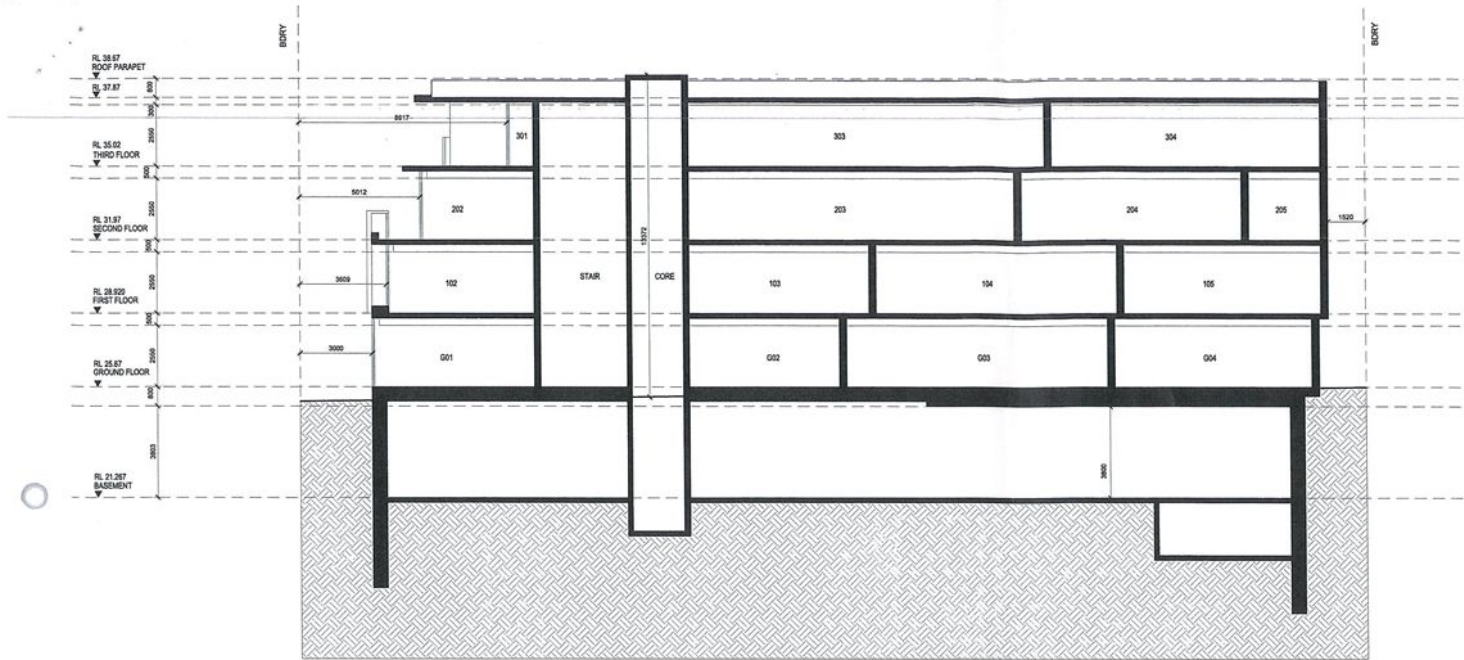


EAST ELEVATION
SCALE 1:100

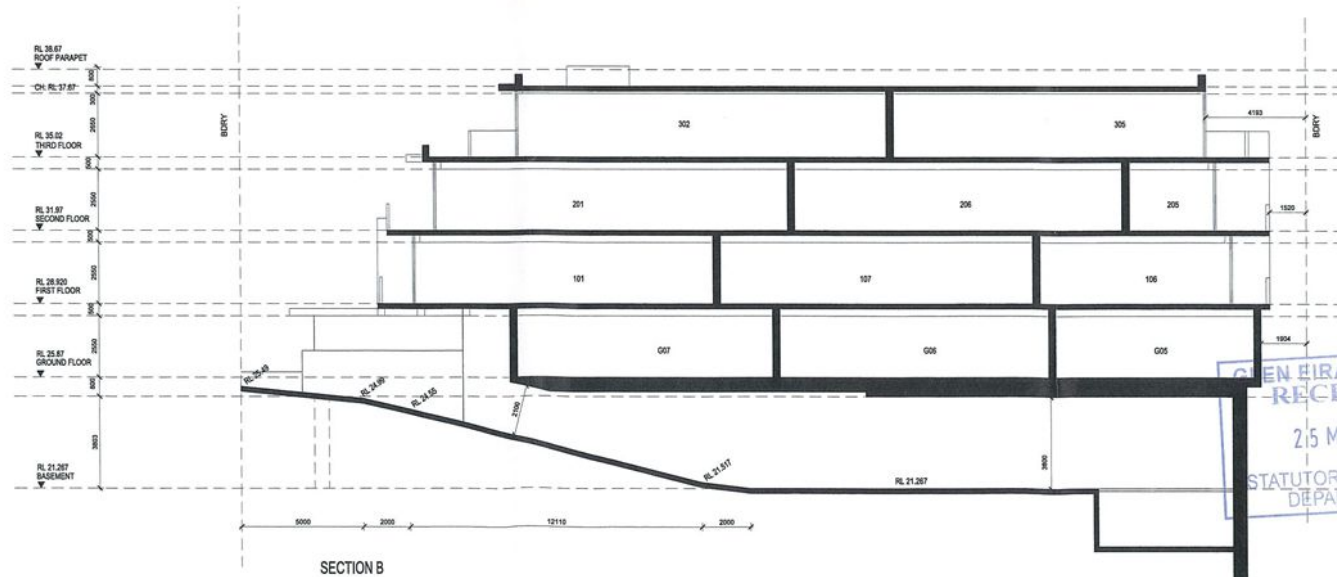
FINISHES LEGEND

| | |
|-----|--|
| (M) | METAL WALL CLADDING LIGHT GREY |
| (M) | METALWORK STRIPPED OVERGAL |
| (A) | ALUMINIUM FRAMED WINDOWS/POWERSOAT FRESH CHARNOL |
| (W) | WOODWORK WHITE |
| (S) | SLATED BALUSTRADE |
| (A) | ALUMINIUM LOUNGE/POWERSOAT FRESH CHARNOL |
| (G) | GRASSURE CLADDING |
| (C) | COMPOSITE ALUMINIUM CLADDING/SLUT COLOR |
| (A) | ALUMINIUM SCREENING TO 100MM HT |

**GLEN EIRA COUNCIL
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STATUTORY PLANNING
DEPARTMENT



SECTION A



SECTION B

CLARENCE COUNCIL
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25 MAR 2015
STATUTORY PLANNING
DEPARTMENT

Item 9.5

30-32 Ames Avenue CARNEGIE
APPLICATION NO. GE/PP-27761/2015

File No: GE/PP-27761/2015
Enquiries: Karoline Ware
Manager Statutory Planning



APPLICATION SUMMARY

| | |
|---|---|
| PROPOSAL | The construction of twelve (12) double storey dwellings |
| RECOMMENDATION | Notice of Decision to Grant a Permit |
| KEY ISSUES | <ul style="list-style-type: none"> • Response to matters raised by VCAT for previous application • Amenity impacts on the dwellings to the south • The intent and objectives of the General Residential Zone |
| MUNICIPAL STRATEGIC STATEMENT | Housing Diversity Area – Murrumbeena Neighbourhood Centre |
| APPLICANT | Infinity Development Group Pty Ltd |
| PLANNING SCHEME CONTROLS | <ul style="list-style-type: none"> • General Residential Zone – Schedule 1 (30 Ames Avenue) • General Residential Zone – Schedule 2 (32 Ames Avenue) |
| EXISTING LAND USE | Single storey dwellings |
| PUBLIC NOTICE | <ul style="list-style-type: none"> • 13 properties notified • 19 notices sent (owners and occupiers) • 2 signs erected on site • 15 objections received |
| Application fee payable (fee increased by the State Government in 2009) | \$1,153 |

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-27761/2015 for the construction of twelve (12) double storey dwellings in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne
- Rescode

Glen Eira City Council

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

4. Reasons For Recommendation

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

Background:

A previous permit was approved by Council for thirteen double storey dwellings. This decision was subsequently appealed to the Victorian Civil and Administrative Tribunal (VCAT) by objectors. The Tribunal determined to overturn Council's decision and refuse the application and provided the following comments:

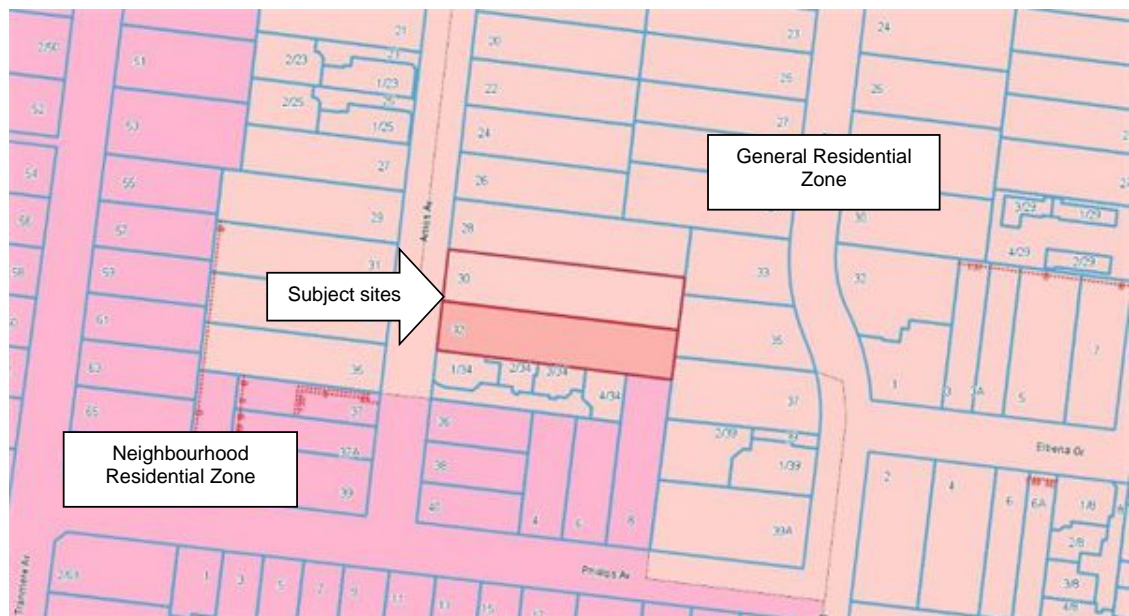
“The fundamental failing of this proposal relates to the design of the internal accessway and the interface with the dwellings fronting onto it. It provides an unattractive environment due to its length, lack of variation in alignment and inadequate landscaping. The design results in poor integration between the dwellings and the central accessway with limited opportunity for surveillance due to the need for windows to be screened, absence of windows at ground level along the driveway and expanse of garage doors.”

“While, in principle, the form and nature of the development is generally responsive, the treatment of the public realm, namely the accessway is poor and not acceptable.”
VCAT Member S. R. Cimino

Item 9.5 (cont'd)Policy and Zoning

The site and adjoining properties with the exception of 8 Phillips Avenue are all located within the General Residential Zone. The site at 8 Phillips Avenue is located within the Neighbourhood Residential Zone. As the site at 32 Ames Avenue abuts this property, this site is subject to the greater rear setback requirements of the General Residential Zone. All adjoining sites except for 8 Phillips Avenue are within the Murrumbeena Neighbourhood Centre (Housing Diversity Area). The provisions of the General Residential Zone and applicable schedules are the key influences in assessing this application.

This zone has a mandatory maximum building height control of 10.5 metres (3 storeys). The maximum height of the building is 7.76 metres.

Neighbourhood Character and streetscape

The immediate neighbourhood character consists of various housing types and styles, including single and double storey detached dwellings and double storey multi-unit developments.

The subject site is located towards the southern edge of the Murrumbeena Neighbourhood Centre, where policy supports medium density developments that are of a lower scale and form compared to sites within close proximity to the commercial areas of the centre.

The streetscape presentation of the proposal is generally consistent with that previously considered by both Council and VCAT. The applicant has however adopted changes to the street setbacks, relocated a garage off the northern boundary and provided landscaping along the centrally located driveway. The changes to the frontage of the development are consistent with the conditions contained within the Notice of Decision to Grant a Planning Permit that was previously issued by Council. It is considered that the changes will provide for an improved streetscape presentation, resulting in the development having an acceptable level of fit within the existing streetscape.

Item 9.5 (cont'd)Amenity impacts

The subject site is provided with a number of sensitive interfaces to the north, east and south, as there are a number of secluded private open space areas located immediately adjacent to the development.

The development has been designed to provide for a respectful response to each of these areas, which is consistent with the previous application, with the exception of increased setbacks at the rear of the site, particularly adjacent to the rear boundary of 8 Phillips Avenue which is located within the Neighbourhood Residential Zone. The setbacks to this boundary are 4 metres for the ground floor and 5.5 metres for the first floor.

There are a number of north facing habitable room windows located on the dwellings to the south that are within 3 metres of the adjoining boundary. The development has been setback from these windows in excess of the minimum requirements of ResCode.

The development will result in some overshadowing of adjoining secluded private open space areas to the south. However, the amount of overshadowing to the south generally does not extend beyond the shadow cast by the existing dwelling and boundary fence. The extent of additional overshadowing is limited to the covered portion of the secluded private open space of 1/34 Ames Avenue. It is considered that adequate sunlight will still be provided to all adjoining secluded private open space areas.

Compliance with ResCode

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

Site coverage (49.4%) and site permeability (28.9%) both comply with ResCode

Parking and Traffic

State Government Guidelines require 18 car spaces for the dwellings and 2 visitor car spaces (a total of 20 car spaces). All car spaces are provided for the dwellings within garages or in a tandem arrangement in front of their respective garage. There are also 2 visitor spaces provided.

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 (CMP) and Waste Management Plan (WMP) are both required. A recommended condition has been included in the Appendix outlining the requirements of both the CMP and WMP.

Item 9.5 (cont'd)Assessment of matters raised by VCAT

The key issue raised by the Tribunal related to the use of the central driveway that had limited passive surveillance and lacked landscaping and design details to improve the aesthetic of the public realm of the development.

The new proposal has made a number of changes to address these issues that include:

- The separation between the first floors of the dwellings adjacent to the central driveway have been significantly increased, allowing for less screening to first floor windows;
- The separation between the garages has been increased to allow for improved vehicle maneuverability;
- There has been an increase to the number of windows that front the central driveway and reduction to the extent of garage doors; and
- Improved landscaping and feature paving have been incorporated into the driveway design.

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

ADDRESS: 30-32 AMES AVENUE, CARNEGIE
APPLICATION NO: GE/PP-27761/2015

1. Proposal

(Refer to attached plans)

Features of the proposal include:

- Demolition of the existing dwellings
- 18 car spaces provided for the dwellings and 2 visitor car spaces (A total of 20 car spaces)
- A new crossover onto Ames Avenue
- 6 x 3 bedroom and 6 x 2 bedroom
- Maximum overall building height of 7.76 metres
- Site coverage of 49 per cent

2. Public Notice

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

The objectors' concerns are summarised as follows:

- Overdevelopment of the site
- Neighbourhood character
- Traffic and car parking
- Does not address the issues raised by VCAT
- Height, massing and bulk
- Overlooking
- Overshadowing and loss of natural daylight
- Construction management concerns
- Noise
- Waste management
- Inadequate landscaping

3. Referrals

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

Transport Planning

- Transport Planning requires changes to the car spaces to ensure adequate access is achieved.
- 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

Item 9.5 (cont'd)*Parks Services*

- The proposed vehicle crossover is to be setback 2 metres from the street tree fronting 30 Ames Avenue and 2.5 metres from the street tree fronting 32 Ames Avenue.
- Tree protection measures are required for both street trees.

Landscape Assessment Officer

- There are no trees on the subject site worthy of retention and no trees on the adjoining properties will be impacted by the development.
- Advanced canopy tree plantings required.

4. Planning Conference

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

- Traffic and car parking
- Cumulative impacts of developments within the area
- Amenity impacts due to loss of daylight and sunlight
- Overdevelopment
- Does not satisfactorily respond to the issues raised by VCAT
- Poor internal amenity
- Visual mass and bulk
- Waste management

The permit applicant did not make any undertakings.

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 sheet 3/8, 4/8, 6/8 and 7/8, dated 9/Feb/2015 and prepared by Infinity Partnership) but modified to show:
 - (a) A Landscape Plan in accordance with Condition 2;
 - (b) The garage for Unit 4 is to be dimensioned measuring 5.5 metres in width and 6 metres in length internal;
 - (c) The visitor car spaces are to measure 6 metres in length and any consequential changes are to be to the satisfaction of the Responsible Authority;
 - (d) The over bonnet storage provisions within the garages for Unit's 5 and 10 must not contain any vertical supports within the car space area, or the storage is to be relocated to the satisfaction of the Responsible Authority;

Item 9.5 (cont'd)

- (e) A minimum height clearance of 2.1 metres is to be provided to the entrance of each garage; and
- (f) The proposed vehicle crossover is to be setback a minimum of 2 metres from the existing street tree located in front of 30 Ames Avenue. This must be clearly dimensioned on the plans.

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) Four (4) trees within the front setback
 - (ii) Seven (7) small trees within the secluded private open space areas of Unit's 2, 4, 5, 7, 8, 9 and 11

or four (4) plus seven (7) small 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. 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.

Item 9.5 (cont'd)

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.

5. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
6. Prior to the occupation of the development, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.
7. 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.

8. 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;

Item 9.5 (cont'd)

- (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.
9. No plant, equipment, services, substations or water/gas meters other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority. Any such services must not be located in an area that will impact on the vehicular manoeuvrability of the development.
10. 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.
11. 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.
12. The proposed works must not cause any damage to the existing street trees. Root pruning of these trees must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
13. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree fronting 30 Ames Avenue at a radius of 2 metres and the street tree fronting 32 Ames Avenue at a radius of 3.6 metres from the base of the trunks 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 fences must remain in place until the construction within the tree protection zones is required. The tree protection zones 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 zones. No storage or dumping of tools, equipment or waste is to occur within the tree protection zones.

Item 9.5 (cont'd)

14. 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.

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 trunks. 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 1.5 metres of the Tree Protection Zones (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 Zones (TPZ). Strapped rumble boards are to be used within TPZ to limit ground compaction as per AS 4870-2009 section 4.5.3.

15. No excavation is to come within 2 metres of the existing street tree fronting 30 Ames Avenue and 2.5 metres of the existing street tree fronting 32 Ames Avenue without the prior consent of the Responsible Authority. Any excavation within 1.5 metres 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.

16. 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; and
 - (d) drained.

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.

17. 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 9.5 (cont'd)

18. 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 (2) marked accordingly.
19. 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.
20. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note A.
21. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position 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.

Notations

- A. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- B. No net increase in peak storm water 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 prepared by a registered consulting Civil Engineer 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.
- C. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or storm water detention system.
- D. All on-site storm water is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - trench grate (150mm minimum internal width) located within the property and/or;
 - Shaping the driveway so that water is collected in a grated pit on the property.

Item 9.5 (cont'd)

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

- H. 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.
- I. 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.
- J. 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. The approval for building on a “title boundary” enables the building to be sited precisely on the boundary (as determined by a licensed land surveyor) or within 200mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- K. 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.
- L. 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.

Item 9.5 (cont'd)

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

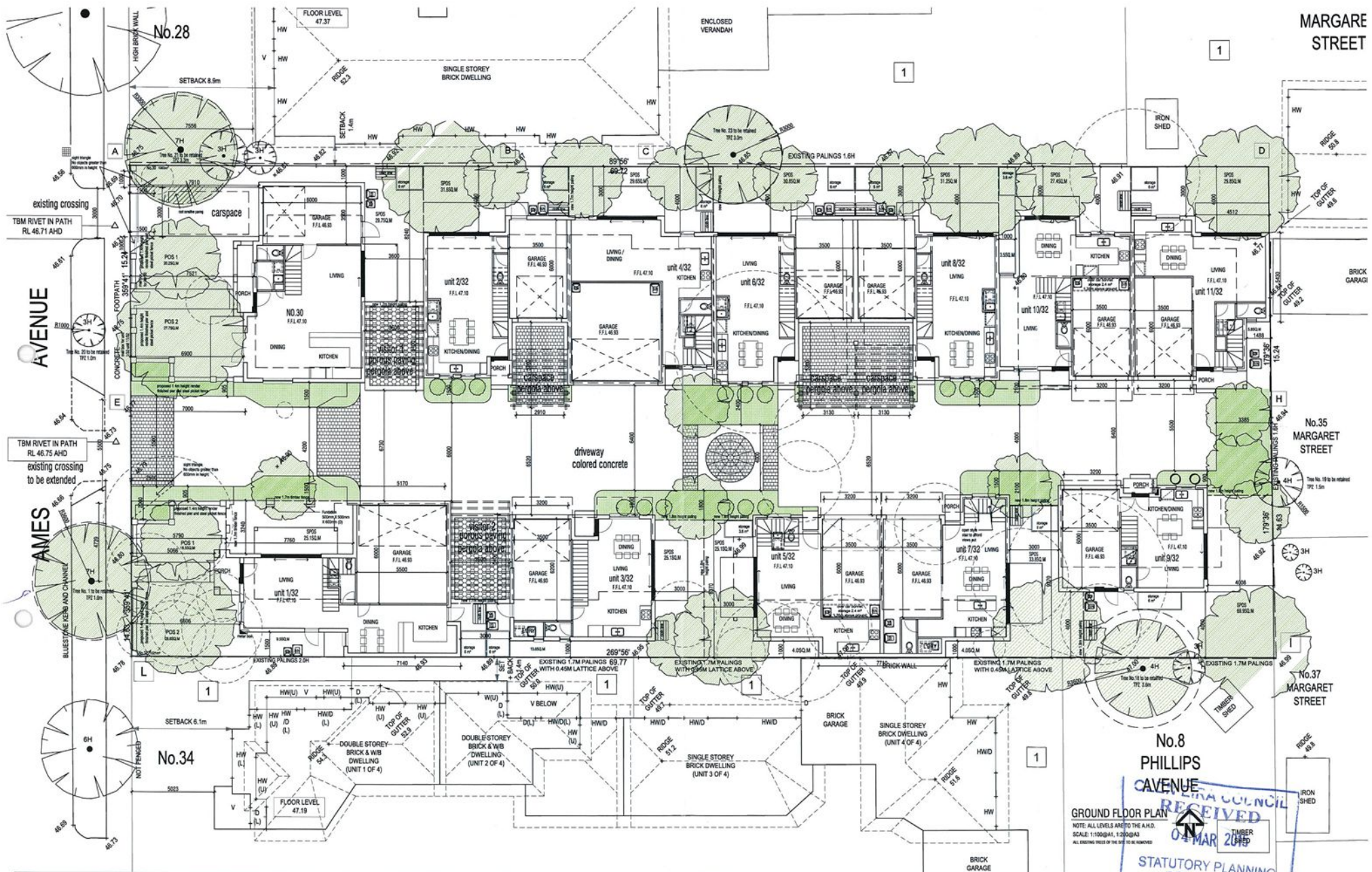
Crs Pilling/Sounness

That the recommendation in the report be adopted.

AMENDMENT**Crs Esakoff/Okotel**

Add a Condition 1(g) 'The deletion of the upper-floor of Unit 9/32.'

The AMENDMENT was put and CARRIED and on becoming the SUBSTANTIVE MOTION was again put and CARRIED unanimously.



TOWN PLANNING DRAWING

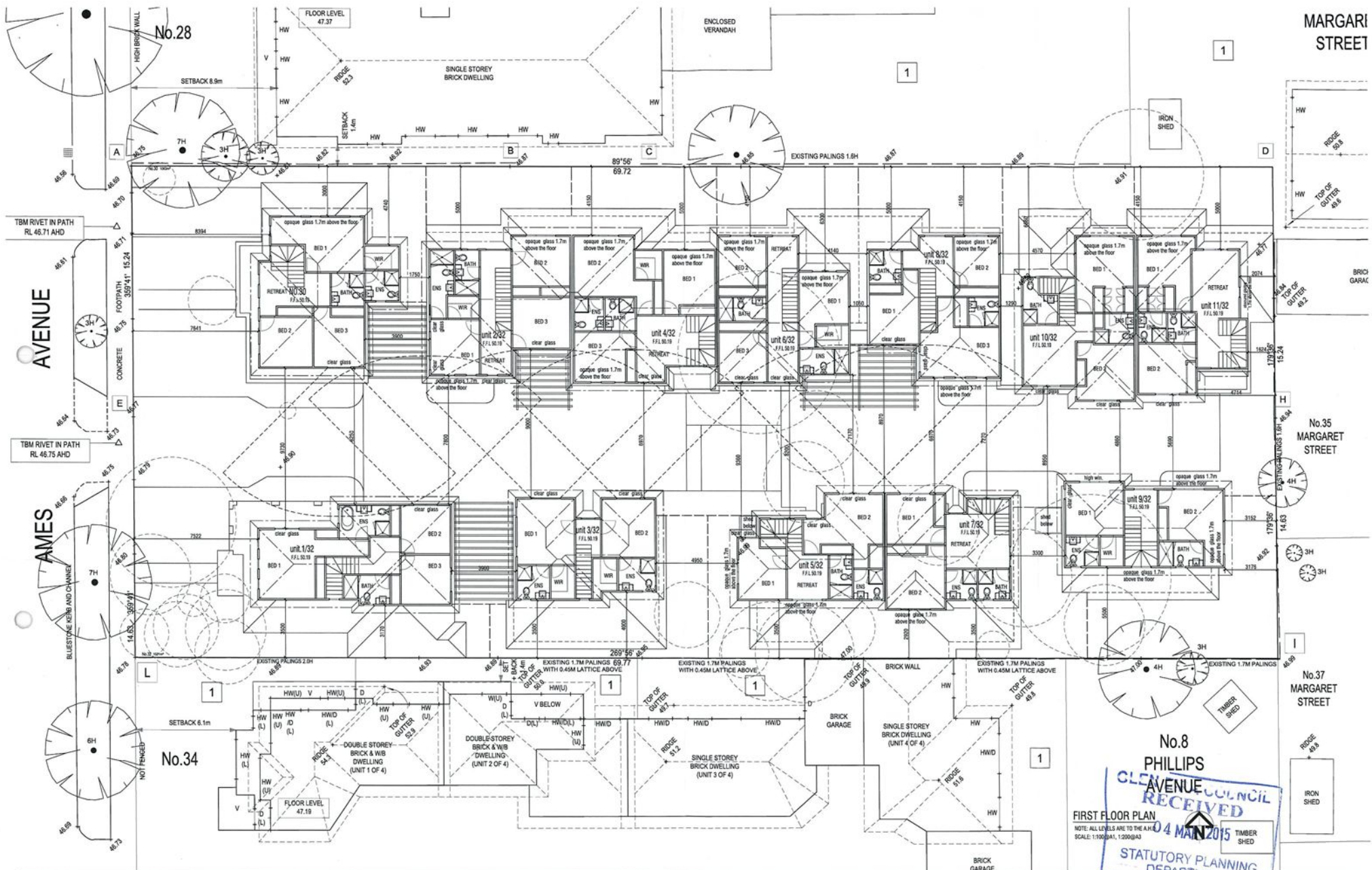
| ISSUE | DATE | AMENDMENT DESCRIPTION |
|-------|------|-----------------------|
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| | |
|----------------|---|
| Project: | CONSTRUCTION OF THIRTEEN, DOUBLE STOREY DWELLINGS |
| Location: | 30-32 AMES AVE, CARNEGIE, 3163 |
| Client: | INFINITY DEVELOPMENT PTY LTD |
| Drawing Title: | PROPOSED GROUND FLOOR PLAN |

| | | |
|-----------------------|-----------------------------|------------|
| Designed: BZ | Drawn: BZ | Checked: |
| Project ID: 201502-01 | Date: 9Feb2015 | REVISION A |
| Sheet No. 3/8 | Scale: 1:100@A1 1:200@A3 | |

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Check and verify all dimensions before commencement of work and/or any drawings. This drawing and drawing is the property of Infinity Partnership Pty. Ltd. and may not be copied or used in whole or part without the written consent, except that the relevant Building Surveyor (RBS) can, at their discretion, make minor necessary changes, in order to facilitate the issuing of the Building Permit. Any proposed additions and/or amendments are to be reported to Infinity Partnership Pty. Ltd. for authorisation prior to the RBS carrying out such changes. Figured dimensions take precedence over scale. Do not scale.

infinity partnership
Unit 101, 8 Waterside Place, Docklands VIC 3008
TEL: 0430 656 886
Email: infinitypartnerships@gmail.com



| TOWN PLANNING DRAWING | | | Project: | CONSTRUCTION OF THIRTEEN, DOUBLE STOREY DWELLINGS | Designed: BZ | Drawn: BZ | Checked: | NOTES: © Design Copyright. | |
|-----------------------|------|-----------------------|----------------|---|--------------|-----------|----------|----------------------------|---|
| ISSUE | DATE | AMENDMENT DESCRIPTION | Location: | 30-32 AMES AVE, CARNEGIE, 3163 | Project ID: | 201502-01 | Date: | 9/Feb/2015 | <div> <div>infinity partnership</div> <div>Unit 101, 8 Waterside Place, Docklands VIC 3008</div> <div>TEL: 0430 656 886</div> <div>Email: infinitypartnerships@gmail.com</div> </div> |
| | | | Client: | INFINITY DEVELOPMENT PTY LTD | Sheet No. | 4/8 | Scale: | 1:100@A1 1:200@A3 | |
| | | | Drawing Title: | PROPOSED UPPER FLOOR PLAN | Revision: | A | | | |



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| ISSUE | DATE | AMENDMENT DESCRIPTION | Location: | 30-32 AMES AVE, CARNEGIE, 3163 | | | | | | |
| | | | Client: | INFINITY DEVELOPMENT PTY LTD | | | Project ID: | 201502-01 | Date: | 9/Feb/2015 |
| | | | Drawing Title: | PROPOSED ELEVATIONS SHEET 1 | | | Sheet No. | 6/8 | Scale: | 1:100@A1 1:200@A3 |
| | | | | | | | | | REVISION | A |

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| ISSUE | DATE | AMENDMENT DESCRIPTION | Location: | 30-32 AMES AVE, CARNEGIE, 3163 | | Project ID: 201502-01 | | Date: 9/Feb/2015 | |
| | | | Client: | INFINITY DEVELOPMENT PTY LTD | | Sheet No. 7/8 | | Scale: 1:100@A1 1:200@A3 | |
| | | | Drawing Title: | PROPOSED ELEVATIONS SHEET 2 | | | | REVISION | |
| | | | | | | | A | | |

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Item 9.6**1 WAHGOO ROAD, CARNEGIE
AMENDMENT C137**

**Enquiries: Ron Torres
Director Planning and Transport**

**1. Community Plan**

Town Planning and Development

2. Proposal

The amendment proposes to apply a Heritage Overlay (HO154) over the property at 1 Wahgoo Road, Carnegie.

3. Recommendation

That Council:

- a. abandons Planning Scheme Amendment C137 and advises the Minister for Planning; and,
- b. writes to the Minister for Planning withdrawing the request for interim heritage controls over the land (Amendment C136).

Item 9.6 (cont'd)**4. Background**

At the Ordinary Council Meeting of 3 February 2015, it was resolved:

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

On the 4th February 2015, Planning Scheme Amendment C136 which seeks interim heritage controls over the land at 1 Wahgoo Road, Carnegie was lodged with the Minister for Planning. To date, Council has not received any response from the Minister for Planning about this request.

On the 27th February 2015, the Department of Environment, Land, Water & Planning gave authorisation for Council to prepare Planning Scheme Amendment C137. This Amendment, which is the subject of this report, sought permanent heritage protection over the site.

Interim Protection Order (Heritage Victoria)

On 19 January 2015, the Executive Director of Heritage Victoria applied an Interim Protection Order (IPO) on the property. The IPO prohibited demolition, removal, damage or excavation while the order was in place. The Executive Director of Heritage Victoria wrote to Council on the 14th May 2015 advising that the IPO would not be extended. The IPO expired at 5pm on the 19 May 2015.

Nominations to the Victorian Heritage Register (Heritage Victoria)

On the 21st January 2015, the Executive Director of Heritage Victoria wrote to Council to advise that two nominations were received for 1 Wahgoo Road Carnegie to be included in the Victorian Heritage Register.

On 11 March 2015, the Executive Director of Heritage Victoria wrote to Council to advise of his recommendation not to include 1 Wahgoo Road Carnegie in the Victorian Heritage Register. This recommendation will be heard by the Heritage Council at its 4 June 2015 meeting. The Heritage Council will ultimately decide whether 1 Wahgoo Road, Carnegie is included in the Victorian Heritage Register or not.

The Executive Director's recommendation is attached.

5. Previous Heritage AssessmentsHeritage Protection in Glen Eira

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

The process, which ultimately resulted in Glen Eira's heritage controls, ran for more than seven years, involving independent assessments, informal consultation, Statutory Notice, planning conferences, independent panels and Council Meetings. The process was quite polarising, involving the expression of very strong views both for and against additional controls over private property.

Item 9.6 (cont'd)

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

The building at 1 Wahgoo Road has a 'C' grading. A 'C' grading is a building of *"local significance, being representative of a period and/or house type and forming a supportive element in the heritage of the City. Preservation is important if a building of this quality is situated within an identified historic area"*.

The building is not within an identified historic area and was not recommended for inclusion in the heritage overlay. Council records have not disclosed any objections to the non-inclusion of the property in the heritage overlay during the planning scheme amendment and independent panel process.

The C grading was due to:

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

All three factors are illustrated in the aerial photo below.



Item 9.6 (cont'd)Heritage Assessment January 2015

A consultant (Graeme Butler and Associates) was engaged to carry out a reassessment. By comparison with the 1996 review, the reassessment placed emphasis on the historical associations of the property, linked to early land developers of the City, a former Councillor and the son of the architect of the Caulfield Town Hall. It concluded that the building should be included in the heritage overlay for these historical associations.

Executive Director of Heritage Victoria Assessment March 2015

An assessment of the cultural heritage significance of 1 Wahgoo Road, Carnegie was completed by the Executive Director of Heritage Victoria in March 2015 (Attachment 1).

The Executive Director recommends that it should not be included in the Victorian Heritage Register. Eight criteria are used to assess whether permanent protection at a State level is warranted:

Criterion A - Importance to the course, or pattern, of Victoria's cultural history

Criterion B - Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Criterion C - Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Criterion D - Importance in demonstrating the principal characteristics of a class of cultural places or objects.

Criterion E - Importance in exhibiting particular aesthetic characteristics.

Criterion F - Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Criterion G - Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.

Criterion H - Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

The nomination from a third party was made on the basis that 1 Wahgoo Road, Carnegie satisfies Criteria A, B, C, F, G and H.

The Executive Director assessed 1 Wahgoo Road, Carnegie against these and included an assessment against Criterion D. The Executive Director concluded that:

- Criteria A, D, H is *likely to be satisfied*, but *not likely to be satisfied at the State level*.
- Criteria B, C, F, G is *not likely to be satisfied*

Criteria A, D and H coincide with the conclusions of the Graeme Butler and Associates report.

A final decision on State significance will be made by the Heritage Council at its June 2015 meeting.

Item 9.6 (cont'd)**6. Public Notice**

Council's amendment for permanent heritage protection was exhibited from 26th March to 27th April 2015.

The exhibition process involved posting notices to 60 affected property owners and occupiers, posting letters to prescribed Ministers and Referral Authorities, placing a notice in the local newspaper and a notice in the Government Gazette. Amendment documentation was also placed on Council's website.

A total of 305 submissions were received. Two submissions opposed the amendment. Of the remaining submissions supporting the amendment, four were unique, with the remaining 299 support letters using a template. The submissions can be summarised as follows:

Support:

- Support the application of the heritage overlay to preserve the historic house for the future;
- It is significant because of its past owner W Lyall, who was a successful farmer and the building was the work of renowned architect Joseph Reed;
- The house is rare, well preserved late 1800's former working farm and family residence;
- It is a rare example of an early Italianate House;
- It is important to Victoria's cultural history and its location in Carnegie demonstrates the pattern of land settlement as Victoria grew.
- It is the last remaining house of its size with a tower in the area;
- The house is architecturally, historically, and culturally significant; and
The amendment should include the significant, mature vegetation noted in the Heritage Advisor's Report.

Objections:

- The amendment is ad hoc, piecemeal and does not represent orderly planning.
- The amendment lacks strategic justification;
- Heritage Victoria found that the building is not worthy of being included in the State Heritage Register;
- The building is not visible from the street because of the large front setback;
- It is not feasible to retain the old building and develop an aged care facility that meets contemporary standards given the location of the original building; and
- The social and economic benefits of an aged care facility outweigh the importance of retaining it.

7. Planning Conference

The Conference, chaired by Cr Magee, covered the following points:

- Too many Victorian houses are being demolished in the Murrumbeena/Carnegie area;
- Request that 3 significant trees be included in the Heritage Overlay and a Significant Vegetation Overlay be applied;
- It is possible to retain the building and allow for sympathetic redevelopment of the site;

Item 9.6 (cont'd)

- Old homes in Glen Eira are being demolished and being replaced with 'boxes';
- The National Trust supports the proposed amendment and request that Council consider applying internal controls;
- The brickwork is in excellent condition and the interior is in good condition;
- If it is lost, there will be nothing to remember the original homesteads that once covered the land in the area; and
- The building is the only one of its kind left in the area with a tower.
- The use of the site is significant as it has a 60 year history with aged care;
- It is not possible to have a 120 bed modern aged care facility on the site that complies with current standards and keep the house;
- There is a net community benefit in a new aged care facility over the land as Glen Eira has lost a 60 bed aged care facility and is experiencing an ageing population;
- A new 120 bed aged care facility will allow for local people to stay close to family and 'age in place';
- It is difficult for aged care providers to find large suitable sites like this one in established municipalities; and
- Due diligence was conducted by the purchasers at the point of sale. The property was not affected by any Heritage Overlay (at the point of sale).

8. Basis for Recommendation

No additional heritage consultant assessments have been provided by any party since the amendment was exhibited.

The 2015 assessment (Graeme Butler report) found 1 Wahgoo Road, Carnegie should be included in the heritage overlay because of its link to early developers of the city, a former Councilor and the son of the architect of the Caulfield Town Hall.

A number of submitters believe that the former house is the work of Architect Joseph Reed. The Executive Director of Heritage Victoria report concludes that it is the work of Sydney W Smith. The report states that *"Frogmore is an early design by Melbourne architect Sydney W Smith. Smith's work is well-represented in the VHR. Frogmore is not an outstanding or notable example of Smith's work."*

An assessment by the Executive Director of Heritage Victoria has established that it does not meet the any of the criteria for inclusion in the Victorian Heritage Register. Heritage Victoria's Interim Protection Order over the land was not renewed and expired on the 19th May 2015.

The Minister for Planning has, to date, not responded to Council's request of 4 February 2015 to place an interim heritage control over the land.

The eight criteria (A to H) used to assess Heritage significance is the same for the State Government as it is for Local Government. The difference is in the context that they are applied. For State significance, a place or object is compared against others throughout Victoria, at the "State level".

Item 9.6 (cont'd)

For this planning scheme amendment proposing permanent controls, 1 Wahgoo Road, Carnegie needs to be considered in the context of the municipality, at the local level.

The *City of Glen Eira Heritage Management Plan* assessed it at the local level; in the context of the municipality. It was assigned a 'C' grading. It did not recommend it for permanent heritage protection.

In the absence of any heritage controls, a planning permit will still be required to re-develop the site. This will involve a public notice process and the ability to lodge objections. Any decision of Council can also be challenged at the Victorian Civil and Administrative Tribunal.

9. The 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 submitters' request; or
 - Request the Minister for Planning to appoint an Independent Panel to consider the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council.
5. The Panel may make a recommendation to:
 - Adopt the amendment;
 - Abandon the amendment; or
 - Modify the amendment.
6. Council then considers the Panel Report and makes its own decision. Council is not bound by the Panel's findings. Again Council's options are to either abandon or adopt the amendment (with or without modifications).
7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval.

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

Item 9.6 (cont'd)**DECLARATIONS OF INTEREST**

Cr Delahunty declared a Conflict of Interest in this item under s78B(1)(a) of the Local Government Act as she is a Manager of a company that may have a direct interest in the matter.

8.26PM Cr Delahunty left the Chamber and Cr Pilling assumed the Chair.

DECLARATIONS OF INTEREST

Cr Esakoff made application under s79B of the Local Government Act, conflicting personal interest to be exempted from voting on this matter on the grounds that she has very close relatives who are currently looking for Aged Care places and felt that this site would not be out of the question. Cr Esakoff therefore requested to be exempted from voting.

8.27PM Cr Esakoff left the Chamber.

The Mayor asked for a show of hands of Councillors who wished to grant an exemption to Cr Esakoff. Councillors unanimously voted to grant Cr Esakoff an exemption from voting.

Crs Lipshutz/Hyams

That the recommendation in the report be adopted.

DIVISION

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

| | |
|-------------|----------------|
| FOR | AGAINST |
| Cr Lipshutz | Cr Sounness |
| Cr Hyams | Cr Lobo |
| Cr Pilling | Cr Okotel |

The Chairperson declared the Motion CARRIED on the casting vote of the Chairperson.

8.51PM Cr Delahunty and Cr Esakoff returned to the Chamber and Cr Delahunty resumed the Chair.

Attachment 1 – Heritage Victoria Assessment

**ASSESSMENT OF CULTURAL
HERITAGE SIGNIFICANCE AND
EXECUTIVE DIRECTOR
RECOMMENDATION TO THE
HERITAGE COUNCIL**



NAME FROGMORE
LOCATION 1 WAHGOO ROAD, CARNEGIE
FILE NUMBER: FOL/15/5880
HERMES NUMBER: 197426



EXECUTIVE DIRECTOR RECOMMENDATION TO THE HERITAGE COUNCIL:

- That the place NOT be included in the Victorian Heritage Register under Section 32 (1)(b) of the *Heritage Act 1995*.
- The Heritage Council may wish to consider exercising its powers under s42 (1)(d)(i) of the *Heritage Act 1995* to refer the recommendation to the Glen Eira Council for consideration of inclusion in the local Heritage Overlay.

TIM SMITH

Executive Director

Recommendation Date: 13 March 2015

NOMINATION

A nomination was accepted by the Executive Director on 21 January 2015.

The nomination was made on the basis that Frogmore satisfies the following Heritage Council criteria for inclusion in the Victorian Heritage Register:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Criterion B

Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Criterion C

Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Criterion F

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Criterion G

Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.

Criterion H

Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

The Executive Director has also deemed it appropriate to assess the place against Criterion D:

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

EXECUTIVE DIRECTOR RECOMMENDATION REASON SUMMARY

It is the view of the Executive Director that Frogmore, Carnegie should not be included in the Victorian Heritage Register (the VHR). After completing an assessment against the Heritage Council's criteria for inclusion in the VHR, the Executive Director has formed the view that the place does not satisfy the threshold for its inclusion.

The Heritage Council may wish to refer the nomination and any submissions received on the recommendation to the Glen Eira Council for consideration for inclusion of the property within the Heritage Overlay.

RECOMMENDATION REASONS

REASONS FOR NOT RECOMMENDING INCLUSION IN THE VICTORIAN HERITAGE REGISTER [s.34A(2)]

Following is the Executive Director's assessment of the place against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines (2014)*.

CRITERION A

Importance to the course, or pattern, of Victoria's cultural history.

Frogmore has been nominated against Criterion A on the basis of its importance as a pastoral property in Victoria and for its links to the pastoralists William Lyall and Archibald McLaurin.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION A

| |
|--|
| The place/object has a <i>CLEAR ASSOCIATION</i> with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history. |
|--|

Plus

| |
|--|
| The association of the place/object to the event, phase, etc <i>IS EVIDENT</i> in the physical fabric of the place/object and/or in documentary resources or oral history. |
|--|

Plus

| |
|---|
| The <i>EVENT, PHASE, etc</i> is of <i>HISTORICAL IMPORTANCE</i> , having made a strong or influential contribution to Victoria. |
|---|

Executive Director's Response

Frogmore is a small 0.8 hectare remnant of an original 85.8 hectare (212 acre) pastoral holding of William Lyall of the prosperous pastoral partnership of Mickle, Bakewell and Lyall. It holds an association with the establishment of farming properties close to Melbourne, a phase which influenced the development of Victoria. Lyall lived on this property with his family from 1857 to 1868 and occupied a timber house which no longer remains. The association with Lyall is no longer evident in the physical fabric of the place but is well recorded in documentary resources.

Evidence established to date suggests that the present house, known as Frogmore, was built in 1889-90 for Archibald McLaurin. The house therefore has an association with the important land boom period, particularly in Melbourne, and this is evident in the physical fabric of the place.

Criterion A is likely to be satisfied.

STEP 2: A BASIC TEST FOR DETERMINING STATE LEVEL SIGNIFICANCE FOR CRITERION A

The place/object allows the clear association with the event, phase etc. of historical importance to be *UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA WITH SUBSTANTIALLY THE SAME ASSOCIATION.*

Executive Director's Response

The pastoral property on which Frogmore is located was one of many established in Victoria in the mid-nineteenth century. However, like the majority of those large properties located in close proximity to Melbourne, it has been reduced to such an extent that the pastoral use can no longer be clearly understood. By contrast, pastoral properties in country Victoria, such as Glenalbyn Grange, Kingower (VHR H0779), have been retained with substantial acreage to illustrate their former use.

Frogmore is one of a vast number of houses constructed in Melbourne during the boom period, particularly in the late 1880s. Examples are extant throughout many Melbourne suburbs including large numbers in the City of Glen Eira alone. Frogmore does not allow the clear association with the important boom era to be understood any better than a large number of places throughout suburban Melbourne.

Criterion A is not likely to be satisfied at the State level.

CRITERION B

Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Frogmore has been nominated against Criterion B on the basis that it possesses uncommon, rare or endangered aspects of Victoria's cultural history as a rare example of an early Italianate house in Melbourne, surviving from the 1850s, and as a rare example of a farmhouse.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION B

The place/object has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history.

Plus

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

Plus

The place/object is *RARE OR UNCOMMON*, being one of a small number of places/objects remaining that demonstrates the important event, phase etc.

OR

The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

OR

The existence of the *class* of place/object that demonstrates the important event, phase etc is *ENDANGERED* to the point of rarity due to threats and pressures on such places/objects.

Executive Director's Response

The existing Frogmore house cannot be described as a farmhouse: it is a large house constructed on subdivided land in 1889-90. It is therefore not rare as an example of a farmhouse.

The existing Frogmore house was not built in 1857. Evidence of this has been provided in the following assessment report. The place therefore is not a rare or early example of an Italianate house. As a house built in 1889-90, Frogmore has a direct relationship with the boom period in Melbourne and this is evident in the physical fabric of the place. However the place is neither rare nor uncommon and is one of a vast number of

places that reflect this period in Melbourne. It does not contain any unusual features that could be considered rare or uncommon in houses of a similar period.

Criterion B is not likely to be satisfied.

CRITERION C

Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Frogmore has been nominated against Criterion C on the basis that it had associations with Scottish culture for over thirty years.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION C

| |
|---|
| The: <ul style="list-style-type: none">• visible physical fabric; &/or• documentary evidence; &/or<ul style="list-style-type: none">• oral history, relating to the place/object indicates a likelihood that the place/object contains <i>PHYSICAL EVIDENCE</i> of <i>historical interest</i> that is <i>NOT CURRENTLY VISIBLE OR UNDERSTOOD</i> . |
| Plus |
| From what we know of the place/object, the physical evidence is likely to be of an <i>INTEGRITY</i> and/or <i>CONDITION</i> that it <i>COULD YIELD INFORMATION</i> through detailed investigation. |

Executive Director's Response

The visible physical fabric at Frogmore does not indicate a likelihood that the place contains physical evidence of Scottish heritage that is not currently visible. No documentary or oral history evidence is available which indicates a likelihood that the place contains physical evidence of Scottish cultural heritage that is not currently visible or understood.

Criterion C is not likely to be satisfied.

CRITERION D

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION D

| |
|--|
| The place/object is one of a <i>CLASS</i> of places/objects that has a <i>clear ASSOCIATION</i> with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history. |
| Plus |
| The <i>EVENT, PHASE, etc</i> is of <i>HISTORICAL IMPORTANCE</i> , having made a strong or influential contribution to Victoria. |
| Plus |
| The principal characteristics of the class are <i>EVIDENT</i> in the physical fabric of the place/object. |

Executive Director's Response

Evidence established to date suggests that Frogmore was built in 1889-90 and therefore has an association with the Melbourne boom period. This phase was an important and highly influential period in Victoria's history. Despite the encroachment of later buildings, Frogmore displays the principal characteristics of the Italianate style of the late 1880s.

Criterion D is likely to be satisfied.

STEP 2: A BASIC TEST FOR DETERMINING STATE LEVEL SIGNIFICANCE FOR CRITERION D

The place/object is a *NOTABLE EXAMPLE* of the class in Victoria (refer to Reference Tool D).

Executive Director's Response

Frogmore is a fine, but simple, polychromatic Italianate style house which is typical of vast numbers of houses built in a similar period in Victoria. It presents no features that are particularly novel or outstanding in design that would elevate the building to State level significance. Together with a vast number of houses in Victoria, Frogmore is a good – but not notable – representative example of the late 1880s boom style. The plan form is typical, the materials used were commonly employed at the time and the design is standard. The inclusion of a tower is of interest; however it was not an unusual addition to a house built at this time.

Criterion D is not likely to be satisfied at the State level.

CRITERION F

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Frogmore has been nominated against Criterion F on the basis that it demonstrates the diversity of Joseph Reed's work and demonstrates stock breeding innovations introduced to Victoria by William Lyall.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION F

The place/object contains *PHYSICAL EVIDENCE* that clearly demonstrates creative or technical *ACHIEVEMENT* for the time in which it was created.

Plus

The physical evidence demonstrates a *HIGH DEGREE OF INTEGRITY*.

Executive Director's Response

Frogmore was not built in 1857 to designs by Joseph Reed during William Lyall's ownership. This is demonstrated in the following assessment report. The available evidence suggests that Frogmore was designed by Sydney W Smith in 1889-90 and therefore the place does not demonstrate the diversity of the work of Joseph Reed.

William Lyall undertook stock breeding and experimental planting at his property, however the existing building was constructed after his period of occupancy and the remnant land is insufficient in size and remnant agricultural fabric to demonstrate its association with Lyall's original 85.8 hectare holding. The place does not contain any physical evidence of these practices.

Criterion F is not likely to be satisfied.

CRITERION G

Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to indigenous people as part of their continuing and developing cultural traditions.

Frogmore has been nominated against Criterion G on the basis that it has strong links to spiritual meetings and church services.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION G

Evidence exists of a *DIRECT ASSOCIATION* between the place/object and a *PARTICULAR COMMUNITY OR CULTURAL GROUP*.

(For the purpose of these guidelines, 'COMMUNITY or CULTURAL GROUP' is defined as a sizable group of persons who share a common and long-standing interest or identity).

Plus

The ASSOCIATION between the place/object and the community or cultural group is *STRONG OR SPECIAL*, as evidenced by the regular or long-term use of/engagement with the place/object or the enduring ceremonial, ritual, commemorative, spiritual or celebratory use of the place/object.

Executive Director's Response

Although owned by a group with religious affiliations, no evidence has been provided to indicate strong links between the place and a particular religious community.

Criterion G is not likely to be satisfied.

CRITERION H

Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Frogmore has been nominated against Criterion H on the basis of its links to William Lyall and Archibald McLaurin.

STEP 1: A BASIC TEST FOR SATISFYING CRITERION H

The place/object has a *DIRECT ASSOCIATION* with a person or group of persons who have made a strong or influential *CONTRIBUTION* to the course of Victoria's history.

Plus

The ASSOCIATION of the place/object to the person(s) *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources and/or oral history.

Plus

The ASSOCIATION:

- directly relates to *ACHIEVEMENTS* of the person(s) at, or relating to, the place/object; or
- relates to an *enduring* and/or *close INTERACTION* between the person(s) and the place/object.

Executive Director's Response

The available evidence suggests that the existing Frogmore house appears to have been built for Archibald McLaurin in 1889-90, twenty years after he purchased the Frogmore property from William Lyall. The land on which Frogmore is located has an association with William Lyall who owned and lived at the property (in a different house) from 1857 to 1868 and used it for breeding stock and farming. Together with partners Mickle and Bakewell, William Lyall was a prosperous pastoralist who took up several pastoral runs in Victoria. Lyall was to become a well known pastoralist, farmer, stock and horse breeder, parliamentarian, local councillor and acclimatisation enthusiast in Victoria. Many of these roles were undertaken while residing on land that now contains Frogmore. Although not evident in the physical fabric of the place, documentary sources clearly confirm this association with the place.

The property has a direct association with pastoralist Archibald McLaurin, who owned and lived at the property from 1868 until his death in 1891. McLaurin is noted as one of the first overlanders, grazing the area that became Brighton and subsequently leasing Mordialloc Station. Joining his brother, he amassed a large number of southern Riverina properties before moving to Frogmore at the age of 53, where he continued his pastoral interests. McLaurin was active in the community and was a Caulfield Shire Councillor. Documentary sources confirm this association.

Frogmore is an early design by Melbourne architect Sydney W Smith. The partnership of Sydney Smith & Ogg, formed in 1889, made an important contribution to architecture in the state with Art Nouveau-inspired design from 1901, including Milton House (1901, VHR H0582), the State Savings Bank, Yarraville (1909, VHR H0723) and hotel designs, including the Prince Albert Hotel, Williamstown (1915-16, VHR H1793).

Criterion H is likely to be satisfied.

STEP 2: A BASIC TEST FOR DETERMINING STATE LEVEL SIGNIFICANCE FOR CRITERION H

The place/object allows the clear association with the person or group of persons to be *READILY APPRECIATED BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA*.

Executive Director's Response

William Lyall and his family lived at Tooradin in the Western Port Bay district in 1852-53 and returned to live in the area after leaving the Frogmore property. Lyall maintained ownership of property at Tooradin while living at Frogmore and used the property for additional stock breeding and experimental planting. Lyall's passion for the Western Port Bay district attracted him back to Tooradin and in 1868 the family moved permanently to Harewood (VHR H0284), which was built for Lyall. William Lyall continued to live there for twenty years until his death in 1888 and the property subsequently remained in the Lyall family until the 1960s.

Harewood, Tooradin is included in the VHR and is considered to have strong associations with the pastoralist, William Lyall. These associations are appreciated expressed at Harewood than at Frogmore.

Archibald McLaurin was active in the community and was a Caulfield Shire Councillor. Documentary sources demonstrate his strong contribution at a local level; however insufficient evidence is available to demonstrate that McLaurin made a strong or influential contribution to the course of Victoria's history.

Frogmore is an early design by Melbourne architect Sydney W Smith. Smith's work is well-represented in the VHR. Frogmore is not an outstanding or notable example of Smith's work.

Criterion H is not likely to be satisfied at the State level.

ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

EXECUTIVE DIRECTOR'S ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE [s.34A(2)(d)]

Frogmore, Carnegie is not of sufficient cultural heritage significance to be included in the Victorian Heritage Register.

DESCRIPTION

Frogmore is a single storey late Victorian Italianate brick house with hipped tiled roof, surrounding verandah and adjoining tower to the east. It contains six main rooms placed either side of a central passage, a cross hall leading to tower stairs, two rear rooms and a modified service wing to the rear. A number of later buildings, added as the place was developed as an aged care facility, encroach upon the house. The exterior of the north portion of the house in particular has been obscured, however the form of the main section of the original place remains largely intact at the core of the developed facility.

Built of red brick, contrasting cream brick has been used as quoining at the corners of the building, tower and chimneys and to highlight window and door openings. The main entrance has been obscured by an addition to the front of the house, however the opening remains flanked by two polygonal bay windows. Cast iron verandah detailing to the east of this central addition, and along the east facade of the house, has been replaced with later decorative frieze, brackets and columns. Original cast iron verandah columns, with makers plate 'Cochrane and Scott, Makers, Melbourne', remain to the west of the addition, however friezes and brackets have been removed. Pairs of timber consoles line the eaves of the house and five dichromatic chimneys with render detailing remain. Three full length window openings on either side of the house provide direct access from the front six rooms to the surrounding verandah.

The brick tower, with a plain crowning cornice, is divided into three sections by stringcourses. The lower section contains single arched openings, the middle level contains a bulls eye window on the east side and the upper level contains pairs of arch headed windows. Corners of the tower incorporate a distinctive and more complex cream brick pattern from that of the body of the house. A later single storey building abuts the east side of the tower.

The interior of the house retains some original decoration, including pilasters with arches, a corbelled arch, plain cornices and stair balustrading. The tower, with viewing platform, remains accessible.

RELEVANT INFORMATION

LOCAL GOVERNMENT AUTHORITY Glen Eira

HERITAGE LISTING INFORMATION

- **Heritage Overlay:** No – interim Heritage Overlay control requested
- **Other listing:** No

HISTORY

History of the Frogmore Property

The present Frogmore house is situated on the northern boundary of Crown Allotment 76 in the Parish of Prahran, which was purchased by J Mickle and J Bakewell in 1853. This allotment was located in the eastern section of the parish, between the present Koornang and Murrumbeena Roads. Mickle and Bakewell sold Crown Allotment 76 to the third member of their prosperous pastoral partnership, William Lyall, in 1854 and within the next four years Lyall had acquired part of the allotment to the north, CP5A, and two allotments east of Murrumbeena Road, CP77 and CP78. By 1859 his total holding at Frogmore, Murrumbeena was 85.8 hectares (212 acres). On this property Lyall built a 5-roomed timber house in c1857 and his family resided at the property until 1868. The location of this timber house, which remained until at least 1863, has not been determined.

In October 1856 architect Joseph Reed called tenders for an 'Italian villa residence' to be erected for William Lyall near St Kilda. For a number of years it has been assumed that this was the existing brick house known as Frogmore, however this is not the case. Available Rate Books clearly record the presence of a timber house from 1858 until at least 1863. William Lyall had other land holdings in the St Kilda area, including eight acres at the corner of Balaclava and Orrong Roads which he owned from 1853 to 1859 (the site of the present house, Labassa). This tender may have referred to a house built on another of his properties.

William Lyall bred cattle, sheep and horses at the Frogmore property after returning from a trip to England and Scotland in 1856 and settling at the property. He imported Hereford cattle, Cotswold sheep, Shetland ponies, Romney Marsh sheep and thoroughbred horses, and used this and other properties for breeding and experimenting with various plants. Lyall was to become a well known pastoralist, farmer, stock and horse breeder, parliamentarian, local councillor and acclimatisation enthusiast in Victoria.

The Mickle, Bakewell and Lyall partnership acquired large land holdings in Victoria in the 1850s, particularly in the Western Port region, and it was to a newly built house named Harewood at Tooradin that Lyall and his family moved in May 1868. At this time Lyall sold the 85.8 hectare Frogmore property to another well known pastoralist, Archibald McLaurin who continued stock breeding activity at the property. Like Lyall, McLaurin became involved in local affairs, as a Caulfield Road District Board member in 1869 and local councillor in the 1870s.

Accessible Rate Books indicate that by 1871 McLaurin owned an 8-roomed brick house on 73.6 hectares (182 acres) at Frogmore. The location and date of construction of this house have not been established, however it was built between 1863 and 1871. In c1887 McLaurin's property was reduced in size to 37.2 hectares (92 acres) reflecting his subdivision and sale of land at the height of the boom period in Melbourne. Rate Books record that he also held an additional 12 hectares (30 acres) which may have adjoined the larger allotment. One land sale, described as the 'second subdivisional sale of the Murrumbeena Estate', was advertised in the *Argus* in October 1888. Land sold at this time comprised largely of property to the east of Murrumbeena Road.

There are many indications that Archibald McLaurin had a new house constructed at Frogmore in 1889-90, following subdivision of his property. These include:

- McLaurin's brick house (without land) on the 37.2 hectare allotment was valued at £60 in the Rate Book of 1888/89. By 1890 a ten roomed brick house on the same allotment was valued at £250 (again without land).
- A written description in the 1889 Rate Book refers to the house on McLaurin's 37.2 hectare property 'being pulled down'.

- There are records relating to the acceptance of tenders by Sydney W Smith in June 1889 for erection of a brick villa residence for A McLaurin at Murrumbeena [*Building Engineering and Mining Journal*, 22 June 1889, s p 3]
- There are records relating to the calling for tenders from bricklayers for a 'large villa with tower for Archibald McLaurin, Frogmore, Murrumbeena, near station', by J Wickson [*Argus* 4 November 1889, p 3]. These tenders were presumably called by the successful tenderer, possibly James Dickson, a known Melbourne builder, rather than J Wickson. Coincidentally Rate Books list Dickson as the owner of 19 properties, east of Murrumbeena Road in 1888, and on his death in 1901 he had retained ownership of part of CP77, fronting Murrumbeena Road. [Wills & Probate records, PROV].

McLaurin died in 1891 and Frogmore was advertised for let in the *Argus* 19 July 1899, p 3. At this time it was described as a handsome villa of 10 rooms with offices, stabling and complete outbuildings, garden, orchard on 6.5 hectares (16 acres) or 50.6 hectares (125 acres). A similar advertisement described the property as 4 hectares (10 acres) in 1904.

Brighton doctor, Adolph Frederic Seelenmeyer, acquired over 46.9 hectares (116 acres) of the northern section of the remaining Frogmore estate in 1911. He undertook further subdivision and sold the 1.6 hectare (4 acre) house lot to John G Thompson in 1912. Thompson undertook his own subdivision of the remaining house lot while living at Frogmore (renamed Hethersett as indicated on some plans) by forming the J G Thompson Estate which was offered for sale in 1917. This comprised thirteen building allotments to the west and south of the existing house.

Ludbrook Menck, manufacturer and stock breeder, acquired Frogmore house in 1920 and charity events held there during his occupancy were reported in the press at the time. The property was sold to the Keys family in 1924 and remained in their ownership until 1946 when it was purchased by the Church of Christ in Victoria for conversion into a hospital. The surrounding 0.8 hectare (2 acre) property provided the opportunity to construct additional wards and associated buildings. Major additions were made in 1949 (since demolished), 1966 and 1990 however the original house has been retained as the core of the developed facility.

Additional evidence for dating the place

In addition to historical information provided, there are physical and architectural characteristics that confirm that the house was not built in 1857. These include:

- The earliest example of fully developed polychromatic brickwork identified in Victoria, and possibly Australia, appears to be All Saints/St Margaret's Anglican Church, Eltham (1861-62) by Nathaniel Billing. The best known examples in Victoria are also amongst the earliest, these being the churches and houses erected in Melbourne in the 1860s by Joseph Reed after his return from a trip to Europe in 1864 where he viewed medieval brick architecture. Polychromatic houses include Canally, East Melbourne (1864), Euro-Reko, St Kilda (1865) and Ripponlea (1868) and churches include St Jude's, Carlton (1866-70) and the former Independent Church, Collins Street (1867).
- Original cast iron verandah columns have been retained at the south-west corner of the house. The corner column retains a makers mark which reads 'Cochrane & Scott. Makers. Melbourne'. This prolific firm of Melbourne iron makers was established in 1879 and continued production for a number of years. [R A Vowells. *Victoria's Iron Lacework. The Founders*, Part A, Parkville 2012]
- Decorative cast ironwork, evident in an early photograph of the house, was not available in the late 1850s. In fact even in the 1870s ironwork designs were simple and often geometric and tended to feature open, less intricate patterns. The production of decorative cast ironwork peaked in the late 1880s with large numbers of new designs registered by local foundries in 1886 and 1887. This

coincided with the boom years in Melbourne and the subsequent extravagant residential design of large numbers of houses.

Architect of Frogmore, Sydney Wigham Smith

The architect of Frogmore, Sydney Wigham Smith, learnt his profession from his father, Sydney William Smith, who was responsible for the design of a number of buildings as engineer and municipal surveyor in suburban Melbourne, including the Caulfield Town Hall. After the death of his father in 1886, Sydney Wigham Smith continued his business and produced a considerable amount of work, including houses, shops, hotels and commercial buildings. He formed the partnership Sydney Smith & Ogg with Charles Ogg in 1889 and this firm became best known for their Art Nouveau-inspired work in the early twentieth century, such as Milton House (1901, VHR H0582) and the State Savings Bank, Yarraville (1909, VHR H0723) and hotel designs, including the Prince Albert Hotel, Williamstown (1915-16, VHR H1793).

Frogmore was one of a number of houses for which Sydney W Smith called tenders between 1886 and 1889.

CONSTRUCTION DETAILS

Architect name: Sydney Wigham Smith

Architectural style name: Italianate

Builder name: J Dickson?

Construction started date: 1889-90

VICTORIAN HISTORICAL THEMES

04 Transforming and managing land and natural resources

4.4 Farming

06 Building towns, cities and the garden state

6.7 Making homes for Victorians

INTEGRITY/INTACTNESS

Frogmore retains much of its original fabric however later building development surrounds the original house, reducing its integrity. Additions made to each side of the building have generally resulted in minimal interference with the existing fabric. As a result, the original form of the place is discernible from the surviving fabric.

The original roof slates have been replaced with glazed tiles, gutters have been replaced, verandah floors have been concreted and the decorative cast ironwork of the eastern facade has been replaced with more recent aluminium frieze and brackets. Internally all fireplaces have been blocked, dado wall panelling and handrails inserted and some of the features, such as architraves, may have been replaced. (February 2015)

CONDITION

The place is generally in good condition with the redevelopment of the building into an aged care facility resulting in a high level of maintenance of the fabric. The brickwork is in excellent condition with no cracking evident. Interior finishes of the upper level of the tower are in poor condition. (February 2015)

COMPARISONS

Late 1880s/early 1890s Italianate houses included in the VHR

The Italianate style is commonly characterised by asymmetrical massing, low hipped roofs, eaves elaborated by classical detail and plain stuccoed walls. These characteristics were evident as early as the 1850s and continued to the end of the nineteenth century, with an increase in the use of exposed brickwork and the associated introduction of polychromatic brickwork, as well as the introduction of such decorative features as cast iron lacework. These innovations became increasingly popular in the 1870s, 1880s and early 1890s and can be seen in vast numbers of large and small suburban houses throughout Melbourne.

There are numerous examples of Italianate houses from the late 1880s listed in the VHR. These are included for their notable architectural significance and/or for significant historical associations. Many of these are large and distinctive houses from this period.

1. Single storey houses built in the late 1880s/early 1890s

Lord Lodge, Caulfield East (VHR H0071)

Lord Lodge is a thoroughbred racehorse training complex adjacent to Caulfield Racecourse, established in 1890. The area immediately around the racecourse has been associated with horse racing activities and businesses servicing the industry since the development of the racecourse in late the 19th century. A single storey brick Italianate villa, with asymmetrical facade, faceted bay window and prominent central tower is part of the complex. The complex is of historical significance as a rare example of a late nineteenth century metropolitan racehorse training facility and of architectural significance as a substantially intact group of buildings which retain original features and fabric. The villa itself is highly representative of Italianate or Boom period architecture albeit a relatively modest form when compared to a large number of examples.



Lord Lodge Villa, Caulfield East (VHR H0071)

Clowance, Golden Point VHR H1898

Clowance was built in 1892-93 to the design of local architect WE Gribble and has architectural significance as an innovative and intact example of a transitional style between Victorian Italianate and Federation Queen Anne. It is a single storey brick bichromatic building, Italianate in form, with asymmetrical facade, a patterned hipped slate roof and unusually detailed Tudor style chimneys and projecting, rendered bay windows, one with a battlemented parapet and another with a raised pediment. The interior of the house is

also notable with timber detailing, marbling, frescoes, leadlight door surrounds, woodgraining, marble fire surrounds and a variety of decorative ceilings including coved, papier mâché and rattan ceilings.



Clowance, Golden Point (VHR H1898)

2. Two storey houses built in the late 1880s/early 1890s

There are a large number of two storey houses of this period included in the VHR. These include polychromatic examples such as Deloraine Terrace and Rippon Lea.

Deloraine Terrace, 499-507 Royal Pde, Parkville (VHR H0098)

Deloraine Terrace was built in 1886-87 as a row of five terrace houses which give the appearance of an imposing single residence. Surrounded by grand single houses along Royal Parade, this terrace is of architectural significance as an exceptionally fine, elaborate and unusual example of a late Victorian polychromatic brick terrace.



Deloraine Terrace, Parkville (VHR H0098)

Rippon Lea, Elsternwick (VHR H0614)

The core of the house at the Rippon Lea estate was built for Frederick Sargood in 1868 to designs by architect Joseph Reed. Further additions were made in the 1880s and into the twentieth century. It is of significance as one of the largest and most intact estates in Victoria, developed by prominent Victorian

businessman and politician, Frederick Sargood, over a period of thirty-five years and of architectural significance as one of the finest extant domestic examples of polychromy by Joseph Reed.



Rippon Lea, Elsternwick (VHR H0614)

The following houses are examples of large houses included on the VHR as representative examples of their style and their associations with the Melbourne boom period:

Cullymont & Eyre Court, Canterbury (1890, VHR H0811) which has additional significance as an unusual pair of integrated buildings.

Frognall, Canterbury (1888-89, VHR H0707) which has additional significance for the retention of original outbuildings and stables.

Wardlow, Parkville (1888, VHR H1922) which has additional significance for its fine and intact interiors.

Labassa, Caulfield (1890 remodelling of 1862 & 1873 house, VHR H0135) which has additional significance as a prominent example of the French Renaissance style with German overtones, for its outstanding interior decoration and as the most important work of the architect J A B Koch in Victoria.

Comparison to nominated place

As a simple, and largely typical, Italianate style house from the late 1880s, Frogmore does not present any features that are particularly novel or outstanding in design that would elevate the building to State level significance. Together with a large number of houses in Victoria, Frogmore is a good representative example of the late 1880s boom style. The plan form, interior decoration and materials used are typical of the period. The inclusion of a tower and the use of polychromatic brickwork are of interest however neither were uncommon in residential work at the time.

Late 1880s Italianate houses not included in the VHR but included in the City of Glen Eira Planning Scheme Heritage Overlay

A number of houses included in the local heritage overlay provide comparison with Frogmore. These include two storey houses at 11, 12 and 15 Gladstone Parade, Elsternwick which were built using polychromatic brickwork in 1888-89. These are all substantial houses which appear to retain a high degree of integrity. A fourth house, built in 1890 and located at 225 North Road, Caulfield incorporates a substantial tower and polygonal corner bay with pyramidal roof.



11 Gladstone Parade, Elsternwick (HO22)



12 Gladstone Parade, Elsternwick (HO22)



15 Gladstone Parade, Elsternwick (HO22)



225 North Road, Caulfield (HO49)

Comparison to nominated place

Frogmore exhibits characteristics that are consistent with a number of other examples in the City of Glen Eira Heritage Overlay. Many other suburban municipalities contain similar examples of houses built at a similar time to Frogmore. This demonstrates that a vast array of examples of similar houses remain in the State of Victoria.

Work of architect Sydney Wigham Smith

Sydney Wigham Smith designed a diverse range of buildings including hotels, banks, houses, shops and churches. Smith made his most notable contribution to architecture in Victoria in the partnership Sydney Smith & Ogg, with Art Nouveau-derived designs in the early twentieth century, including Milton House, Flinders Lane, Melbourne in 1901 (VHR H0582), a number of State Savings Banks including that at Yarraville in 1909 (VHR H0723) and a number of hotels including the Prince Albert Hotel, Williamstown (1915-16, VHR H1793).



Milton House, Flinders Lane, Melbourne, 1901 (VHR H0582) & S S Bank, Yarraville, 1909 (VHR H0723)

Comparison to nominated place

Frogmore is an early example of Smith's work and is of interesting, but not notable, design.

KEY REFERENCES USED TO PREPARE ASSESSMENT

City of Caulfield Rate Books, 1858-63, 1871-92, Public Records Office Victoria

Various newspaper and journal references from 1857 onwards

Various diaries, letters and transcripts of William Lyall, State Library of Victoria

Mary G Lyall Davis. William Lyall of 'Harewood'. A family history. Yarra Glen 1993

Peter Murray & John Wells. *From Sand, Swamp and Heath...a History of Caulfield*. Caulfield 1980

Graeme Butler & Associates Heritage Assessment of Frogmore for City of Glen Eira, 2015

ADDITIONAL IMAGES/MAPS



Map showing location of Frogmore.



Aerial photograph of Frogmore, showing building development surrounding the original house.



Detail of tower.



Detail of western wall of main house, with original verandah columns.



Detail of polygonal bay and polychromatic brickwork.



South elevation showing c1990s addition to front of the original house.



Detail of original front entrance of house, contained within c1990s addition.



View to front entrance.



Detail of stair to tower.



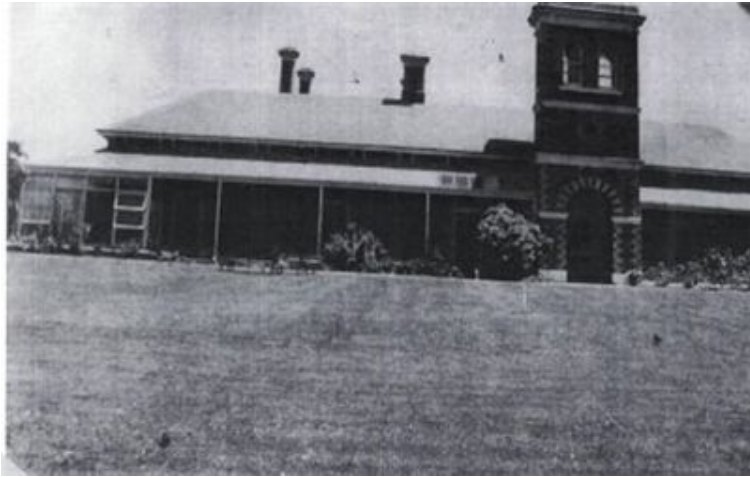
View to south from tower.



MMBW detail plan 2853 (1919) showing remaining allotment with Frogmore house.



Photograph of Frogmore from c1920s.



Photograph of Frogmore from c1950s

Note the removal of iron lacework from verandah and glazed southern corner of verandah.

Item 9.7

36 Brewer Road BENTLEIGH
APPLICATION NO. GE/PP-27052/2014/A

File No: GE/PP-27052/2014/A
Enquiries: Karoline Ware
Manager Statutory Planning



APPLICATION SUMMARY

| | |
|---|---|
| PROPOSAL | <p>The existing permit allowed: <i>"Construction of extensions to an existing dry cleaning factory and a reduction of car parking requirement associated with the cafe use"</i></p> <p>The amendment seeks to amend the preamble to include: <i>Use of the land for the sale and consumption of liquor, and alterations to hours of operation (Condition 5)</i></p> |
| RECOMMENDATION | Notice of Decision to Amend a Planning Permit |
| KEY ISSUES | <ul style="list-style-type: none"> Residential Amenity |
| MUNICIPAL STRATEGIC STATEMENT | Business |
| APPLICANT | District Brewers Pty Ltd |
| PLANNING SCHEME CONTROLS | Commercial 1 Zone |
| EXISTING LAND USE | Cafe |
| PUBLIC NOTICE | <ul style="list-style-type: none"> 18 properties notified 26 notices sent (owners and occupiers) 2 signs erected on site 43 objections received |
| Application fee payable (fee increased by the State Government in 2009) | \$502.00 |

Item 9.7 (cont'd)**1. Community Plan**

Town Planning and Development.

2. Recommendation

That Council:

- Issues Notice of Decision to Grant an Amended Planning Permit for *Use of the land for the sale and consumption of liquor, and alterations to hours of operation associated with the café use*, for Application No. GE/PP-27052/2014/A in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne

Glen Eira City Council

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

4. Reasons For Recommendation

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

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

Item 9.7 (cont'd)

Objections received relate to parking within the area, and associated amenity and safety impacts. As no additional patrons are proposed, no requirement for additional parking is required.

The objections also detail the lack of loading and unloading spaces, however Condition 4 of the existing Permit will be retained to ensure that all deliveries are conducted on the site.

The application proposes the sale and consumption of liquor within an area outlined in red on the submitted documents (both indoor and outdoor). The applicant has permission for external seating adjacent to Brewer Road.

The objections state the potential impacts of alcohol sales upon surrounding residents, and predominantly upon children visiting the nearby school and child care centres.

The objections also indicate a concern in relation to the potential for disruption and amenity harm as a result of violent or unruly drunken patrons, in the residential area. However, the proposal to serve alcohol with meals at the café is typical of other cafes throughout Melbourne.

Item 9.7 (cont'd)

A condition in relation to the responsible service of alcohol is considered reasonable.

Concerns have been detailed in relation to waste storage and collection, and the potential increase in the disposal of glass bottles and similar items will raise potential for noise, particularly in the early morning and evening hours. A condition relating to the storage and disposal of waste is recommended.

The application seeks permission to extend hours to enable operation between 7am and 9pm every day, in comparison to the current 6am to 6pm hours.

The later starting hours will represent an amenity improvement for nearby residential properties, reducing the need for pre-opening operations to be conducted in the earlier hours of the day.

It is not considered that the extension of hours will result in any conflicts with the operation of school/care facilities in the area. It is also considered unlikely that an extension of operating hours into the early evening would result in any detrimental impacts upon residential amenity.

The opening hours of the premises is not of substantial concern, but the use of the external areas is a more sensitive issue. It is therefore proposed that Condition 5 is amended to facilitate the new opening hours, but to restrict the use of the external areas after 8pm.

Item 9.7 (cont'd)**APPENDIX**

ADDRESS: 36 Brewer Road, Bentleigh
APPLICATION NO: GE/PP-27052/2014/A

1. Proposal

The application seeks an amendment to the original permit, to modify the hours of operation and to allow the sale and consumption of liquor.

2. Public Notice

- 18 properties notified
- 26 notices sent (owners and occupiers)
- 2 signs erected on site
- 43 objections received

The objectors' concerns are summarised as follows:

- Impact upon neighbourhood character
- Impact upon traffic and car parking
- Relationship with surrounding properties within Neighbourhood Residential Zone
- Impact upon amenity as a result of noise
- Detrimental impact upon safety as a result of alcohol sales
- Impact upon property value
- Amenity harm as a result of additional hours
- Anti-social behavior as a result of intoxicated patrons.

3. Planning Conference

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

- The impact of the proposed licence upon car parking
- The proposal is inconsistent with the residential area – further commercial development will compound problems (primarily in relation to traffic)
- There were recent uses of the site in which alcohol was consumed. The applicant stated that operations were through an external caterer licence.

Undertakings by the Applicant

The applicant detailed that he would take action to ensure that waste is no longer left on the Todd Street nature strip at times other than agreed collection times.

Item 9.7 (cont'd)**4. Conditions**

1. Before the commencement of the development and use, 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 “proposed layout” sheet TP20A but modified to show:
 - (a) The site shown in its entirety to scale and dimensioned clearly delineating the uses on the land. Crossovers are to be shown on the plan
 - (b) One car parking space to be allocated to the dry cleaner and clearly marked on the plans
 - (c) An elevation of the proposed gates, to scale and dimensioned.
2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
3. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with
 - (c) the plans;
 - (d) surfaced with an all weather sealcoat;
 - (e) drained;
 - (f) Line-marked to indicate each car space and all access lanes;to the satisfaction of the Responsible Authority

Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
4. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
5. The premises shall only be open to the public between the hours of 7am and 9pm. The external seating areas of the property (to the front and rear of the main building) shall not be used after 8pm, in the interests of residential amenity.
6. No more than 55 patrons may be present on the site at any one time.
7. No more than 5 staff members may be present on the site at any one time
8. One on-site car space is to be allocated to the existing dry cleaning shop and clearly marked as such on-site.

Item 9.7 (cont'd)

9. This permit will expire if:

- The development and use 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.

10. At all times during the operation of the use, there must be present on the premises a person, over the age of eighteen (18) years, who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, to the satisfaction of the Responsible Authority.
11. The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.
12. Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).
13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose.
14. Prior to the commencement of the use hereby approved, 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 uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
 - 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.
 - 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.

Item 9.7 (cont'd)

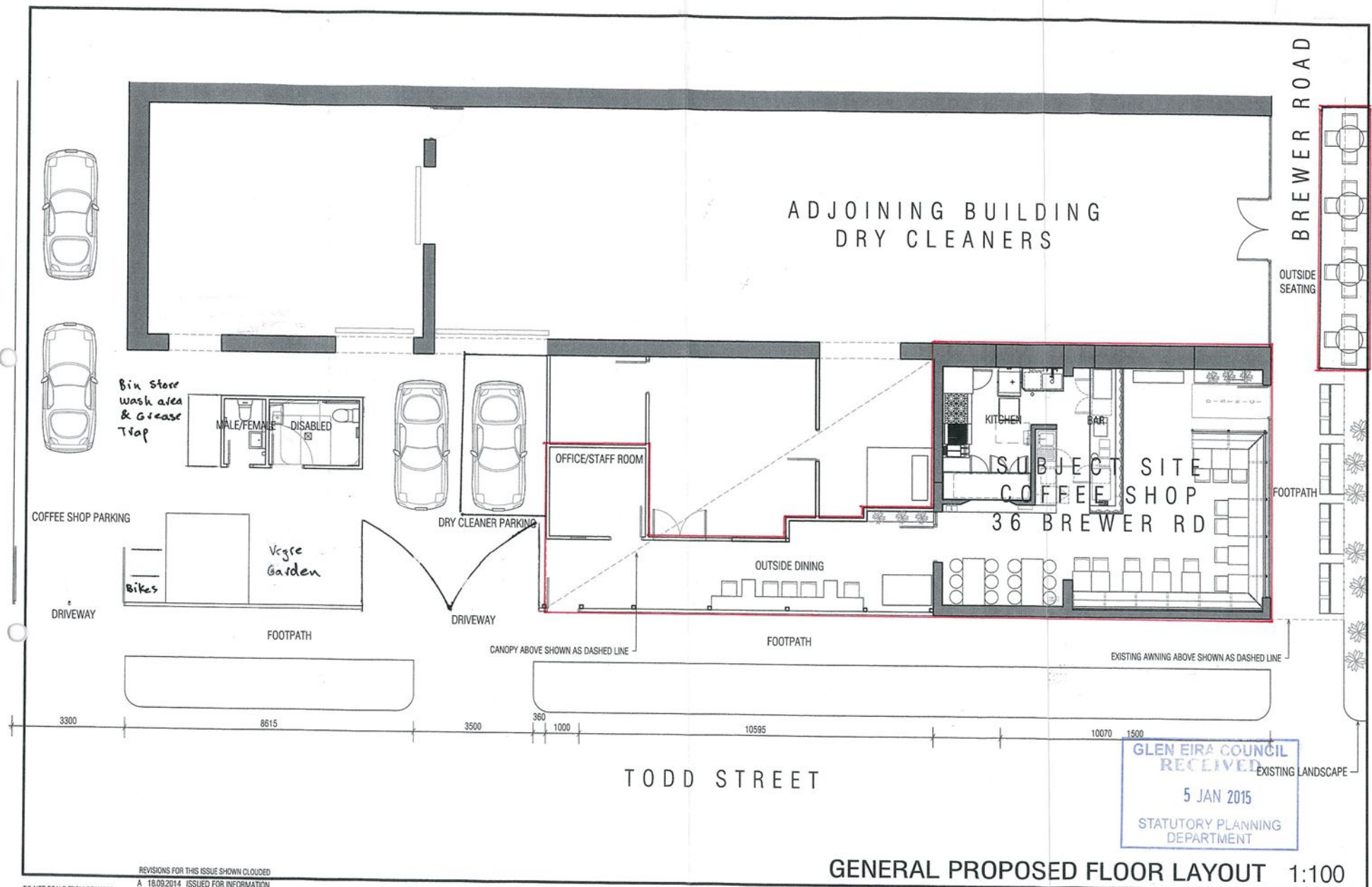
- Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
- Details for best practice waste management once operating, paying particular attention to the storage and disposal of glass waste. Practices should ensure that no harmful impacts as a result of noise are realised, and that operations are conducted at times which will not impact upon neighbouring amenity.

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.

Crs Hyams/Okotel

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.



| | |
|--|---|
| DISTRICT BREWER | PLANNING PERMIT |
| ADDRESS 36 BREWER ROAD BENTLEIGH 3204 | PRINT SIZE A3 DRAFTED CHECKED ORIG. ISSUE 20/10/2014 |
| CLIENT L.H.A.H & D.B. | NORTH |

TP201A



PLANNING PERMIT

GLEN EIRA PLANNING SCHEME

RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

| | |
|-------------------------|---|
| PLANNING PERMIT NUMBER: | 36264/A |
| ADDRESS OF THE LAND: | 36 Brewer Road BENTLEIGH VIC 3204 |
| APPLICANT: | District Brewer |
| THE PERMIT ALLOWS: | Construction of buildings and works (for the dry cleaner) and the reduction of the carparking requirement associated with a food and drink premises (café) and the dry cleaner in accordance with the endorsed plans. |

This Permit was corrected pursuant to Section 71 of the Planning and Environment Act 1987 by amending the wording of Conditions 5-7 on 1 December 2014.

This Permit was amended pursuant to Section 74 of the Planning and Environment Act 1987 by amending the permit preamble, replacing Conditions 1- 3 and the addition of Conditions 1 and 4-8 on 26 September 2014.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the commencement of the development and use, 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 "proposed layout" sheet TP20A but modified to show:
 - (a) The site shown in its entirety to scale and dimensioned clearly delineating the uses on the land. Crossovers are to be shown on the plan.
 - (b) One car parking space to be allocated to the dry cleaner and clearly marked on the plans.
 - (c) An elevation of the proposed gates, to scale and dimensioned.

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

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
3. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;

DATE ISSUED: 29 October 1964

SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY

IMPORTANT – REFER TO
NOTES ON LAST PAGE

PAGE 1 OF 3



PLANNING PERMIT
GLEN EIRA PLANNING SCHEME
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

PLANNING PERMIT NUMBER: 36264/A

Conditions Continued -

(b) properly formed to such levels that they can be used in accordance with the plans;

(c) surfaced with an all weather sealcoat;

(d) drained;

(e) line-marked to indicate each car space and all access lanes;

to the satisfaction of the Responsible Authority.

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

4. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
5. The cafe use must operate between the hours of 6am to 6pm.
6. No more than 55 patrons may be present in the cafe at any one time.
7. No more than 5 staff members may be present in the cafe at any one time.
8. One on-site car space is to be allocated to the existing dry cleaning shop and clearly marked as such on site.
9. This Permit will expire if:
 - The development and use 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.

Conditions End

DATE ISSUED: 29 October 1964

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

**IMPORTANT - REFER TO
NOTES ON LAST PAGE**

PAGE 2 OF 3

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a Permit granted under Division 5 of Part 4 of the Planning and Environment Act 1987)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - (ii) the date on which it was issued, in any other case.

COPY

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan or subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development, or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision -
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under the permit before the expiry.

WHAT ABOUT APPEALS?

- * The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Tribunal, in which case no right of review exists.
- * An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- * An application for review is lodged with the Victorian Civil & Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.
- * Application for review forms and guides are available at www.vcat.vic.gov.au, Ground Floor 55 King Street Melbourne or by contacting VCAT customer service on (03) 9628-9777.

(LAST PAGE OF PERMIT)

Item 9.8

345 Hawthorn Road CAULFIELD
APPLICATION NO. GE/PP-27710/2015

File No: GE/PP-27710/2015
Enquiries: Karoline Ware
Manager Statutory Planning



APPLICATION SUMMARY

| | |
|---|---|
| PROPOSAL | Display of business identification signage |
| RECOMMENDATION | Planning Permit |
| KEY ISSUES | Appearance |
| MUNICIPAL STRATEGIC STATEMENT | Business |
| APPLICANT | K.I. Penhalluriack Nominees Pty Ltd |
| PLANNING SCHEME CONTROLS | <ul style="list-style-type: none"> General Residential Zone (Schedule 2) |
| EXISTING LAND USE | Retail premises |
| PUBLIC NOTICE | <ul style="list-style-type: none"> 18 properties notified 52 notices sent (owners and occupiers) 1 sign erected on site 0 objections received |
| Application fee payable (fee increased by the State Government in 2009) | \$102.00 |

Item 9.8 (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 Planning Permit for Application No. GE/PP-27710/2015 allowing the display of business identification signage in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17th May 1999 and approved by the Minister on 5th August 1999.

4. Reasons For Recommendation

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

- Council's MSS
- Other relevant considerations of the planning scheme.

It is considered that the proposed signs are appropriate for the commercial context and use of the site which operates primarily as a hardware store (Penhalluriack's). Although views into the premises will be obscured, (only the glazed area above the signs will be transparent), the proposed signage is uncluttered and streamlined in appearance and is appropriately designed and located to readily identify the nature of the business. At present there is a large amount of stock stored within the premises directly behind the glass, which does not promote an active frontage. Thus it is considered that the signs will improve the visual appearance of the building's façade.

The proposed signs provide a similar treatment to the façade of the building across the road at the Blood Donor Centre, thus they will be compatible with the type and scale of existing signage in the streetscape.

It is considered the signs will not result in any detriment to adjoining sites as they will only be visible from adjacent commercial properties. The signage is not proposed to be illuminated and it is considered it will not have any impact on road safety.

Item 9.8 (cont'd)**APPENDIX**

ADDRESS: 345 Hawthorn Road, Caulfield
APPLICATION NO: GE/PP-27710/2015

1. Proposal

(Refer to attached plans)

Features of the proposal include:

- Display of business identification signage in the form of vinyl posters with graphic images to the glazed façade of the building.
- The signage will measure 2 metres in height with an overall width of 15.24 metres.

2. Public Notice

- 18 properties notified
- 52 notices sent (owners and occupiers)
- 1 sign erected on site
- 0 objections received

3. Conditions

1. The location of the sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
2. This Permit will expire if the advertising sign is not displayed within two (2) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before the Permit expires or within the six (6) months after the expiry date.

3. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
4. This Permit expires 15 years from the date of issue.

Notes:

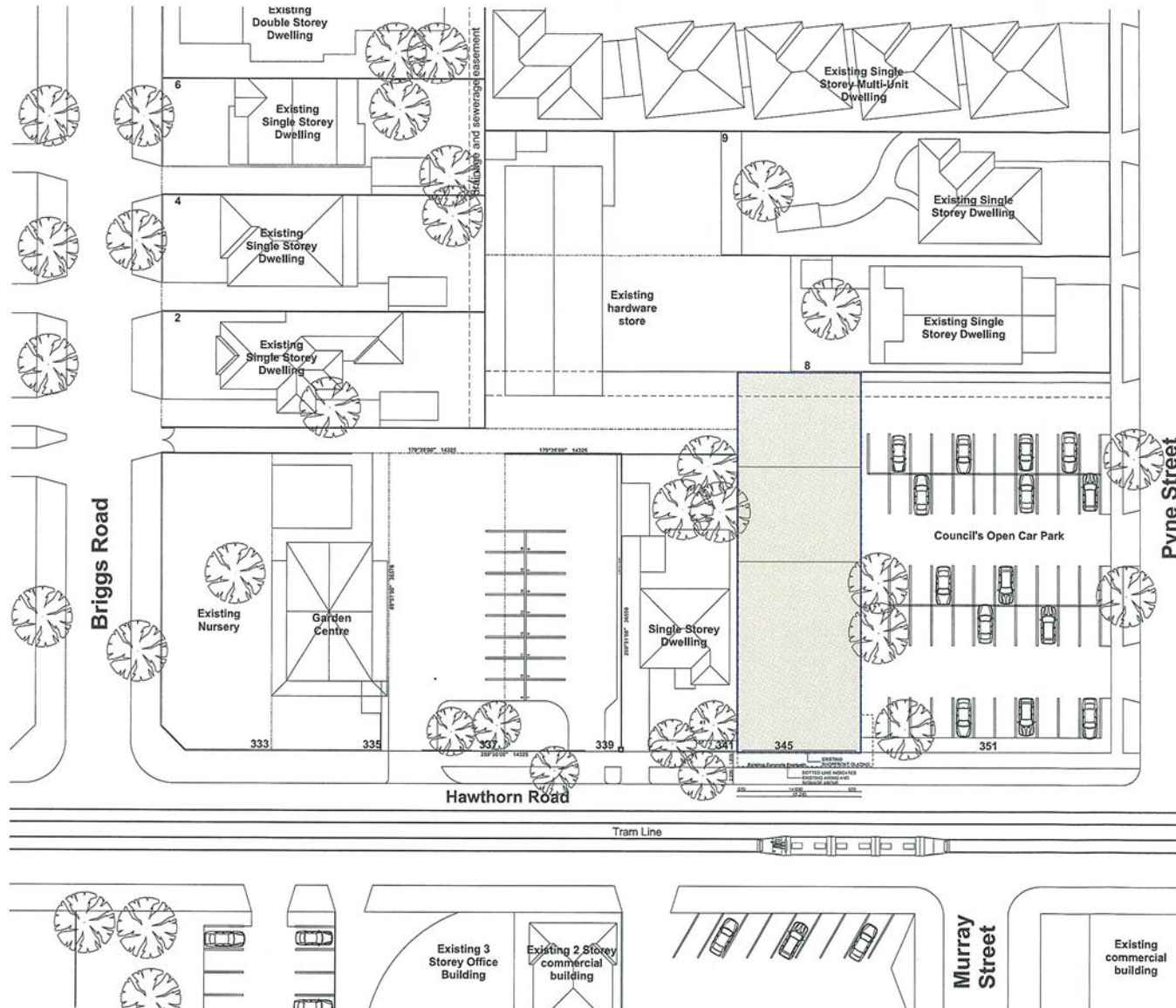
- A. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Item 9.8 (cont'd)

Crs Sounness/Pilling

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.



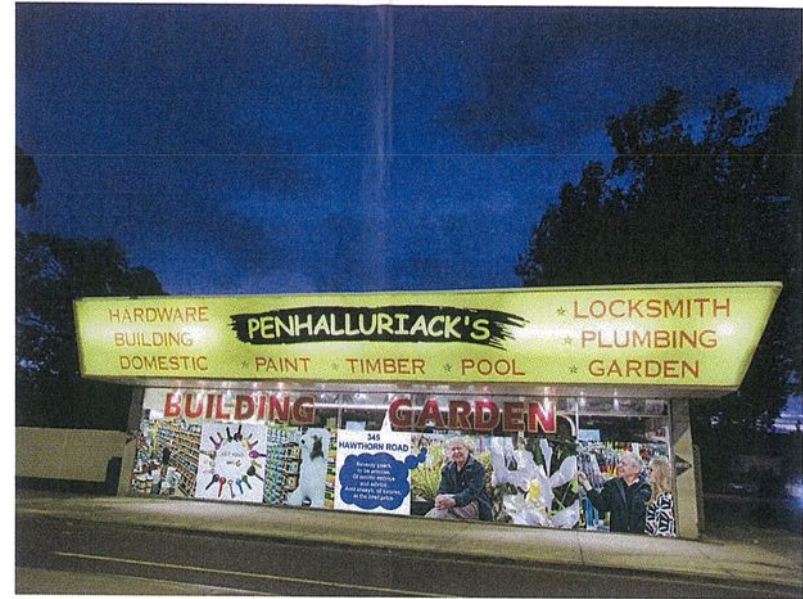
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EXISTING SITE PLAN
1:250

| | | | | | | | | | | | | | | | |
|---------------------|--|--|---|--|--|--|--|--|---|--|--|--|--|--|------------|
| amendments: | | | project: PROPOSED SHOPFRONT SIGNAGE DISPLAY for: Penhalluriack Building Supplies | | | address: 345 HAWTHORN ROAD Caulfield 3162 | | | drawing title: EXISTING SITE PLAN job No.: 15007 | | | date | | | |
| DATE REV AMENDMENTS | | | | | | | | | | | | DATE REV AMENDMENTS | | | 17/02/2015 |
| | | | | | | | | | | | | scale | | | |
| | | | | | | | | | | | | as shown on A1 | | | |
| | | | | | | | | | | | | 02 | | | |
| | | | | | | | | | | | | - | | | |
| | | | | | | | | | | | | checked | | | |
| | | | | | | | | | | | | verify all dimensions on site before commencing work or shop drawings and report any discrepancies to the architect. | | | |
| | | | | | | | | | | | | Copyright of architect | | | |

GLEN EIRA COUNCIL
RECEIVED
17 FEB 2015
STATUTORY PLANNING
DEPARTMENT


Site plan for 36550 showing a single storey dwelling. The plan includes a north arrow, a scale bar (0 to 620 feet), and a legend. The legend indicates that a dotted line represents the existing awing and signage above. The plan shows the existing concrete footpath, the existing awing and signage above, and the existing shopfront glazing. The plan also shows the existing concrete footpath, the existing awing and signage above, and the existing shopfront glazing. The plan includes a north arrow, a scale bar (0 to 620 feet), and a legend. The legend indicates that a dotted line represents the existing awing and signage above. The plan shows the existing concrete footpath, the existing awing and signage above, and the existing shopfront glazing. The plan also shows the existing concrete footpath, the existing awing and signage above, and the existing shopfront glazing.



SHOPFRONT PHOTO
1:1



GROUND FLOOR PLAN
1:100

| a m e n d m e n t s : | | | | | | project: PROPOSED SHOPFRONT SIGNAGE DISPLAY for: Penhalluriack Building Supplies | address: 345 HAWTHORN ROAD Caulfield 3162 |  rchitecture <small>ARCHITECTURE INTERIOR DESIGN VISUALISATION</small> K & A Architecture Pty Ltd Suite 107 80 Mills Road Torrens, 1 Queens Road, Melbourne VIC 3004 Australia • +611 9050 9238 • studio@kxaarchitecture.com • www.kxaarchitecture.com | drawing title: GROUND FLOOR PLAN | | <table><tr><th>date</th><th>scale</th><th>draw no.</th><th>rev.</th></tr><tr><td>17/02/2015</td><td>as shown on A1</td><td>03</td><td>*</td></tr></table> | | date | scale | draw no. | rev. | 17/02/2015 | as shown on A1 | 03 | * |
|------------------------------|----------------|------------|------|-----|------------|---|---|--|--|--|---|--|------|-------|----------|------|------------|----------------|----|---|
| date | scale | draw no. | rev. | | | | | | | | | | | | | | | | | |
| 17/02/2015 | as shown on A1 | 03 | * | | | | | | | | | | | | | | | | | |
| DATE | REV | AMENDMENTS | DATE | REV | AMENDMENTS | | | | | | drawn - checked - | | | | | | | | | |
| | | | | | | | | | | | verified all dimensions on the before commencing work on shop drawings and report any discrepancies to the architect. @Signatures of architect | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
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GLEN EIRA COUNCIL
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17 FEB 2015
STATUTORY PLANNING
DEPARTMENT

HARDWARE
BUILDING
DOMESTIC

PENHALLURIACK'S

* **PAINT** * **TIMBER** * **POOL** * **GARDEN**

* **LOCKSMITH**
* **PLUMBING**

BUILDING

GARDEN

345
HAWTHORN ROAD

Seventy years,
to be precise,
Of terrific service
and advice
And always, of course,
at the best price

Existing glass vinyl
lettering

Existing Awning
and Signage

Existing 3m high
frameless shopfront
glazing

New 2m high glass
vinyl posters applied
to back of the existing
shopfront glazing

620 2,000 2,000 2,000 2,000 2,000 2,000 620

620 14,000 620

15,240

1,000

2,000 3,000

1 SHOPFRONT ELEVATION 1:25

[illegible]

SHOPFRONT VIEW

GLEN EIRA COUNCIL
RECEIVED
17 FEB 2015
STATUTORY PLANNING
DEPARTMENT

| | | | | | | | | | | | | | | | | | |
|------------------------------|--|--|---------------------|--|--|------------------------------------|--|--|------------------------|--|--|----------------------------------|--|--|---------------------|--|--|
| a m e n d m e n t s : | | | | | | p r o j e c t : | | | a d d r e s s : | | | d r a w i n g t i t l e : | | | j o b N o. : | | |
| DATE REV AMENDMENTS | | | DATE REV AMENDMENTS | | | PROPOSED SHOPFRONT SIGNAGE DISPLAY | | | 345 HAWTHORN ROAD | | | PROPOSED SHOPFRONT VIEW | | | 15007 | | |
| | | | | | | f o r : | | | Caulfield | | | | | | | | |
| | | | | | | Penhalluriack Building Supplies | | | 3162 | | | | | | | | |

Item 9.9

**136-138 & 140-146 GLEN EIRA ROAD,
ELSTERNWICK
PLANNING SCHEME AMENDMENT C139**

**Enquiries: Russell Smith
Principal Strategic Planner**

**1. Community Plan**Town planning and development

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

2. Proposal

The Amendment proposes to:

- Rezone the land at 136-138 and 140-146 Glen Eira Road from Commercial 2 Zone to the Mixed Use Zone.
- Introduce a new Schedule 3 to the Mixed Use Zone.
- Apply the Environmental Audit Overlay (EAO) over the land.

The amendment has been sought in order to allow for future mixed use development which incorporates dwellings. Under the current zoning (Commercial 2) dwellings are prohibited.

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

Item 9.9 (cont'd)**3. Recommendation**

That Council seeks authorisation from the Minister for Planning to prepare, and exhibit Planning Scheme Amendment C139.

4. Planning Merits

It is considered that the proposal has planning merit and should proceed to exhibition.

Rezoning (Attachment 1)

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

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

The Mixed Use Zone is considered to be a more appropriate zone in this location given that the abutting land to the west is already zoned Mixed Use Zone and the land to the south and east is zoned Neighbourhood Residential.

A new Schedule 3 will form part of the Mixed Use Zone. This schedule will ensure detailed design issues can be considered to ensure any future development is compatible in this neighbourhood. The schedule will incorporate a mandatory maximum building height of 10.5 metres (3 storeys). The schedule will also include rear setback requirements of 4 metres for ground floor, 5.5 metres for first floor and 11.5 metres for second floor levels. Whilst it is acknowledged that properties to the rear (within the Neighbourhood Residential Zone) do not currently have their backyards abutting the subject properties, it is considered that the rear setback requirements are appropriate should these adjoining properties be redeveloped in the future.

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

Environmental Audit Overlay

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

5. 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”. During the authorisation process, the Minister may also authorise Council to approve the amendment (if minor in nature).

Item 9.9 (cont'd)

2. If there are no submissions Council can 'adopt' or 'abandon' the amendment and forward it to the Minister for certification or approval. It only becomes law when / if it is formally approved and gazetted.
3. If there are submission/s opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitter's request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council.
5. The Panel may make a recommendation to:
 - adopt the amendment;
 - abandon the amendment; or
 - modify the amendment.
6. Council then considers the panel report and makes its own decision. Council is not bound by the panel's findings. Again Council's options are to either abandon or adopt the amendment (with or without modifications).
7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval or certification.

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

Crs Liphshutz/Esakoff

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Attachment 1 – Zone Map



Item 9.10**RE-INTRODUCTION OF SPECIAL RATE SCHEME
BENTLEIGH SHOPPING CENTRE**

File No:
Enquiries: Lynda Bredin
Manager Business Development

1. Proposal

To consider any objections and submissions received and to determine whether to declare a new Special Rate for the marketing and promotion of the Bentleigh Shopping Centre ('Centre') for a period of six years from 1 July 2015.

2. Community Plan Goal

Enhance the quality of life in Glen Eira by:

- Ensuring appropriate services and facilities are provided.
- Supporting sustainable community development.
- Stimulating economic activity in strategic locations.

3. Business Development Strategy

The performance of the functions under the proposed Special Rate 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 At its meeting on 8 April 2015, Council resolved to give public notice of its intention to declare a new Special Rate for the promotion of business and commerce at the Centre (see Appendix A for details). The new Special Rate is to commence when the current Special Rate ceases on 30 June 2015, for a period of six years expiring on 30 June 2021.

Item 9.10 (cont'd)

- 5.2 The main features of the proposed new Special Rate Scheme are:
- i) The Special Rate will be based on an annual budget set by the Bentleigh Traders' Association ('Association') which will run the various promotional activities covered by the Special Rate on behalf of Council and will remain at \$185,700 per year of the scheme, with no annual increase to reflect CPI.
 - ii) Each liable property will pay a set rate in the dollar of their *Net Annual Value*, adjusted each year to raise the budget of the Association. Charitable concerns and residential properties are to be excluded from the Special Rate Scheme.
 - iii) The actual total cost of the Special Rate Scheme in the first year is \$201,100 which includes Council's costs in declaring the Special Rate and administering the collection of the rates owing. However, Council's costs (estimated at \$15,400) will not be levied on contributing properties and will be paid by Council.
- 5.3 As outlined in the report of 8 April 2015, 72 per cent of traders support the new Special Rate.
- 5.4 Liable property owners were alerted to the proposed Special Rate with Public Notice and given the chance to lodge a submission. Notification included:
- (a) A Public Notice in the Caulfield Glen Eira and Moorabbin Glen Eira Leader newspapers on 14 and 15 April 2015 respectively.
 - (b) A Public Notice sent to the owners and occupiers of all the properties to be included in the Special Rate Scheme.

6. Submissions / Objections Received

- 6.1 There were two written submissions and one written objection:

i) Bentleigh Traders' Association

The Association's submission strongly supports the new Scheme (refer to Appendix B). As evidence of broad traders' support the Association has resubmitted the 171 signed forms of support (available to Councillors on request).

Several members of the Association would like to be heard in support of the submission and have been invited to speak at tonight's Council meeting.

ii) Quiamong Securities Pty Ltd as Trustee for Ralron Superannuation Fund - Suite 6, 308-310 Centre Road

The company lodged an objection to the inclusion of its property in the Scheme arguing that as it uses the property primarily for office storage it would not benefit from the Scheme (refer to Appendix C).

Item 9.10 (cont'd)**iii) Susan Carden, 8a Bent Street, Bentleigh.**

Ms Carden is the owner of the property. In her submission she objects to her property being included in the Scheme as she believes her property would not derive any special benefit from the scheme due to the location of the property (refer to Appendix D).

Ms Carden has requested to be heard with respect to her submission and has been invited to speak at tonight's Council meeting.

7. Comments on Submissions

- 7.1 The Australia Valuation Property Classification Code classifies almost all properties in the Scheme area as commercial. Properties in the area classified as commercial (excluding those used for charitable or residential use) are liable to pay the Special Rate.
- 7.2 The Scheme will provide benefits to all the commercial properties by underpinning the commercial success of the area. It includes promotion of the shopping centre to the public, street decorations, security and graffiti removal from areas visible to the public. These services will help the area continue to be an attractive place to work and conduct business.
- 7.2 By using an annually set rate in the dollar of the *Net Annual Value* of a property, the Scheme recognises that not all properties derive equal benefit. A property with a large floor area and prominent frontage to Centre Road will pay proportionally more than a smaller property with no frontage.
- 7.3 In the case of 8a Bent Street, the property is correctly identified as being in the commercial area of the Bentleigh Shopping Centre and therefore deriving special benefit from the Scheme. The proportion the property will contribute to the Scheme reflects factors such as its floor area and less prominent location.
- 7.4 8a Bent Street was not included in the previous Scheme by agreement between Council and the owner (refer to VCAT remarks in Attachment D). At the time, the owner did not receive notice of the proposed scheme. When Council discovered this, it was too late (from the perspective of procedure fairness to the owner) for the property to be included in the 2008 Scheme.
- 7.5 The *Net Annual Value* reflects the best possible use of a property. While the Quiamong Securities property at Suite 6, 308-310 Centre Road is used for storage and part time office use, the owner has the discretion to put it to greater value use at any time. It is appropriate that Council levy this property using the same methodology as other commercial properties in the Scheme area.

Item 9.10 (cont'd)**8. Conclusion**

That the majority of traders and the Bentleigh Traders Association support reintroduction of the Special Rate for the Centre for a period of six years.

The Special Rate scheme will continue to support the traders to take a 'whole of centre' approach to protecting and enhancing the Centre's commercial interests. The reintroduction of the Special Rate scheme is considered to be an appropriate and important cooperative venture between Council and the Association.

9. Options

9.1 Having heard the submissions, Council will have three options with respect to this matter:

- i) Abandon the Special Rate Scheme.
- ii) Defer a decision until the next Council Meeting to further consider the submissions before deciding on the matter.
- iii) Proceed with the Special Rate Scheme.

10. Recommendation

That Council select from the available options listed in section 9.

If Council wants to proceed with the Special Rate Scheme, it should resolve that:

- (i) Having considered submissions under section 223 of the *Local Government Act 1989* ('Act') and objections under section 163B of the Act, that Council, pursuant to section 163(1) of the Act, declare a new Special Rate for the Centre in accordance with the declaration attached and marked Appendix E;
- (ii) Council levy the Special Rate by sending notices to those persons liable to pay the Special Rate.

COMMENTS FROM THE GALLERY

The following people addressed Council:

- 1. Mr Bernie Santen, President, Bentleigh Traders Assoc.
- 2. Mr Sterling Foster on behalf of Dr. Susan Carden.

Crs Hyams/Pilling

That Council:

- (i) Having considered submissions under section 223 of the *Local Government Act 1989* ('Act') and objections under section 163B of the Act, that Council pursuant to section 163(1) of the Act, declared a new Special Rate for the Centre in accordance with the declaration attached and marked Appendix E.
- (ii) Council levy the Special Rate by sending notices to those persons liable to pay the Special Rate.

The MOTION was put and CARRIED.

APPENDIX A

Resolution from Ordinary Council Meeting 8 April 2015
Re-Introduction of Special Rate Scheme – Bentleigh Shopping Centre

ORDINARY COUNCIL MEETING – MINUTES

8 APRIL 2015

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.

APPENDIX B

24 April 2015

Mr Andrew Newton
Chief Executive Officer
Glen Eira Council
PO Box 42
CAULFIELD SOUTH 3162

p. Wale 27.4



Dear Mr Newton

Submission to Council - Notice of Intention to Declare a Special Rate for the Bentleigh Shopping Centre

Further to the public notice relating to the Bentleigh special rate, I wish to indicate the very strong support from the Bentleigh Traders Association for the levy. In our view, the special rate is critical to provide the centre with an ongoing self-funded marketing and development program, so we can continue to lift the profile of Centre Road Bentleigh as well as support local businesses and strengthen local jobs.

We have consulted extensively about our desire to renew the scheme, and are confident that there is a high degree of support for the proposal. As evidence of this, we enclose individual submissions from businesses or property owners representing over 70% affected properties, indicating their support for the scheme.

Several members of our Association wish to be heard at Council in support of this submission.

We urge Council to declare the special rate for the Bentleigh Shopping Centre.

Yours sincerely

Bernie Santen
President

Bentleigh Traders Association Inc. PO Box 413, Bentleigh 3204.
Ph. 0410 504 994 Email info@shopbentleigh.com.au www.shopbentleigh.com

APPENDIX C

QUIAMONG SECURITIES PTY LTD
ACN: 125 590 418
As Trustee for
RALRON SUPERANNUATION FUND
ABN: 27 098 639 197
P.O. Box 2300, NTH BRIGHTON VIC 3186
Ph: 0419 575 888 Fax: 03 9557 4655
Email: ralron@bigpond.com

Ms Lynda Bredin
City Of Glen Eira
PO Box 42
Caulfield South Vic 3162

6th May 2015

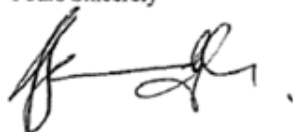
Dear Madam,

Re Declaration of Special Rate, Bentleigh Shopping Centre

We have a small office, Suite 6, 308-310 Centre Road, Bentleigh. This office is occupied on average, maybe three days in any week. The office is used to store files relative only to the Beveridge Family activities. The office is occupied by myself and one of my daughters who attends to any financial or administrative work.

The office does not attract or seek any outside activities, has no outside clients and consequently, promotion by the Bentleigh Traders Association is of no interest or use to our private activities. In view of our circumstances, whilst we have no objection to the Traders' promoting themselves, we request to be exempt from the new Special Rate in view of our special circumstances.

Thankyou,
Yours Sincerely



Ralph Beveridge

APPENDIX D

Attention: Manager of Business Development
Glen Eira City Council
PO Box 42
Caulfield South, 3162.
(Council's Service Centre
Corner Glen Eira and Hawthorn Roads, Caulfield)



10 May 2015

Dear Sir/Madam

Re: *Notice of Intention to declare Special Rate - Bentleigh Shopping Centre.*

Thank you for your letter dated 16 April 2015 to me giving "*Notice of Intention to declare Special Rate – Bentleigh Shopping Centre.*"

I wish to object to my property at 8a Bent Street being charged the "Special Rate".

In 2008 my property at 8a Bent Street was charged the Special Rate. Amongst other things, I requested that the Special Rate be withdrawn and revoked from my property. The matter was taken to VCAT on 15 April 2009. The VCAT order included that "*The land at 8A Bent Street, Bentleigh, is excluded from the Special Rate declared by the Council on 29 April 2008*".

Please find attached the Order from VCAT dated 15 April 2009.

The map "*Bentleigh Special Rate Plan "A"*" that was sent with the *Notice of Intention to declare Special Rate - Bentleigh Shopping Centre* dated 16 April 2015, looks to be exactly the same as the Map "*Bentleigh Special Rate Plan "A"*" from 2008. There does not appear to be an amendment that my property was excluded.

The property and the business conducted at the property are the same as they were in 2008. Consequently, I am wondering why Council wants to include me in the new Special Rate that will commence on 30 June 2015?

I note that the "*Bentleigh Traders' Association has requested that Council consider declaring a new Special Rate to allow their marketing and promotional program to continue.*" My property at 8a Bent Street has not benefitted from the current Special Rate in any tangible way, nor will it benefit from the new Special Rate that is being raised for the "*program to continue*". We do not "*market*" the care we provide nor require a "*promotional program*". In 15 years of being in Bentleigh, I have not been part of the Bentleigh Traders' Association Incorporated.

8a Bent Street is also the only property outlined on Map "A" that is not visible from Centre Road. This is because 8a Bent Street is actually situated in the centre of Morres Street. There is no access to the property from Bent Street. In fact, as the property is so obscure, even *The Leader* newspaper is not delivered to us. In other words, the position of the property is not at all conducive to any such business that would require promotion and visibility.

8a Bent Street is the only property on Map "A" that is situated in a street that is parallel to Centre Road i.e. is not on Centre Road itself or on a side street directly off Centre Rd.

Furthermore, the "Ordinary Council Meeting – Minutes dated 5 February 2008" stated that "8, and 8a Bent St (Dental Practice)" be included in the Special Rate. In other words, because 8a Bent Street is such an obscure property, even Council thought that 8a Bent Street was part of the Dental Practice at 8 Bent St. Practitioners at 8a Bent Street did not provide dental care in 2008 nor do they now.

Unlike every other property in Plan "A", 8a Bent Street is not served by a footpath. Entrance to the property is only from Morres Street where a footpath does not exist on our side of the street. On the other hand, 8 Bent Street is a separate business where the entrance is in Bent Street directly from a footpath. 8a Bent Street is directly opposite the Coles' rubbish and loading area. The view of the Coles' dumpster from 8a Bent Street is obscured only when the Coles' delivery trucks are waiting in the street prior to delivery of their goods.

Also distinguishing 8a Bent Street from all the other properties on Plan "A", is that the street where the property is situated, i.e. Morres Street, is very dark at night and not served by street lights.

I note from the Public Notice that you sent to me, that the "*purpose of the Special Rate is to defray the costs of advertising, management, decoration, security, promotion and other incidental expenses associated with encouraging commerce in the Centre, that Council considers will be of special benefit to those persons required to pay the Special Rate*".

I practise at 8a Bent Street partly because I do not require such exercises as advertising, decoration, promotion etc.

As nothing has changed with respect to 8a Bent Street, Morres St or the Practice since the current Special Rate was introduced six years ago, it is not fair that 8a Bent Street should be added to the new Special Rate.

As a person required to pay the Special Rate, I will not obtain any special benefit.

I am really hoping that a simple clerical error has occurred and that the original Map "A" from 2008 has been sent without an amendment to the line to exclude 8a Bent Street.

I wish to be heard in support of my submission.

Thanking you kindly,
Yours faithfully



Susan Carden
Owner and occupier of 8a Bent Street, Bentleigh, 3204.

Enclosure: VCAT order dated 15 April 2009

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2648/2008

| | |
|--|--------------------------------------|
| APPLICANT | Susan Carden |
| RESPONDENT/ RESPONSIBLE AUTHORITY | Glen Eira City Council |
| SUBJECT LAND | 8A Bent Street BENTLEIGH VIC 3204 |
| WHERE HELD | Melbourne |
| BEFORE | Mark Dwyer, Deputy President |
| HEARING TYPE | Hearing |
| DATE OF HEARING | 15 April 2009 |
| DATE OF ORDER | 15 April 2009 |

ORDER

By consent:

- 1 The land at 8A Bent Street, Bentleigh is excluded from the Special Rate declared by the Council on 29 April 2008.
- 2 The Special Rate Scheme for the Bentleigh Shopping Centre is otherwise confirmed.
- 3 No order as to costs.

Mark Dwyer
Deputy President



APPEARANCES:

| | |
|--|---|
| For the Applicant | Ms Susan Carden in person. |
| For the Respondent/ Responsible Authority | Mr Mark Hayes, Solicitor of Maddocks Lawyers |

REMARKS

- I This matter was resolved by consent of the parties at the commencement of the hearing. Having reviewed the file material, I am satisfied that it is appropriate to make the orders sought.

Mark Dwyer
Deputy President



APPENDIX E**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.



Bentleigh Special Rate
Plan "A"

Item 9.11**SUBMISSIONS ON PROPOSED BUDGET 2015-16 AND COUNCIL PLAN**

**Enquiries: Peter Swabey
Chief Financial Officer**

1. Purpose

To receive submissions and comments on the proposed 2015-16 Budget and Council Plan.

2. Background

On 5 May 2015 Council resolved to give Public Notice of the proposed 2015-16 Budget and Council Plan. The statutory notice was placed in *The Age* of 7 May 2015.

Information was also published in *The Leader* edition of the week of 12 May 2015. A public information session for the proposed 2015-16 Budget was held on 25 May 2015.

Submissions have been circulated to Councillors (*refer Attachment*). The purpose of this item is to enable submitters to address Council in support of their submissions.

No decisions are required at this Meeting.

The 2015-16 Budget and Council Plan is scheduled to be submitted to the Special Council Meeting of 23 June 2015 for adoption.

3. Recommendation

That the submissions be received and noted.

COMMENTS FROM THE GALLERY

The following people addressed Council:

- 1. Dr Nick Lomb.**
- 2. Ms Mez Moon.**
- 3. Ms Catherine McNaughton.**

Crs Hyams/Sounness

That the recommendation in the report be adopted.

Item 9.11 (cont'd)

PROCEDURAL MOTION

Crs Lipshutz/Hyams

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.

The SUBSTANTIVE MOTION was put and CARRIED unanimously.

ATTACHMENT

**PUBLIC SUBMISSIONS RECEIVED
2015-16**

- 1) KL & V Dowd (2 submissions)
- 2) Ailys & John Donovan
- 3) Bicycle Network
- 4) Dr. Nick Lomb
- 5) Allen Leslie Wigg
- 6) Maurice Feder
- 7) Ivan Benjamin
- 8) Greg Ptok
- 9) Friends of Caulfield Park
- 10) Lisa Sutherland-Fraser
- 11) Mez Moon
- 12) Sian Holm
- 13) Michael George Dennis & Kirsi Kaarina Donnellan
- 14) Helen Gearon
- 15) Tom Ingpen
- 16) Catherine McNaughton
- 17) G James

Council Budget Submission

Ormond 3204

13-5-15

When is Council governance going to be open, transparent, with honesty, integrity re the continued intentional, repeated secrecy & deception of refusing to honestly reveal both council's & government contribution to Pension Rate Rebate. This has been secret & deceptive for many years, to cover up Council's share being lowered by the same sum as government share has risen.

Deliberate, repeated deception & secrecy in governance & cover up continuing.

K.L. & V. Dowd.



Records Management

14 MAY 2015

Received

To Director Community Services
Budget Submission

Ormond
3204
28-5-15

CITY OF GLEN EIRA



G105810

We wish to add this & copy of our 2004 Rate Notice, to our previous submission, 13 May 2015, to show recent years Councils Governance, intentionally the opposite. Not open, transparent but 100% intentionally secretive, deceptive, to mislead, misrepresent and cover up the true facts re Pension Rate Rebate, regards Council & Govt. contributions over these years. So intentionally fraudulent regards 100% honesty & integrity.

Kingston Council is 100% honest, with integrity. When is Glen Eira going to be 100% transparent & honest re this matter? Council was happy to state their share, when it was "One of the Highest".

K.L. & V. Dowd

Records Management

29 MAY 2015

Received

The waste and recycling charges are increasing to:

- 240 litre bin \$125.50 (\$119.50 in 2003-04); and
- 120 litre bin \$115.50 (\$109 in 2003-04).

How we compare

In comparison to neighbouring municipalities:

- Glen Eira's average rates are 13 per cent below the average;
- Glen Eira's cost of day-to-day services is 25 per cent lower; and
- Glen Eira is debt-free compared with neighbouring councils' average debt of \$14 million.

What you pay

Average rates, plus the waste and recycling charge, in 2004-05 will be \$887. This is equivalent to \$17 per week.

- \$2 for waste and recycling;
- \$7 for capital works and maintenance; and
- \$8 for all services and government charges.

The Glen Eira pensioner rebate will be \$110. This is in addition to the State Government pensioner rebate of \$160.

Actual rates for an individual property depend on the value of that property.

What you get

One of Council's top priorities is to renew the City's ageing infrastructure and assets. In 2004-05 Council will spend \$25.7

This includes:

- \$1.2 million on footpath repairs;
- \$3.84 million on road improvements;
- \$1 million on drainage improvements; and
- \$683,000 on improvements to Council's child care centres, aged care facilities and senior citizens' centres.

Extra Council projects in 2004-05 include:

- redevelopment of Princes Park, Caulfield South — \$1.55 million in 2004-05;
- begin upgrade on the Bentleigh Shopping Centre in Centre Road, Bentleigh — \$1.77 million in 2004-05;
- construction of the Carnegie Library and Community Centre — \$7 million in 2004-05;
- completion of the Curraweena independent living units redevelopment, Caulfield South — \$1.8 million in 2004 Government grant;
- completion of the redevelopment of Bentleigh-Hodgson Reserve, Bentleigh (budget allocated 2003-04);
- new all abilities playground in Halley Park, Bentleigh and an upgrade of the Park Crescent playground at Caulfield.

For further details on Council income, expenditure and capital works for 2004-05 read the July edition



G116739

Records Management

19 MAY 2015

Received

COUNCIL PLAN SUBMISSION

Director Community Services
Glen Eira City Council,
PO Box 42
Caulfield South, 3162

RE: Plan for small sided soccer facility replacing tennis courts at Carnegie Swim Centre

Dear Sir,

We wish to lodge an objection to the above proposed facility on the grounds as follows:

1. The existing facilities in the immediate area already cater well for team ball sports with soccer, Australian rules and cricket facilities.
2. The facility as proposed would be very close to private homes.
3. The noise from the continuing whistle of the referee would be a constant irritant to the nearby residents, particularly when used at night.

We would propose however that this area, if under utilized for tennis, would be a great spot for a skate board bowl. Skateboarders don't need to be a part of a group or team but can practice there skills at any time, solo or in groups, which is good for their health and self confidence as not all young people are good at or interested in ball sports.

Another possibility to consider would be a few netball hoops.

As the family homes in this area are being replaced by villa units and apartments we need our open space to be utilized for varied outdoor activities, not just team sports.

I hope and trust you will give these proposals some consideration.

Sincerely,

Ailys and John Donovan

From: Bicycle Network [REDACTED]
Date: 24 May 2015 7:25:45 pm AEST
To: <mlipshutz@gleneira.vic.gov.au>, <mdelahunty@gleneira.vic.gov.au>, <tsounness@gleneira.vic.gov.au>, <mesakoff@gleneira.vic.gov.au>, <kokotel@gleneira.vic.gov.au>, <npilling@gleneira.vic.gov.au>, <jhyams@gleneira.vic.gov.au>, <jmagee@gleneira.vic.gov.au>, <olobo@gleneira.vic.gov.au>
Subject: Budget for bikes in 2015/16
Reply-To: [REDACTED]

Dear councillor,

As a local member of your community I want to communicate to you the importance of investing in bike infrastructure as part of the 2015/16 budget.

Traffic congestion and physical inactivity are two massive problems confronting Victorian communities. Traffic congestion costs Victoria more than \$5 billion a year and physical inactivity more than \$3.4 billion.

Fortunately, by budgeting for bikes we can address both these problems; we can provide a transport alternative to the car and give people access to safe bike routes that they can ride on a daily basis.

Today, many people are interested in bike riding but don't do so because of concerns about safety and they don't feel comfortable being on the road with cars and trucks. Investing more in bicycle infrastructure would give these people access to routes they feel comfortable riding and decrease traffic congestion.

Bicycle Network is working with local councils around the state to improve their bike plans and budget.

If you would like further information or would like to know about what you could do to improve riding conditions in our area please email campaigns@bicyclenetwork.com.au and let them know. They'd love to hear about it.

Please do the right thing by your local residents and budget for bikes.

Yours sincerely,

Eleni Capp
[REDACTED]

From: Nick Lomb [REDACTED]
Sent: Tuesday, 26 May 2015 12:35 PM
To: Mail
Subject: To Chief Financial Officer Budget Submission

Re: Commencement of LED street lighting program - \$395,000

It is not surprising that Council is looking at LED street lights as they have a number of financial benefits due to their low energy use, low maintenance costs and long lifetimes. However, they can have serious unintended environmental, ecological and health consequences so that thought and planning need to be put in before commencing an LED street lighting program.

I note that Glen Eira's half-page Street Lighting policy dates from 2002 and as such is completely out of date. I suggest that this policy be comprehensively revised with the inclusion of the environmental and health impacts of light at night before such a program is contemplated.

The concern with LED lighting is that white-light LEDs emit a large component of blue light so that their light is referred to as blue-rich white light. Recent research in a variety of fields such as epidemiology, astronomy, land conservation and biology, as well as vision and lighting indicates potential serious consequences to such blue-rich white light at night. Unfortunately, such research seems to be generally ignored by the lighting industry. For example, the MAV Procurement recommended Sylvania 25W LED Street Light module has a correlated colour temperature of 5000K, indicating an exceptionally large emission in the blue part of the spectrum.

Potential problems due to blue-rich white light at night:

Environment – the large blue component gives a greater contribution to sky glow than warmer coloured light.

Ecology – the large blue component of the light has a disturbing impact on insects and on nocturnal animals.

Visibility – due to the large blue component of the light extra glare is perceived from the street lights reducing visibility for all. This is especially the case for older people whose eyes are likely to have yellowing lenses so that much of the blue light does not reach into their eyes.

Human health – blue light at night suppresses the hormone melatonin disturbing the normal human circadian rhythm as well as the immune system. There is now considerable evidence indicating that light at night, especially blue light, is a risk factor for breast and prostate cancer.

A useful document outlining these issues is provided by the International Dark-Sky Association at <http://www.darksky.org/assets/documents/SeeingBlue.pdf>.

As mentioned above, it is recommended that Council does not commence an LED street lighting program until properly revising its Street Lighting policy. Afterwards Council should look at independently sourcing LED street lights with a warmer colour (correlated colour temperature of 3000K) in order to minimise the potentially dangerous emission of blue light in suburban streets and into the bedrooms of Glen Eira residents. Ideally, the street lights should include control gear that in the future, they could be dimmed or even switched off late at night when there is little pedestrian or vehicular traffic that require them.

Thank you for the opportunity to comment on this aspect of the budget. I would be happy to present to the Council in person or to meet with appropriate members of Council staff.

Dr Nick Lomb

 Bentleigh East

Council member, International Dark-Sky Association Victoria Inc.



6121169

Records Management

27 MAY 2015

Received

[REDACTED]

19th May 2015.

City of Glen Eira,
P. O. Box 42,
CAULFIELD SOUTH. Vic 3162

Attention: Chief Executive Officer

Dear Sir,

2015-16 ANNUAL BUDGET SUBMISSION.

I wish to submit my position that, this year's planned increase in rates of approximately 4.94 per cent, **which is almost four times the current inflation rate**, is completely unnecessary and unacceptable.

I have previously written to Council with a concern that Ratepayers Funds appear to being wasted by the City of Glen Eira.

a. Booran Road, and Curraweena Road

My letter referred in particular, to the recent Kerbing and Road Works at the intersection of Booran Road, and Curraweena Road, Caulfield South.

During March of this year, most of the kerbing, footpath and landscaping at this location, has been **reworked at considerable expense** to the Ratepayers of the City.

In my opinion, the works appear to have only completed superficial changes, which I regard as unnecessary.

Furthermore, it is unconscionable that the developer of this site, is able to reap the profits, when the roadworks surrounding this property development have been required to be **reworked** as a direct cost to Glen Eira Ratepayers.

It appears that the recent works, suggest **that the first design was in error**, and ratepayers are required to fund an extensive rework of this same location?

A response signed by Mr Andrew Newton, and dated 15 May 2015, did not address a fundamental issue, being the need to rework the intersection, so soon after the original design was installed.

b. 959 to 985 Glenhuntly Road.

To further illustrate the need for restraint, I would also like to highlight the footpath works, which have been completed in recent months at a low level shopping strip at 959 to 985 Glenhuntly Road.

The concrete footpath at this location did not require replacement with bitumen at this time. This is another example where the City of Glen Eira appears to be undertaking projects, which cannot be afforded at this time, particularly when there was no urgency to replace the existing concrete footpath.

This is not a busy shopping area, and the expenditure was not warranted, at this time.

c. Booran Reserve

With regard to the Booran Reserve project, I do not believe that the Council can justify the Capital Expenditure of \$8.77 million in 2015-2017.

Whilst the intent of the project has much merit, we cannot afford the funding in the current environment.

In Summary

I am particularly concerned that, the planned increase by approximately 4.94 percent in the current year, will compound on the General Rate increase of 6.5 per cent in the previous year.

Surely steps should be taken, to more prudently control Council expenditures, and Capital Projects, because increases of this magnitude are unsustainable, and continue to place an unreasonable burden on the ratepayers.

I am alarmed that the Council raises an argument that Glen Eira Rates are the Second Lowest Rates in Metropolitan Melbourne. There is no merit in this type of argument.

From the Ratepayers perspective, the issue, is that the expenditures of organisations, and individuals, should not exceed the inflation rate, unless there are extenuating circumstances. To do so, in consecutive years is not prudent, or responsible.

The individual Councillors, and Council Management, would not apply these levels of increase in their own personal expenditures.

However it appears that the Council decision makers are intending to apply different principles, because their accountability is obscure, and Ratepayers do not generally feel that the outcome of the objection process is likely to be worthy.

The reply which I received from Mr Andrew Newton, Chief Executive Officer, dated 15 May 2015, with respect to the Road Works at the intersection of Booran Road, and Curraweena Road, further highlights this point.

The CEO did not comment or acknowledge two key issues:

- a. Within less than 80 metres of the intersection, there is a Traffic Light controlled pedestrian crossing.
- b. The recent works, was a rework of the original kerbing, footpath and landscaping, which suggests that the first design was in error.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Allen Leslie Wigg', with a long horizontal flourish extending to the right.

Allen Leslie Wigg

From: Feder family [REDACTED]
Sent: Friday, 29 May 2015 12:49 PM
To: Mail
Subject: Draft Annual budget 2015/2016 Re new open space Eskdale Road/Fitzgibbon Crescent

Chief Financial Officer,

In light of the proposed scaled back version of this proposed open space, the draft allocation of \$450,000 will need to be scaled back considerably.

Yours sincerely,
Maurice Feder

From: Ivan Benjamin [REDACTED]
Sent: Tuesday, 2 June 2015 6:20 PM
To: Mail
Subject: 2015-2016 Draft Annual Budget

Chief Financial Officer
Glen Eira City Council

2015-2016 Draft Annual Budget
Eskdale Road / Fitzgibbon Crescent Caulfield North - new open space

I consider the \$450,000.00 allocated towards the construction of the Eskdale Road/Fitzgibbon Crescent Caulfield North new open space to be an unnecessary and terribly wasteful expense.

The proposed new open space is small and is unwarranted as it is located within easy walking distance of Caulfield Park and therefore is unlikely to be used by many residents.

Ivan Benjamin

Mobile: [REDACTED]
E-mail: [REDACTED]

From: [REDACTED]
To: mail@gleneira.vic.gov.au
Subject: FW: Budget Submission
Date: Wed, 3 Jun 2015 20:55:40 +1000

Dear Chief Financial Officer,

Further to my previous submission, I would like to add the following:

On reflection, in relation to #4 below, I assume the \$435k is the cost after fees are deducted. In that case, maybe the first approach should be to look at why there are vacancies in the centres. For example, if there are 6 vacant full-time spots across the three childcare centres, at current rates of \$116 (average between \$111 and \$121), \$181k of the \$435k shortfall could be covered simply by filling the centres.

A review of the programming and services (such as - at the very least provision of nappies) could help fill the services. This could then also be used to justify an increase to average or above average.

Kind regards,

Greg Ptok

From: [REDACTED]
To: mail@gleneira.vic.gov.au
Subject: Budget Submission
Date: Wed, 3 Jun 2015 13:38:01 +1000

Dear Chief Financial Officer,

Thank you for the opportunity of making a submission on the draft budget. My submission concerns the proposed increase in fees at Council's child care centres.

The draft budget justifies the proposed increase in fees with:

1. Capacity of child care (no waiting list), ie. supply of childcare places exceeding demand.
2. Fees being at the average, with costs to households lower than this depending on rebates received.
3. Child / staff ratios which increased the costs for care of under 3-year olds by 25%.
4. The cost to Council being \$435k.

My child attends the childcare centre in Carnegie since 2013, in the 3-5 year old cohort. I have experience, as parent, with childcare centres catering for children from ages 1 to 5, including a childcare provider that runs a bilingual program and has received a global award for the learning environment it offers at its latest centre. I have also been on a parent advisory committee for a childcare centre.

It is my submission that the fees should not be increased.

In support of my submission, I would like to advance the following arguments in response to the four justifications given for raising the fees:

1. Supply of places may exceed demand due to council charging too high fees for the service the centres provide. Whilst I am very conscious of the quality of care and the homely environment provided for children at the centre my child attends (which was a primary factor in choosing this centre), it is my understanding that other centres in Glen Eira provide nappies and even cooked meals. Parents have to provide these at the council-run centre in Carnegie. Other centres also provide excursions. Some parents have also told me of their feeling that the quality of the Kinder program is higher in a Kindergarten or other long day care centre that runs a Kinder program.
2. The argument that costs to households are lower than what is charged should not carry any weight. Parents get a rebate, depending on their circumstances, for all childcare centres. It is actually my understanding that Kinder places are funded by the State or Federal Government (which makes the cost significantly lower for parents who have the flexibility to put their child into a straight-up kinder program) and that the City of Glen Eira is not passing that funding on to parents through reduced fees for children in the Kinder-year.
3. The child/staff ratios increased the cost from January 2012. This increase in cost should have been well and truly absorbed by now. As the ratios are mandated, they apply to all providers of childcare in that age group and should not be cited as reason for increasing the fees now.
4. I am unsure of what "cost to Council" of \$435k refers to. Is that figure the actual cost of running the centres or is it the "loss" council makes on running the centres (i.e. the extra council has to pay to cover running costs after fees and kindergarten rebates received by Council have been deducted). If it is the former it shouldn't be considered without providing the corresponding figure for revenue raised from the centres. If it is the latter, Council may have to look at whether running childcare centres should be part of its "core business".

I trust council will be able to consider this submission and look forward to being updated on the outcome. If you have any questions, please email or call me

Kind regards,

Greg Ptok

Friends of Caulfield Park

www.caulfieldpark.com



Budget Submission 2015

Under the Caulfield Council, the western end of Caulfield Park was well cared for. The lake was developed, the statues commissioned and installed.

Glen Eira Council took over responsibility for Caulfield Park in 1994. Since then there have been the minor upgrading of a small children's playground, and the upgrading of the Aviary Garden area. The Conservatory and the amphitheatre have been removed, leaving the western end of the park without focus. While significant amounts have been steadily allocated to development of sporting facilities at the eastern end of the park, there has been no significant investment or innovation in the western end of Caulfield Park for twenty years.

After meeting with the Mayor, Cr. Magee, the FCP developed a Vision for the development of the western end of the park. This has been provided to the Mayor for discussion.

Currently, there is no allocation in the budget to redress the steady erosion of resources and facilities for passive usage of Caulfield Park. FCP would like to suggest that the west end of Caulfield Park be restored to its previous splendour so it may again be a source of pride to the municipality. As a start to this end we suggest that the following items be included into the budget:

1. Development of a harmonious shelter as shown in the Vision.

Since the Conservatory has been removed, there is no shelter in the western end. This means that young and old have neither shelter from the scorching heat of the summer sun, nor from biting winter wind and rain. A suitably and attractively designed shelter would be a social asset in that it would attract and enable park users to enjoy the park's tranquil environment.

2. Properly constructed and inviting park entrances.

The current entrances on both corners of the park on Hawthorn Road are tired and do not invite prospective park users; they hardly function as entrances at all. This is in distinct contrast to, for instance, the entrances to the St Kilda Botanic Garden.

3. The installation of an information mechanism.

This comprises two aspects:

- a. The latest issue of the Glen Eira News refers to “. . . historical walks and trails . . . Hopetoun Gardens in Elsternwick and Caulfield Park in Caulfield North feature tree walks . . .” When the FCP met the Mayor in April to discuss the state of the western end of the park, he was shown the totally inadequate and empty dispenser for the Tree Walk. It has not been filled since. Given that 30 trees are labelled and that the tree walk brochures exist, proper dispensers are urgently required.
- b. A notice board, in addition to those that denote the ovals, which directs users to the highlights of the west end of the park, as well providing a facility to advertise in-park events such as band-stand concerts and the like. It would also be a suitable place for Council officers to post notices explain the activities they are undertaking such as tree planting, trimming or removal, lake repair etc. At present all work (for example, the recent removal of the amphitheatre) is carried out behind security barriers and remains a mystery to the community whose rates underwrite such activities.

We hope that Council will look favourably on the points in this submission and allocate resources to redress these shortfalls in services to those in the community who value and use the western end of Caulfield Park.

-----Original Message-----

From: Carmilla S [REDACTED]

Sent: Wednesday, 3 June 2015 1:45 PM

To: Mail

Subject: Planned "no use" of contained dog oval at Princes Park

Dear Sir/Madam

I know you have a budget meeting tomorrow & would like to voice my concern that our fenced in dog park in Bambra Rd will disappear for some lengthy time with resowing of this oval.

I would like to know what is being planned to replace this oval in the meantime. There are many dogs that need this park & for resowing to start, without a replacement for us is not on. We may not spend the money the football clubs do, but as an owner of a registered dog, I would like to see our registration fees going to do more for dogs in Glen Eira.

Many thanks

Lisa Sutherland-Fraser :^)

[REDACTED]

From: Mez Moon [REDACTED]
Sent: Thursday, 4 June 2015 12:07 PM
To: Mail
Subject: Budget Submission

To the Chief Financial Officer, Glen Eira City Council,

Regarding 2015–16 Draft Annual Budget and Community Plan.

In particular I refer to:

Sustainability — the Budget continues the warm season grasses program — \$400,000 for upgrading Princes Park Oval No. 4.

This will mean that Princes Park Oval No. 4 will be out of use for some time. For the majority of every day this space is currently used as an off leash exercise area for approximately 100 dogs per day on average and their owners.

If these dogs are not able to use this oval, where are they going to go as an alternative and what other local issues will be caused?

If off leash exercise is not readily available the following should be considered:

- Increase in public disturbance due to dogs not being able to be adequately exercised i.e restricted to their residence.
- Increase in Dogs on streets more likely to create public safety hazards with traffic and pedestrians.
- Increase in Dogs being off leash in restricted on/off leash areas due to no other local option being provided.
- Increase Dog defecation in other public areas due to the appropriate waste bins and bags not being available.

The Budget and plan needs to consider the above points and allocate funds and an alternative public space appropriately.

I am aware that EE Gunn Reserve Dog Off leash area will also have planned works at the same time so the above issues will be multiplied with two very popular dog off leash areas being unavailable.

Some alternative suggestions that should be considered are:

- Temporarily making the other fenced football oval at Princes Park available as an off leash area.
- Temporarily (or permanently) creating a fenced off leash dog area on the reserve opposite the Caulfield Recreation Centre bound by Hawthorn Rd, Birch St & Maple St. If this was permanent the future continuing issues of Dog park users sharing space with Sports ground users would be resolved.

In it's plan to upgrade Princes Park Oval No. 4 the Council need to consider these displaced users of a public space as a huge potential issue to local residents.

As a Dog owner, a local resident of 15 years and a regular Princes Park user I wish to have answers to the above issues raised.

Regards
Mez Moon
[REDACTED] Caulfield South
[REDACTED]

From: Sian & Andrew [REDACTED]
Sent: Thursday, 4 June 2015 7:21 AM
To: Mail
Cc: Gregor Ptok
Subject: Budget Submission

To The Chief Financial Officer,

As another parent of two children at the Carnegie Children's Centre, I write to endorse, and add to, Greg Ptok's submission below in relation to the Draft Budget for 2015-16, concerning the proposed increases to fees at Council's Children's Centres.

To Greg's point, the net position could be improved considerably by reducing current vacancy levels, and should be explored as a priority over simply increasing fees. Whilst it might be argued that it is a positive thing that Council is in a position to provide more childcare services than are currently required, based on anecdotal evidence it appears this is not consistent with the position of other providers in the area, who are operating at capacity, in many cases with waiting lists.

I would also echo the need to increase the value proposition for existing and potential customers, to justify fees being at or above average for the municipality - through the provision of basic services such as food and nappies if practicable, and importantly, in the quality of programs being offered. This point may also link to the question around the existence of vacancies in council centres.

Further, it seems counter-intuitive to be increasing fees when there are existing vacancies. Basic economic principles of supply and demand would typically suggest that you wouldn't increase prices where you have excess supply (ie. vacancies).

Finally, I commend Greg on his submission and encourage Council to see it is an example of the expertise, maturity and interest that residents of Glen Eira have, and the valuable contribution they can offer. I appreciate that there are many opportunities for community input and consultation to Council deliberations generally, however feel that one area in which these opportunities are lacking, is in relation to the Children's Centres. As far as I am aware, formal parent involvement in the governance of the centres is limited to an annual online survey, the results of which are not communicated. Input from the parents and the community has the potential to have direct impact on the bottom line, through suggestions that have cost savings, or revenue enhancement, implications.

Thank you for the opportunity to comment on the Draft Budget. I would be happy to discuss any aspect of my submission further, and can be contacted on [REDACTED]

Kind Regards,
Sian Holm

From: Michael Dennis [REDACTED]
Sent: Thursday, 4 June 2015 7:24 AM
To: Mail
Subject: 2015/2016 Draft Annual Budget Submission - Attention: Chief Financial Officer
(copy: Hannah Pascoe, Strategic Planner)

Attention: Chief Financial Officer
cc. Hannah Pascoe, Strategic Planner

Please find attached our submission to the 2015/2016 Draft Annual Budget recommending funding be allocated for the public acquisition of 53 Magnolia Road, Gardenvale, for the purpose of extending and enhancing Gardenvale Park as part of the Open Space Strategy (Glen Eira Planning Scheme Amendment C135).

Yours sincerely
Michael Dennis & Kirsi Donnellan
Owners

[REDACTED]
GARDENVALE VIC 3185

Phone: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]

4 June 2015

FUNDING ALLOCATION IN 2015-2016 ANNUAL BUDGET TO FACILITATE THE PROMPT PUBLIC ACQUISITION OF 53 MAGNOLIA ROAD GARDENVALE TO ENLARGE GARDENVALE PARK (GLEN EIRA PLANNING SCHEME AMENDMENT C135).

As neighbours to 53 Magnolia Road we support this PAO and will be happy to see Gardenvale Park extended. We, along with fellow neighbours and nearby residents, are aware however that a previous PAO on the property, between 1987 and 2008, did not result in Council acquiring the property, largely because of insufficient Council funds. We are therefore concerned that there is no mention in the June 2015 Edition of Glen Eira News, under the heading 'Public Open Space', of any funding in 2015-2016 for this current proposal by Council to acquire the property.

The Minister should approve this PAO in the next few months and the property owners are likely to ask Council soon thereafter to purchase the property. It therefore seems logical that funds will be required within the next six to twelve months to complete the purchase and implement the proposed park extension program.

Yours sincerely

GARDENVALE VIC 3185

Phone - [REDACTED]

-----Original Message-----

From: Helen Gearon [REDACTED]

Sent: Wednesday, 3 June 2015 8:22 PM

To: Mail

Subject: re: Council Plan Submission / Carnegie Tennis Courts

Dear Sir/Madam,

I am writing in regard to the proposal - Carnegie Swim Centre tennis courts converted into small sided soccer.

As a resident that lives very close by, I have a few concerns and would be grateful if you could supply me with more information:

- firstly, what is small sided soccer
- will soccer clubs be holding games there, or is it a space that is will be used by the general public
- will there be open/close times
- will there be increased noise levels, and parking issues

And finally, as I can see the tennis courts are regularly used, and appear to be in very good condition, why is \$130,000 being spent to change them?

Has there been any community consultation, and what is the reason for the change?

Thanking you for your time.

Kind regards,

Helen Gearon

[REDACTED]
Carnegie, Vic, 3163

[REDACTED]

From: tom ingpen [REDACTED]
Sent: Wednesday, 3 June 2015 12:55 PM
To: Mail
Subject: Princes Park Oval #4 refurbishment. Off lead dog access
Importance: High

Hello,

I have noted that there is a planned re surfacing of the Off lead oval at Prince park coming up for consideration and have a couple of questions. I Have been taking my dog to this oval twice a day, every day for the last 8 years plan to continue this, and am getting another dog. Off lead access was taken off the main oval a few years ago which I understand but I am deeply concerned the zoning will change on Oval #4 once this work has been done . It is one of the reasons I moved to this neighbourhood, and quite possibly more rate payers use this oval for dog exercise/socialisation rather than playing competitive sport. I have no problem keeping off the park in the short term it takes to re surface or conduct any maintenance. So my questions:

- Can I get an assurance that the oval will remain fenced and dog friendly after the refurbishment? I assume the sports clubs would like this to change but that is only one part of a large rate paying community that uses this great facility.
- Are there any discussions planned about re zoning the oval to exclude off lead? If so, are dog owning rate payers going to be included in these discussions?
- Does the nature of the resurfacing take into account the high volume of dogs that need to exercise on this oval off lead? Will this new surface it be durable enough to maintain this traffic?

Thanks very much,

Tom Ingpen

[REDACTED]
[REDACTED] Braeside, Victoria, Australia. 3195.

This e-mail is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please delete it immediately and notify the sender. Please consider the environment before printing.

Glen Eira Council
Council Plan and Budget
Councillors, Chief Financial Officer and Director of
Community Services
mail@gleneira.vic.gov.au

Catherine Mc Naughton
[REDACTED]
Glen Huntly 3163
[REDACTED]
Thursday, 4 June 2015

Dear Councillors and Managers

Budget, Draft Community Plan and Strategic Resource Plan

Revenue and Services - Draft Community Plan Item 4b and Budget - Why does Glen Eira Council aim to keep rates below the average of neighbouring Councils? Are Glen Eira Residents less worthy of good services and infrastructure than our neighbours? \$15.2 million a year less income than similar Councils means seriously worse services and infrastructure and is a pity – not something to boast about. Glen Eira should instead aim to progressively increase revenue to improve services and local infrastructure. Glen Eira Council is commendable in recently adding to open space so that Council can aspire to be at least average for Melbourne Councils in open space provision. Glen Eira Council should similarly aspire to provide at least an average level of services and local infrastructure and aspire to provide our community with a good level in future.

The Draft Community Plan –Transport - page 28 proposes to improve pedestrian and bicycle facilities but “only where balanced against maintaining traffic flows”. Is the council really wanting “more traffic faster” as the overriding objective of transport planning in Glen Eira? The priority for more faster traffic reads like a strategy from the 1960’s for freeways and not a way to create a livable local community with good sustainable transport choices. Instead the plan and Councils transport planning programs and works should firstly prioritise pedestrians, then bikes, then public transport and lastly cars - as is current transport planning best practice.

Traffic calming measures mentioned in the plan should be pedestrian and bicycle friendly and not create hazards or inconvenience for pedestrians or cyclists because they focus on cars as first priority. Traffic calming measures should be designed to consider and further Glen Eira’s Bicycle and Walking Plans and improve walking and cycling networks. Items 2g and h traffic calming – need to add “informed by the Bicycle and Walking Plans”.

The Walking Plan is mentioned in the transport section but is missing from the list of all strategies on page 42 – is that an oversight or statement of priority?

Walking and Bicycle Plans Ref 2b and 2c are worthy aims to complete the actions from the walking and bicycle plans. However both these plans are seriously unambitious and need review and updating. Cycling in Melbourne has grown rapidly and in Glen Eira many more kids are riding and scooting to school with more who would like to if child-friendly routes were provided – many schools are expanding their bike parking to cope with the growing student demand – as reported at the Glen Eira Teachers Environment Network. Transport planning for walking and cycling is also developing rapidly with old plans seeming very unambitious.

The 2010-2015 Bicycle Plan expires this year and needs an update to consider the surprising omission of children riding to school - and older people who need a higher level of safety. The recent program of painted bike lanes caters mainly to commuter cyclists (mostly brave fit and fast men) - a higher standard of bike safety is needed to serve and attract more safety conscious cyclists like kids riding to school, women and older people. The painted bike lanes are also comparatively cheap and

a higher level of investment is needed to install traffic lights and connect off-road routes like the Rosstown Railtrail. The offroad trails like the Rosstown Railtrail, Frankston and Dandenong Railwayline trails and the Elster Creek trail could connect to many schools, the Bay and wider Melbourne but are currently very disconnected and need major investments to complete missing sections and install traffic lights.

The headline aspiration for the Budget p3 of painting 1.9kms of green cycle lanes seems pretty unambitious being some limited improvement of on-road paths and not making real progress in achieving a network of off-road paths and on-road bike lanes separated from traffic, safe enough for children riding to school, safety conscious women or older riders. The proposed investment of \$150,000 would be insufficient to build more than 1 set of traffic lights on the Rosstown Rail Trail – let alone the many that are required. Does carrying over funds from last year also indicate poor action on implementation and a need to review how the plan is managed?

I ask that the Council please aspire to progressively increase its revenue and budget to at least the average of comparable councils so that Glen Eira Residents can enjoy at least average services and local facilities.

I ask that the Council please invest a minimum of \$500,000pa in bicycle facilities and review the 2010-2015 Bicycle Strategy and 2014 Walking Plan so that they

- Take account of the rapid growth of cycling in Melbourne and especially the growth in kids riding and scooting to schools in Glen Eira – and the rapid development of best practice in traffic engineering for cycling and walking
- Complete the harder and more expensive actions of the Bicycle Strategy and then extend the plan to create a network safe enough to attract children, safety conscious women and older people for local and longer trips
- Both strategies work together – neither strategy even mentions the other let alone work together
- Review planning provisions for front fences to encourage low front fences in new developments to improve the safety of footpaths for pedestrians and especially kids walking, scooting and riding
- Review Council's transport planning to give priority first to walking, then cycling then public transport and lastly private cars. And improve the effectiveness of Council's transport and recreation planning to implement the walking and bike plans on time and avoid past practice of limited progress and new ad hoc works that obstruct walking and bike routes – eg missing links and kerb blockages in new park path networks and traffic calming that blocks bike routes.
- Benefits of increasing investment in walking and cycling include reduced traffic congestion, fewer accidents, improved health through exercise and cleaner air.

I would like my concerns to be heard at the Council meeting on the 9th June.

Thanking you,

Catherine Mc Naughton

McKinnon 3204
02.06.2015

Chief Financial Officer
 Glen Eira City Council

2015-2016 Draft Annual Budget

Dear Sir,

How can \$50,000 be allocated to Thomas Street Reserve, McKinnon-Lurely, four large old trees surrounded by bark and drought-affected grass, on a double housing block, doesn't constitute a "Reserve."

Do you know there are only two street lights on the North side of McKinnon Road between the "Reserve" and beyond Whitmuir Road, i.e. from No. 25 on.

Only two seats are provided at bus stops between Thomas Street and Wheatley Place North side and no seats on the South side. Elderly people sitting on fences and students sitting on the kerb, waiting for the bus, is demeaning.

Rough, patched footpaths and cross-overs that wouldn't be tolerated in other Glen Eira suburbs are the norm here. The \$50,000 could be better spent on returning McKinnon Rd to its former "cared-for look" A. James.

Item 9.12

277A Bambra Road CAULFIELD SOUTH
APPLICATION NO. GE/PP-27821/2015

File No: GE/PP-27821/2015
Enquiries: Karoline Ware
Manager Statutory Planning



| |
|----------------------------|
| APPLICATION SUMMARY |
|----------------------------|

| | |
|---|--|
| PROPOSAL | Replacement of an existing electronic scoreboard with a new electronic scoreboard |
| RECOMMENDATION | Planning Permit |
| KEY ISSUES | Visual and amenity impacts of sign |
| MUNICIPAL STRATEGIC STATEMENT | Open Space Strategy |
| APPLICANT | Ajax Junior Football Club |
| PLANNING SCHEME CONTROLS | Public Park and Recreation Zone |
| EXISTING LAND USE | Public open space |
| PUBLIC NOTICE | <ul style="list-style-type: none"> • 96 properties notified • 245 notices sent (owners and occupiers) • No signs erected on site • 1 submission received (withdrawn) |
| Application fee payable (fee increased by the State Government in 2009) | \$604.00 |

Item 9.12 (cont'd)**1. Community Plan**

- **Town Planning and Development**
- **Recreation and Open Space:** to enhance recreation facilities and open space to meet current and future needs of the local community.

2. Recommendation

That Council:

- Issue a Planning Permit for Application No. GE/PP-27821/2015 replacement of existing electronic scoreboard with a new electronic scoreboard accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17th May 1999 and approved by the Minister on 5th August 1999.
- Dealing With Planning Applications and Planning Scheme Amendments Which Affect Council Owned Properties – Adopted 3rd March 2003

4. Reasons For Recommendation

All planning permit applications involving Council owned or managed land are submitted for determination by Council Resolution. This ensures a clear line is drawn between Council's role as a responsible authority and as a land manager.

The sign will be located in the same position and face the same direction (north-east) as the existing electronic scoreboard. The proposed scoreboard is comparable in size to that of the existing scoreboard.

Assessment of the proposal is limited to the appearance, location and scale of the works. On each of these tests, it is considered that the proposed structure is reasonable, site responsive and in an appropriate location as it is in the centre of the sports ground.

The screen will be well setback from the residential properties to the north (over 157 metres away) and is considered appropriately located to avoid any unreasonable visual or amenity impacts.

Item 9.12 (cont'd)**APPENDIX**

ADDRESS: 277A Bambra Road CAULFIELD SOUTH
APPLICATION NO: GE/PP-27821/2015

1. Proposal

Features of the proposal include:

- Installation of a new LED cabinet to the frame (2304mm x 1536mm) approximately 2400mm above ground level;
- The sign displays scores, the time, and advertising space.

2. Public Notice

- 96 properties notified
- 245 notices sent (owners and occupiers)
- No signs erected on site
- 1 submission received (withdrawn)

The submitter questioned the wording of the application and the process. After clarification was given, the submitter unconditionally withdrew the submission on 8 May 2015.

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:

Recreation Services

The applicant provided a letter dated 17 December 2014 with the application giving 'in principle' approval from the Recreation Services Department, subject to a number of conditions. It has been confirmed with the recreation department that this letter remains relevant.

The application was referred to Council's Buildings and Properties Department. It is noted that they have provided landlord consent to the installation of the sign.

Council's Parks Services Department was notified of the application, and raised no objection.

4. Planning Conference

A Planning Conference was not held as the submission received was withdrawn.

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

1. The location of the sign (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
2. The location and details of the supporting structure shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
3. This Permit will expire if the sign is not displayed within two (2) years from the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before the Permit expires or within the six (6) months after the expiry date.

4. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
5. This Permit expires 15 years from the date of issue.

NOTES:

- A. 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.
- B. 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.

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.

Crs Lipshutz/Pilling

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.



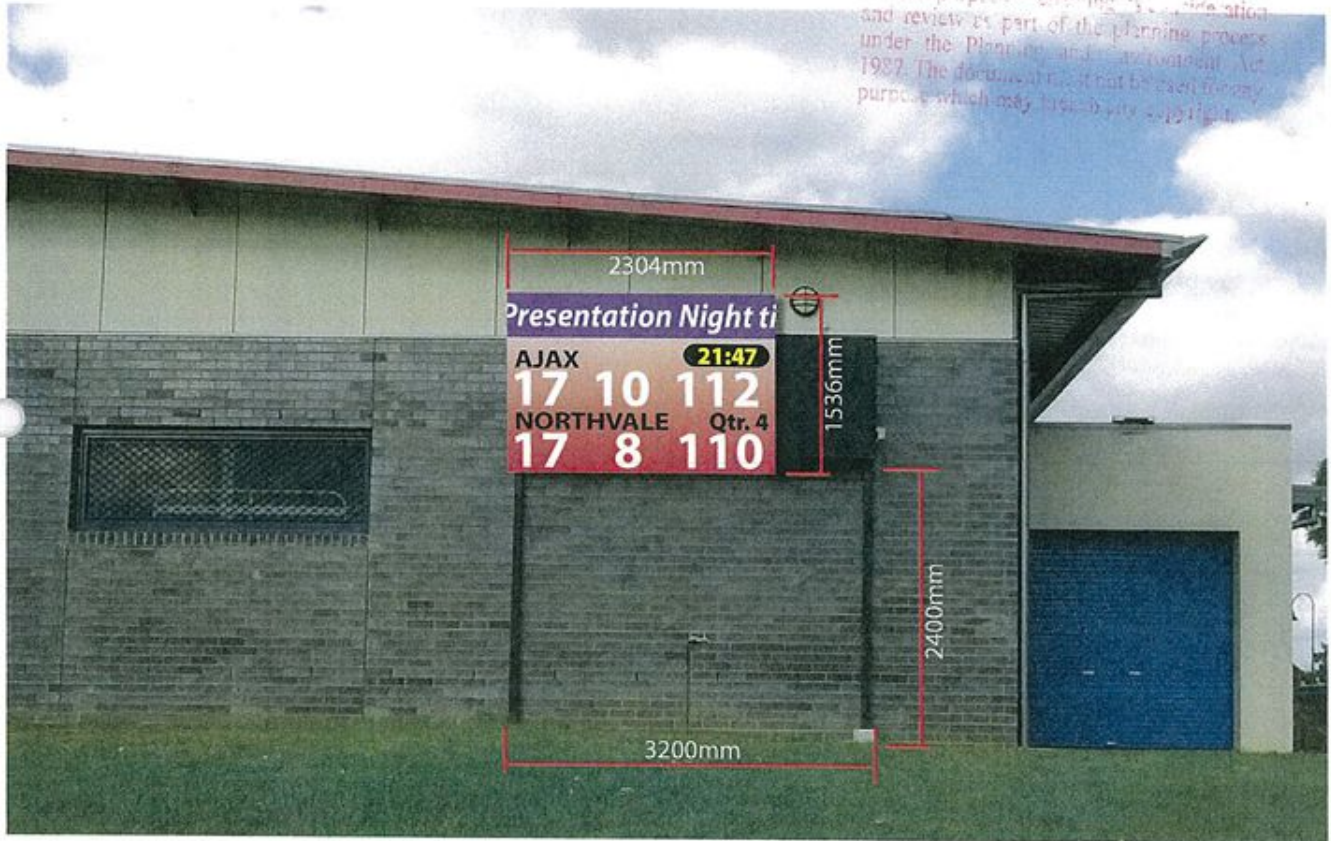
Distance to residential properties

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BAMBA COUNCIL
24 MAR 2015
CITY OF BAMBRA PLANNING
DEPARTMENT

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3 OF 5
This document is a planning proposal for the purpose of entering a planning process under the Planning and Environment Act 2015. The document may be used for any purpose which may breach an obligation.

277 Bamba Road, Caulfield South

5 OF 5
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PRINCES PARK - Dover St, Caulfield South

PROPOSED

- remove existing display cabinet leaving the existing sign frame (75SHS) which is fixed to wall and in ground.
- fix new LED cabinet to the left hand side of the existing frame
- new LED display size 2304(w) x 1650(h) (actual LED 2304x1536mm)



-- = remove

Item 9.13

VCAT WATCH
June 2015

Enquiries: 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 | 15-17 BELSIZE AVENUE & 316-320 NEERIM ROAD, CARNEGIE |
| PROPOSAL | CONSTRUCTION OF A FOUR STOREY BUILDING COMPRISING 52 DWELLINGS |
| COUNCIL DECISION | PERMIT (RESOLUTION) |
| PROPOSAL CONSIDERED BY VCAT | THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING |
| VCAT DECISION | PERMIT |
| APPELLANT | CQB PTY LTD |

“I find a 4 metre setback basement would have very little value to any trees planted in the northern building setback.” VCAT Member – Alison Glynn

- The subject site is located within the Residential Growth Zone.
- Council determined to support the application, subject to conditions that reduced the extent of the basement to improve post-construction landscaping opportunities. Council also determined that increased side and rear boundary setbacks were required to ensure an appropriate level of transition to adjoining properties.
- In determining the application, the Tribunal held that a reduction in basement extent would not assist in post-construction landscaping opportunities. The Tribunal held that suitable areas for landscaping are already proposed and capable of accommodating mature canopy trees.
- The Tribunal held that the conditions of permit which sought increased setbacks were excessive and will make the development look unusually recessive in this context. The Tribunal required increased setbacks, however not to the extent that Council sought.
- On this basis, the Tribunal varied Council’s decision.

Item 9.13 (cont'd)

| | |
|-----------------------------|--|
| ADDRESS | 670-672 CENTRE ROAD, BENTLEIGH EAST |
| PROPOSAL | MODIFICATION TO AN EXISTING PERMIT ALLOWING THE CONSTRUCTION OF A FOUR STOREY BUILDING COMPRISING 40 DWELLINGS, 5 SHOPS AND A CONVENIENCE RESTAURANT: AMENDED APPLICATION TO: <ul style="list-style-type: none"> • INCREASE THE HEIGHT OF THE BUILDING TO FIVE STOREYS (FROM FOUR STOREYS); • THE ADDITION OF 10 DWELLINGS; • MODIFICATION TO THE FIRST, SECOND AND THIRD FLOOR BUILDING ENVELOPE AND LAYOUTS; AND • MODIFICATION TO THE BASEMENTS TO INCLUDE AN ADDITIONAL 12 CAR SPACES. |
| COUNCIL DECISION | PERMIT (RESOLUTION) |
| PROPOSAL CONSIDERED BY VCAT | THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING |
| VCAT DECISION | PERMIT |
| APPELLANT | CENTREWAY PTY LTD |

“Given the compliance with clause 55 and that all south facing windows and balconies have been treated to avoid overlooking in accordance with standard B22 I see no reasonable basis upon which the reduction in alignment of these dwellings should be required. .” VCAT Member – Elizabeth Benz

- The land is zoned Commercial 1 and is located within the Bentleigh East Neighbourhood Centre. The Tribunal previously issued a permit allowing the construction of a four storey building on the site comprising forty dwellings.
- Council determined to support the application to amend the original permit, subject to conditions that deleted the uppermost floor and increased the southern boundary setbacks at the third and fourth floors.
- In determining the application, the Tribunal held that the proposed five storey building represented an improvement compared to the previously approved four storey building. The amended proposal improves the internal amenity afforded to future residents and provides a better design response to the streetscape and adjoining properties.
- On this basis, the Tribunal varied Council's decision and directed that a modified permit be issued which allowed for the development of a five storey building.

3. Recommendation

That Council note:

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

Item 9.13 (cont'd)

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

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

| HEARING DATE | APPEAL NO. | PROPERTY | PROPOSAL | ZONE | COUNCIL DECISION | APPEAL AGAINST |
|-------------------|------------|------------------------------------|---|--------------------------------------|-------------------|------------------------|
| 15 July 2015 | P798/2015 | 8 Miller Street, Carnegie | Alterations and additions to dwelling on land affected by the Heritage Overlay | Neighbourhood Residential Zone | Permit (DPC) | Conditions (Applicant) |
| 14 September 2015 | P644/2015 | 20 Balaclava Road, St Kilda East | Construction of a two storey building for the existing School | General Residential Zone, Schedule 2 | NOD (DPC) | NOD (Objector) |
| 16 September 2015 | P698/2015 | 251-253 Jasper Road, McKinnon | Construction of a four storey building comprising a shop and 12 dwellings. | Commercial 1 Zone | Refusal (Manager) | Refusal (Applicant) |
| 18 September 2015 | P732/2015 | 15 Jupiter Street, Caulfield South | Modification to an existing permit allowing the construction of two double storey dwellings. The proposed changes are: <ul style="list-style-type: none"> • Alterations to the design and materials; • Alterations to the ground and first floor; and • Reduction in the building height. | Neighbourhood Residential Zone | Refusal (Manager) | Refusal (Applicant) |
| 5 October 2015 | P815/2015 | 31 Station Street, Caulfield East | Use of part of the land for a Place of Assembly (outdoor cinema) | Public Park and Recreation Zone | NOD (Resolution) | Conditions (Applicant) |

| | | | | | | |
|----------------|-----------|---------------------------------|---|--------------------------------|-------------------|---------------------|
| 8 October 2015 | P828/2015 | 339-341 Neerim Road, Carnegie | Display of advertising signage. | Residential Growth Zone | Refusal (Manager) | Refusal (Applicant) |
| 9 October 2015 | P845/2015 | 21 Myrtle Street, St Kilda East | Partial demolition and construction of alterations to a dwelling on land affected by the Heritage Overlay | Neighbourhood Residential Zone | NOD (DPC) | NOD (Objector) |

Item 9.14**TELECOMMUNICATION FACILITIES**

Enquiries: Ron Torres
Director Planning and Transport

1. Proposal

At the 28 April 2015 Ordinary Council meeting, Council resolved:

“I Request a Report that investigates how Council can introduce the use of camouflage trees for the concealment of mobile communication towers in Glen Eira AND the use of appropriate concealment applications (such as panels and fake chimneys) for rooftop telecommunication structures.

This Report should –

- a) Include advice on how the Introduction of these concealment solutions can become a requirement in the Planning Permit process (where a Planning Permit is required) and how it can be required where a Planning Permit is NOT part of the process.*
- b) how council can advocate to the Federal Government to achieve these outcomes AND advocate a change in current requirements (where a Planning Permit is required based on the emission of the proposed tower/structure) to one that operates on a cumulative emission basis to address multiple structures on one site.”*

2. Community Plan

Town Planning and Development

3. Discussion

Telecommunications facilities are primarily controlled by the Commonwealth *Telecommunications Act 1997*.

In Victoria, all planning schemes contain a Telecommunications Facility provision.

Town planning permission is required unless a facility satisfies, amongst others:

- Telecommunications Act 1997 (Cwth)
- Telecommunications (Low-impact) Facilities Determination 1997.
- ‘A Code of Practice for Telecommunications Facilities in Victoria’

These instruments clearly prescribe the physical and locational circumstances needed to exempt a facility from requiring town planning permission. It follows that telecommunications providers (carriers) work within the parameters and avoid the town planning process, which would involve a statutory community consultation process, and possible VCAT challenge.

In Figure 1, the telecommunications antennae on the top of the building were all exempt from requiring town planning permission. The Commonwealth framework deems them ‘low impact’ facilities.

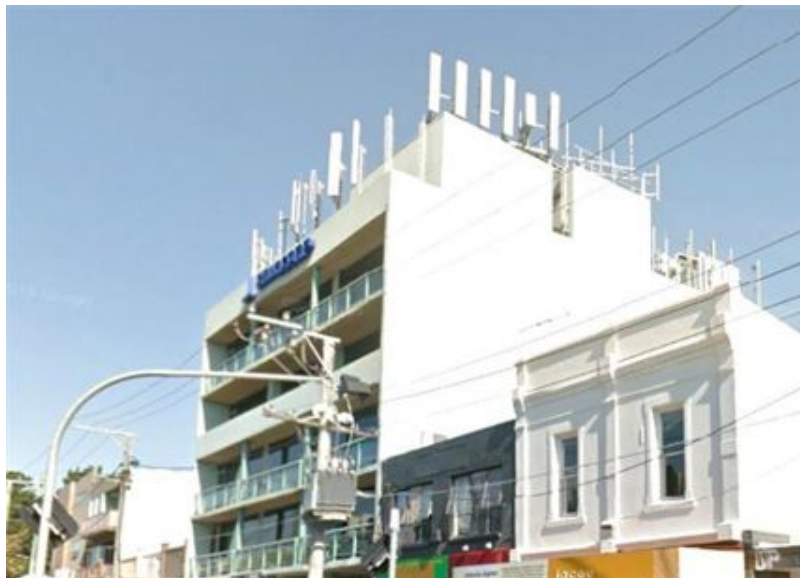
Item 9.14 (cont'd)

Figure 1 – Horne Street, Elsternwick

These qualify because the antennae are in a commercial area, they are not more than 2.8 metres long, they do not protrude more than 3 metres, and they are colour-matched to their background.

The example in Figure 1 contains facilities from various carriers. This grouping of equipment satisfies Principle 2 in the Code of Practice for Telecommunications Facilities in Victoria “Telecommunications facilities should be co-located wherever practical”:

“Overhead lines and antennae should be attached to existing utility poles, towers or other radiocommunications equipment to minimise unnecessary clutter.”

Figure 2 illustrates another example of a permit-exempt facility.



Figure 2 – Dandenong Road, Caulfield North

Item 9.14 (cont'd)Concealment Solutions

In Figure 2, the large electrical equipment associated with the antennae are hidden in the building tower. Only the antennae are visible, and are colour-matched to the sky. A cylindrical, omnidirectional antenna is incorporated at the top of the tower.

Figure 3 shows an example of Camouflage Tree telecommunications tower. These are often taller than surrounding vegetation and work better in hilly environments where the height differential is less pronounced.



Figure 3

Concealing or camouflaging a facility requires careful consideration. A particular technique may draw more attention to a facility.

A screen or panel around the facility in Figure 1 may result in negative consequences such as greater building bulk, increased building height, and diminished operation of the antennae.

The use of architectural techniques such as fake chimneys could clash with the style of a modern building.

If a communication facility doesn't meet the Federal and State Government exemptions, a planning permit is required. Council could then impose various conditions including camouflage measures. The applicant would have the ability to challenge a decision at VCAT. (The last planning application lodged in the City of Glen Eira for a telecommunications facility was 9 years ago)

Where a planning permit is not required and the facility meets the various instruments, Council cannot impose any requirements on a private land owner or carrier. The Code of Practice even goes as far as to state that Councils cannot impose local policies with more stringent requirements than those set out in the Code.

Local Government is not the agency responsible for regulating and enforcing electromagnetic emissions from facilities.

Item 9.14 (cont'd)

The *Australian Communications and Media Authority* enforces the Telecommunications Facility Code of Practice and the *Australian Radiation Protection and Nuclear Safety Agency* is responsible for electromagnetic energy emissions.

Any change to this framework would require changes to the Federal and State Government instruments, giving local government greater control over telecommunications facilities.

To advocate for change to the current framework Council could advocate to the Minister for Communications (Commonwealth) and the Minister for Planning (State).

4. Recommendation

That Council notes this report.

Crs Esakoff/Okotel

That Council:

- **notes this report**
- **writes to the Minister for Planning (State) and the Minister for Communications (Federal) advocating for increased Local Government control over limiting the visibility of telecommunication facilities**
- **writes to the Australian Radiation Protection and Nuclear Safety Agency advocating for more stringent standards for the cumulative emission of electromagnetic energy where multiple telecommunication facilities are installed (co-located).**

The MOTION was put and CARRIED unanimously.

Item 9.15**BAYSIDE CITY COUNCIL
INDIAN MYNA BIRD CONTROL PROGRAM****Ron Torres
Director Planning and Transport****1. Proposal**

At the 28 April 2015 Ordinary Council Meeting, Council resolved:

“That a report be prepared discussing the effectiveness of the Indian Myna Bird control program Bayside City Council has been running and to recommend options for participation by Glen Eira City Council”.

2. Background

A report was tabled at the 18 March 2014 Ordinary Council meeting regarding the extent to which vermin, including foxes and Indian Myna birds were causing problems in Glen Eira, and what Council could do to deal with these problems.

It stated:

“Is there a problem in Glen Eira?”

No. Occasionally (once every two years or so) we receive a request asking that we control common Myna birds. To put the issue into perspective, we receive more complaint calls associated with noise from the Rainbow Lorikeets than excessive numbers of Myna birds.

In fact it would seem that prevalence of Indian Mynas in Glen Eira is actually diminishing. This is possibly explained by a shift away from an Indian Myna preferred habitat.

Our parks increasingly contain substantial indigenous vegetation which has seen an increase of native fauna return to our parks and streets. Native birds including the Rainbow Lorikeet, Noisy Myna and the Red Wattle bird are just a few which are more prominent.

Another species of indigenous bird which is making a significant return is the Grey Butcher bird which is known to actually attack the nest of Indian Myna birds and prey on their young.

Based on preferred habitat, it follows that rural and developing municipalities may experience greater numbers of myna birds than substantially urban municipalities such as Glen Eira.

Item 9.15 (cont'd)

The Department of Primary Industries (DPI) states:

“The Indian Myna is not a declared pest animal under the Catchment and Land Protection Act 1994. DPI does not consider it reasonable to impose the lawful responsibility of control of Indian Mynas upon all land owners (including those in suburbia) when it is unlikely to result in the desired outcome of “eradicate or control or prevent its spread in the wild” (the requirements that must be satisfied to be able to be a declared species). The Department does not implement specific programs to control Indian Mynas. This species is not specifically protected by law in Victoria and so a person may capture and/or destroy these birds by appropriate legal and humane methods.”

The views of the DPI are considered pertinent. Significantly, DPI does not undertake any program themselves to control Indian Mynas nor do they impose such responsibility on land owners. Their advice is that such action would not lead to eradication or control of the species. Under these circumstances it is difficult to form a view that Council should undertake some eradication/control program itself in the belief that it would ultimately be successful.

Additionally, there are issues of practicality. Any Council action taken in isolation is likely to be of limited value as birds readily cross municipal boundaries. The humane destruction of Indian Mynas is also likely to be a contentious issue within the community.”

The information contained within the 18 March 2014 report is still relevant today.

Council resolved at the above meeting to provide information to residents who contacted Council with Indian Myna Bird enquiries. As a result, a page was created on Council's website. It states:

Problems with Indian Myna Birds

Indian Mynas occur naturally in southern Asia but have been introduced into many other countries including South Africa, North America, the Middle East and New Zealand.

Indian Mynas were reportedly brought into Melbourne in the 1860s to assist in controlling insect pest on crops of market gardeners. They have adapted easily to urban and rural landscapes.

The Indian Myna is not a declared pest animal under the Catchment and Land Protection Act 1994.

The Yarra Indian Myna Action Group (YIMAG) based in Melbourne is the principle contact for control and management in Victoria.

YIMAG provide advice and support verbally and via their comprehensive website. They also provide traps to community members.

YIMAG can be contacted via their website www.yimag.org.au

Item 9.15 (cont'd)**3. Bayside City Council**

A report was tabled at the Bayside City Council Ordinary Council meeting on 21 October 2014. This report discussed the possibility of setting up an Indian Myna Bird control program. The report can be found at Attachment 1.

Bayside Council ("Bayside") resolved to commence a trial program if there was enough community interest. However, the resolution is based on a community action group managed program with assistance provided by Council. They did not resolve to administer and manage the program in-house.

The Bayside web page states that:

"The success of trapping programs in other areas has been based on the creation of strong community-lead Myna Action Groups. Council is not in a position to form such a group in Bayside but would be willing to support a group should one form. Council is seeking expressions of interest from a community group or individuals willing to form a group to manage the program."

Further, Bayside Council officers will not undertake any trapping at all or permit any member of the public to trap birds in Council managed parks and reserves. If the program's aim is to eradicate these birds within Bayside, then limiting the trapping to private land seems counter-productive to that goal.

On 26 November 2014, Bayside conducted a community information session to determine whether there was sufficient community interest. Over 80 people registered their interest. As a result, a Steering Committee was formed consisting of some of the residents who had registered their interest and were willing to be a part of the Steering Committee.

The trial program commenced in January 2015. Bayside has provided the following assistance to the Steering Committee:

- funding of \$11,000 for the purposes of the manufacture of traps, veterinary euthanasia of trapped birds and other establishment costs. This funding is conditional upon it not being used by the Committee for the administrative requirements of the program;
- assistance with the creation of protocols and procedures relating to the humane handling of trapped birds and the requirement to have the birds taken to an authorised Vet for euthanasia. Four local vets have agreed to participate in the trial program;
- purchased and agreed to maintain equipment to provide an ongoing supply of gas for the euthanasia procedure to each of the participating Vets;

Bayside officers will table a report to a future Council meeting once the Steering Group trial has been completed. This is expected to be in January 2016 or when existing funds are exhausted.

There is a likely to be a range of views on this subject. While one view might support trapping and euthanasia, another view might oppose that, particularly given that the species is not a declared pest animal under State legislation.

Item 9.15 (cont'd)**4. Options for Glen Eira**

- a) Council could undertake the same approach as Bayside. That is, facilitate the creation of a community action group and provide financial support. However, this is not recommended because the creation of a new community action group is not warranted when one already exists. The Yarra Indian Myna Action Group (YIMAG) is the principle contact for control and management in Victoria. Setting up a similar group is doubling up. YIMAG is an experienced action group that has been around since 2010. The experience and knowledge gained during the past 5 years would be invaluable to residents in Glen Eira that are experiencing problems.
- b) Wait until the Steering Group has completed its trial and reported its findings.
- c) Continue to educate and refer residents to the Yarra Indian Myna Action Group. This is the preferred option and has proven to be appreciated by those residents who have contacted Council.

5. Recommendation

That Council:

- 1. notes this report.
- 2. Continues to educate and refer Glen Eira residents to the Yarra Indian Myna Action Group (YIMAG).
- 3. Report on the Bayside City Council's review of the Indian Myna Bird Control Program in 2016.

Crs Sounness/Pilling

That Council refers the matter of control of Indian Myna birds to the Environment Advisory Committee for investigation and recommendation.

The MOTION was put and CARRIED unanimously.

Attachment 1

Minutes of Ordinary Meeting of the Bayside City Council 21 October 2014.



Minutes of the Ordinary Meeting of Bayside City Council

The Meeting was held in the Council Chambers
Civic Centre, Brighton
on Tuesday 21 October 2014

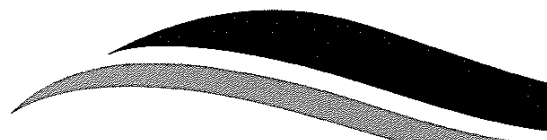
The Meeting commenced at 7.00pm

PRESENT:

Cr Laurence Evans (Mayor)
Cr Alex del Porto
Cr Felicity Frederico
Cr Michael Heffernan
Cr James Long BM JP
Cr Bruce Lowe
Cr Heather Stewart

OFFICERS IN ATTENDANCE:

| | |
|-----------------------|--|
| Shiran Wickramasinghe | Acting Chief Executive Officer |
| Mick Cummins | Director Corporate Services |
| Steven White | Director Infrastructure Services |
| Joan Andrews | Acting Director Community Services |
| Stuart Caldwell | Acting Director City Strategy |
| Mark Stockton | Manager Recreation, Events & Social Development |
| Simon Finlay | Acting Manager Environmental Sustainability & Open Space |
| Jason Stubbs | Manager Commercial Services |
| Janice Pouw | Acting Governance Manager |
| Vivienne Colmer | Policy and Planning Coordinator |



1. Purpose of the Report

This report presents to Council for consideration matters related to establishment of an Indian Myna control program in Bayside. Council submitted a motion to the May 2014 Municipal Association of Victoria (MAV) State Council meeting and Councillors have discussed the potential for a localised control program.

2. Background

The Indian Myna (also called the Common Myna) is an introduced bird species that is now well established in many cities and towns in Eastern Australia. There is concern that Indian Mynas have a negative impact on native birds through competition for food, nesting sites and territories, though limited research has been conducted to support these concerns.

Indian Mynas are not a declared Pest Animal under the *Catchment and Land Protection Act 1994*. Declaration and control of a declared pest species ultimately rests with the Department of Environment and Primary Industries (DEPI). DEPI have stated that control of Indian Mynas is at the discretion of individual land owners, as long as they comply with other relevant legislation.

The Indian Myna population in Bayside is unknown. However, since 1996 Bayside has commissioned several ecological surveys and reports; including *Bayside's Flora and Fauna – A Compilation of Surveys (1996)*, the *Bayside Native Vegetation Works Program (NVWP) Stage 1 (2008)*, *NVWP Stage 2 (2011)*, and the *Bayside Fauna Survey (2012)*. Control of Indian Mynas has not been identified in any of these reports.

At the Ordinary Meeting of Council on 25 March 2014, Council resolved that it would submit the following motion to the MAV State Council meeting to be held on 16 May 2014:

"That the MAV advocates to the Department of Environment and Primary Industries for the development and implementation of a statewide control program of the Indian Myna bird with the objective to reduce their numbers and limit their spread throughout Victoria."

Information compiled in this report has been provided from the Scientific Officer from RSPCA Australia Inc., the RSPCA Victoria website, from DEPI, several Indian Myna Action Groups, City of Casey and the Royal Botanic Gardens Cranbourne.

Current Programs

Several Indian Myna action groups have been established around Australia, including:

- Canberra Indian Myna Action Group (CIMAG)
- Yarra Indian Myna Action group (YIMAG)
- Hawkesbury City Indian Myna Action Group (HIMAG)

CIMAG formed in 2006 and is one of the longest established and largest community groups in Australia. Members work individually and collectively to implement an agreed strategy to trap and euthanise Indian Mynas in Canberra. CIMAG's *Fact Sheet Indian Myna* and *Indian Myna Trapping Help Sheet* outlining their control program is attached (Attachment 1 and 2). These groups are community run and carry out regular cage trapping and euthanasia of Indian Mynas.

The RSPCA recommends euthanasia techniques which vary from inhalation of carbon dioxide, cervical dislocation, injection of barbiturate and inhalation of carbon monoxide. The use of carbon monoxide is subject to specific conditions. The RSPCA has welfare concerns regarding the use of carbon monoxide and does not consider it to be an acceptable method of euthanasia administered by community groups.

Council sought information from RSPCA Australia who provided current information sheets regarding Indian Myna control which are attached (Attachment 3 and 4).

Matters for consideration

- Indian Mynas are generally considered to be highly invasive. However, there is limited documented research to support that they have a negative impact on native plants and animals.
- Information from the RSPCA identifies that trapping and euthanising of Indian Mynas by community groups is not encouraged. It is preferred that efforts are directed towards enhancing bird diversity in urban areas through improvement of the natural habitat. Further control programs should only be carried out as part of a government-supervised program and euthanasia of any trapped birds must be carried out in accordance with nationally endorsed standard operating procedures.
- DEPI state that localised trapping may reduce numbers in the short term but this may not make a significant difference to overall population due to rapid recolonisation.

3. Discussion

From information obtained to date, the effectiveness of implementing a localised Indian Myna control program is unclear however some success in reducing Indian Myna numbers has been recorded in Canberra due to its isolation. The effectiveness of a control program in Bayside without broader implementation across nearby municipalities and Metropolitan Melbourne is likely to be limited due to the Mynas' ability to rapidly recolonise from other areas. In addition, there is limited documented research that supports Indian Mynas having a negative impact on native wildlife.

The Royal Botanic Gardens, Cranbourne conducted a two-year Indian Myna trial control program which concluded in 2012. The trials results observed a reduction in Myna bird numbers however these results were unable to be attributed to the trapping program alone due to insufficient control data. A more extensive trial was recommended before any significant observations could be drawn to support the benefits for native wildlife resulting from the trapping and euthanising of Indian Mynas.

The RSPCA identify a preference to direct efforts towards enhancing bird diversity in urban areas by improving the quality of natural habitat rather than introducing a trapping and euthanasia program.

Based on the available information, there are several options for consideration. These range from; continued advocacy through the MAV for a State wide control program, enhancing native habitat through increased planting, Council supporting a community group or Council establishing and running a control program. Key cost elements include manufacture of traps estimated at \$20 per trap and presentation of traps to a veterinary clinic for euthanasia, estimated at \$10 per trap. While total number of birds trapped in existing programs is obtainable, individual trapping rate information could not be obtained. Therefore it is difficult to determine the cost of establishing and maintaining a control program for Bayside.

Potential trial program

On identification of the community's interest in establishing a group, Council could support a community group in a trapping trial of 12 months or earlier if the allocated funds are spent. The program would include;

- Manufacture of traps
- Establishment of protocols regarding management of trapped birds
- Presentation of trapped birds to an approved veterinarian
- Record keeping of trapped birds and locations and presentations to the veterinarian

The trial could involve the manufacture of 50 traps and allow presentation of traps to a veterinarian up to a total cost of \$11,000 that could be funded through Council's budget for the control of feral animals.

| | | |
|-----------------|-------------------------------|--------|
| Cost breakdown: | Establishment costs | \$1000 |
| | Trap manufacture | \$1000 |
| | Allowance for veterinary fees | \$9000 |

The figure of \$9000 allows for the presentation of 900 traps during the trial period, resulting in a minimum of 900 birds euthanised.

The measures for determining the success or otherwise of the 'trial' program will not be based on a scientific methodology, this is because there is no available baseline data in Bayside. Therefore the impact of the program on bird numbers will not be known. It is likely that other variables and influences may be present which may impact on any change in bird numbers. Therefore the trial will be evaluated on its success in attracting community participation and the number of birds euthanised.

Following evaluation of the trial and a determination that a community control program is established, the group would be required to incorporate in order to receive funding from Council.

Other options

Council could itself establish and manage a Bayside Indian Myna Action program where staff resources would be used to implement and manage the administration including distribution and return of traps through Council. However, based on the information available regarding existing Action Groups, it is considered that the success of these programs is more effective when based on community interest and management.

Restoring habitat and making urban areas less suitable for Indian Mynas may be a more useful approach to their management. This is the preferred option of the RSPCA.

4. Implications

4.1. Policy

Protecting and enhancing habitat for native species and control of pest species in Bayside relates to Goal Four of the Council Plan (2013-2017): A Sustainable Natural Environment.

Improvement of habitat for the benefit of native fauna is recommended in the *Bayside NVWP (Stage 1 – 2008 and Stage 2 – 2011)* and the *Bayside Fauna Survey (2012)*.

4.2. Legal/Statutory requirements

Any Indian Myna control program would need to comply with animal welfare protocols as set out by the RSPCA. These are based on model codes of practice and standard operating procedures for the humane capture, handling or destruction of feral animals in Australia. These protocols are nationally endorsed by the Australian Government Department of Environment and were developed by the Vertebrate Pest Research Unit of the New South Wales Department of Primary Industry.

4.3. Financial and resource implications

Council has an allocation of \$50,000 for the management of feral animals in the current budget, some of which could be utilised to support this initiative.

Financial implications are \$11,000 for the cost of constructing the traps (\$1000 for 50 traps) and associated veterinary costs for euthanasia and disposal (\$10 per trap), allowance of \$9000. An additional provision for establishment costs should be made of up to \$1000.

It is proposed that the trial funding allocation of \$11,000 is held within the Environmental Sustainability and Open Space services budget.

4.4. Environmental impacts

There is limited scientific research available regarding the impacts of Indian Myna's on the environment. Indian Mynas adapt easily to new environments and to urban environments in particular. They prefer open habitats where the original indigenous tree cover has been removed or reduced by development. They are aggressive and harass native birds and small animals, eventually driving them from their nests.

The Indian Myna is a raucous bird that can fight with other birds for territory in the breeding season. They have also been observed removing eggs and chicks from other birds' nests in order to claim nest spaces.

4.5. Social impacts

The Indian Myna tends to associate itself with human activity and may reduce public and domestic amenity by its noise, droppings and tendency to create mess as it scavenges through litter for food and nesting material. Indian Mynas can roost in a single tree or building, usually near a reliable food source. In these communal roosts they make a loud chattering noise well into the night and deposit a large volume of droppings.

Council receives approximately six requests per year from residents regarding the control of Indian Mynas.

5. Consultation and engagement

Research indicates that establishment of a community-based action group will only succeed if there is an ongoing and committed interest within the Bayside community. The community's awareness and level of interest in Indian Mynas and their possible control is currently unknown and should be evaluated prior to Council committing to funding such a program.

The intention to establish the trial could be advertised through Council's website and various publications, such as *Let's Talk Bayside*, the *Banksia Bulletin* and the *Brighter e-Newsletter* to gauge the level of interest within the community to form and maintain an Indian Myna action focussed community group.

6. Summary

Indian Mynas are an introduced species in Australia and are thought to impact native fauna. Establishment of a Bayside Indian Myna Action Group has been proposed and officers have explored the options and merits associated with Indian Myna control programs. Several community groups are established throughout Australia. Research indicates that a programs' success is based on initiation and management by a community group. However, it should be noted that the RSPCA does not encourage the trapping and killing of Indian Mynas by community groups. Their preference is to direct efforts towards enhancing bird diversity in urban areas by improving the quality of natural habitat.

The level of interest within the community to establish an Indian Myna Action Group is unknown. Should this issue prove to be of community interest, Council could support a community trapping and euthanasia trial of up to 12 months.

Recommendation

That Council:

1. investigates community interest in establishing an incorporated community group to undertake control activities of Indian Myna birds;
2. supports the establishment of a trial program if there is sufficient community interest;
3. makes available the sum of \$11, 000 for the trial for the purposes of manufacture of traps, veterinary euthanasia of trapped birds and subject to establishment of costs;
4. authorises the Director City Strategy to enter into a Memorandum of Understanding with an established community group outlining the terms of the trial and funding agreement; and
5. receives a report at the completion of the trial to determine its merits.

10.6 *Indian Myna Control Proposal*

City Strategy – Environmental Sustainability & Open Space
File No: FOL/1

Moved: Cr Lowe

Seconded: Cr Stewart

That Council:

1. investigates community interest in establishing an incorporated community group to undertake control activities of Indian Myna birds;
2. supports the establishment of a trial program if there is sufficient community interest;
3. makes available the sum of \$11,000 for the trial for the purposes of manufacture of traps, veterinary euthanasia of trapped birds and subject to establishment of costs;
4. authorises the Director City Strategy to enter into a Memorandum of Understanding with an established community group outlining the terms of the trial and funding agreement; and
5. receives a report at the completion of the trial to determine its merits.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Long, Frederico, Heffernan, Lowe and Evans (6)
 AGAINST: Cr del Porto (1)

CARRIED

Item 9.16

**FOUNDATION FOR YOUTH EXCELLENCE
COMMITTEE GRANT APPLICATIONS**

**Enquiries: Paul Burke
Director Community Relations**

1. Proposal

To seek Council agreement to the attached recommendations in respect of grant applications made to the Foundation for Youth Excellence and to authorise the nominated payments.

2. Recommendation

That Council;

- a. Agree the recommendations contained in the attached document.
- b. Authorise the nominated payments in the documents.

Crs Pilling/Esakoff

That the recommendation in the report be adopted.

10.04PM Cr Sounness left the Chamber.

The MOTION was put and CARRIED unanimously.

Item 9.16 (cont'd)**FOUNDATION FOR YOUTH EXCELLENCE GRANTS****Background**

The Foundation for Youth Excellence is a Glen Eira City Council program, which recognises young people who have achieved excellence in the fields of creative and performing arts, education, leadership or sport. Grants are awarded to young people who aim to achieve further success in their chosen field.

Young people aged between 10 and 25 (inclusive), living in the City of Glen Eira who are competing or performing at state, national or international level in creative and performing arts, education, leadership or sport activities, are eligible to apply.

Selection Criteria

Categories cover Creative and Performing Arts, Education, Leadership and Sport. Within these categories are three levels upon which grant amounts are decided. These levels are State, National and International competition.

| | |
|-----------------------|------------------|
| STATE: | Up to \$360 |
| NATIONAL: | Up to \$600.00 |
| INTERNATIONAL: | Up to \$1,200.00 |

Applicants are required to provide the following as part of the set guidelines for the Foundation:

- A letter outlining the significance of the nominated event as recognised by a state, national or international body, including the impact that this event will have on the applicant with a view to enhance their chosen pursuit;
- The individuals state, national and or international ranking;
- Evidence of potential to achieve success at national and or international level;
- Evidence from the organisational body outlining how the applicant was chosen for the event and the selection criteria used to make this decision;
- An indication of the number of training / study hours per week, or additional documents that supports their application.

Recommendations Quarter 2 , 2015

AMON, Mia

Category: Sport

Level: National

Applicant selected to represent Victoria at the Under 18 Girls National AFL Competition in Perth W.A.

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

Item 9.16 (cont'd)**ARNEIL, Caitlin**

Category: Sport

Level: National

Applicant selected to represent Victoria at the Under 18 Women Hockey Championship in Adelaide, South Australia

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

ARNEIL, Lachlan

Category: Sport

Level: National

Applicant selected to represent Victoria at the National Under 15 Hockey Championship in Hobart, Tasmania

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

BRERETON, Rebecca

Category: Sport

Level: International

Applicant selected to represent Australia at the 2015 World Under 23 Ultimate Championship in London, England

Recommendation: \$1,200

Funding to contribute towards registration and competition expenses.

EDEMA, Mitchell

Category: Sport

Level: National

Applicant selected to represent Victoria at the Australian Indoor Netball Championship in Sydney, New South Wales

Recommendation: \$600

Funding to contribute towards registration and competition expenses.

EL-OSTA, Audrey

Category: Creative & performing arts

Level: State

Applicant selected participate in the artist in residency program with Cowwarr Art Space in Taralgon, Victoria

Recommendation: \$360

Funding to contribute towards accommodation and living expenses

Item 9.16 (cont'd)**FRAJMAN, Marcus**

Category: Education

Level: International

Applicant selected to attend the Murdoch Law School's International Human Rights Program in Geneva, Switzerland.

Recommendation: \$1,200

Funding to contribute towards enrolment and study expenses

GEAR, Chloe

Category: Sport

Level: International

Applicant selected to represent Australia at the World Dragon Boat Racing Championship in Welland, Canada.

Recommendation: \$1200

Funding to contribute towards registration and competition expenses

GERRITS, Alannah

Category: Sport

Level: National

Applicant selected to represent Victoria at the National Calisthenics Championship in Gold Coast, Queensland

Recommendation: \$600

Funding to contribute towards registration and competition expenses

HALL, Alex

Category: Sport

Level: State

Applicant selected to compete at the Victorian State Karate Championships held in Bundoora, Victoria.

Recommendation: \$360

Funding to contribute towards registration and competition expenses

HAMMAM, Maya

Category: Sport

Level: National

Applicant selected to compete at the Australian National Age Swimming Championships in Sydney, New South Wales.

Recommendation: \$600

Funding to contribute towards competition expenses

Item 9.16 (cont'd)**LYTTLETON, Jai**

Category: Sport

Level: National

Applicant selected to represent Victoria at the Australian National Junior League Baseball Championships in Surfers Paradise, Queensland

Recommendation: \$600

Funding to contribute towards registration and competition expenses

MACDONALD, Georgie

Category: Sport

Level: National

Applicant selected to represent Victoria at the Australian Junior Athletics Championships in Sydney, New South Wales

Recommendation: \$600

Funding to contribute towards registration and competition expenses

SCHENBERG, Rachel

Category: Creative & performing arts

Level: National

Applicant selected to represent Victoria at *HATCHED: National Graduate Show 2015 in Perth, Western Australia.

*HATCHED is national exhibition and competition of the most talented graduate artists selected from art schools and universities across Australia. The exhibition is run by the *Perth Institute of Contemporary Arts* with the major prize awarded to the most outstanding Hatched artist of the exhibition.

Recommendation: \$600

Funding to contribute towards travel and living expenses

TURLEY, Mackenzie

Category: Sport

Level: National

Applicant selected to represent Victoria at the Australian National Junior League Baseball Championships in Surfers Paradise, Queensland

Recommendation: \$600

Funding to contribute towards registration and competition expenses

Item 9.16 (cont'd)**YEMINI**, Ommer

Category: Sport

Level: National

Applicant competing in the South Australian Rhythmic Gymnastics First State Team
Trails in Morphettville, South Australia**Recommendation:** NIL

Not eligible for FFYE funding. Application does not meet FFYE funding criteria as application is for neither a recognised representative team nor a recognised competition.

Item 9.17**CREATION OF EASEMENT – LAND ABUTTING
34 DALEY STREET MCKINNON**

File No:
Enquiries: Noel Kiernan -
Manager Buildings and Properties

1. Purpose

To seek approval to create an easement in favour of Council in relation to land abutting 34 Daley Street, McKinnon.

2. Community Plan

Community Facilities and Assets: to ensure that Council assets meet community requirements and are funded in a sustainable manner.

3. Background

Council officers were approached by the solicitor acting for the owner of 34 Daley Street in relation to an adverse possession claim. The owner proposes to claim the abutting drainage reserve at the side and rear of their property at 34 Daley Street by adverse possession (as shown in the location plan Attachment 1).

There are Council and South East Water drainage assets under the land and the land forms part of a natural overland path. To protect Council's interest in the land, Council's Infrastructure Planning Unit recommends a drainage easement be created over the land in favour of Council.

The Victorian Title Registration Services (VTRS) may consent to an adverse possession claim in certain circumstances. The claimant claims to have occupied and maintained this land for in excess of fifteen years and is agreeable to creation of an easement in favour of Council at their costs. A copy of the plan of creation for the 124m² easement is provided (as shown in Attachment 2).

4. Issues

Section 3.9 of Council's Rights of Way and Reserves - Discontinuance and Sale Policy, 2006 states

"Council may at its discretion, not recognise or assist with adverse possession claims over roads/reserves, and reserves the right to contest such claims".

Council does not own the reserve so cannot contest the claim. There is also no community benefit in retaining this small area of (4.36m wide) reserve.

To protect the necessary overland flow path and legal access for maintenance purposes of Council's assets, Council should agree to create the easement.

5. Recommendation

That:

- i) Council authorises officers to finalise the creation of easement documentation associated with the land abutting 34 Daley Street McKinnon; and
- ii) Council authorises the execution of the creation of easement documentation in an appropriate manner including the affixing of the common seal.

Item 9.17 (cont'd)

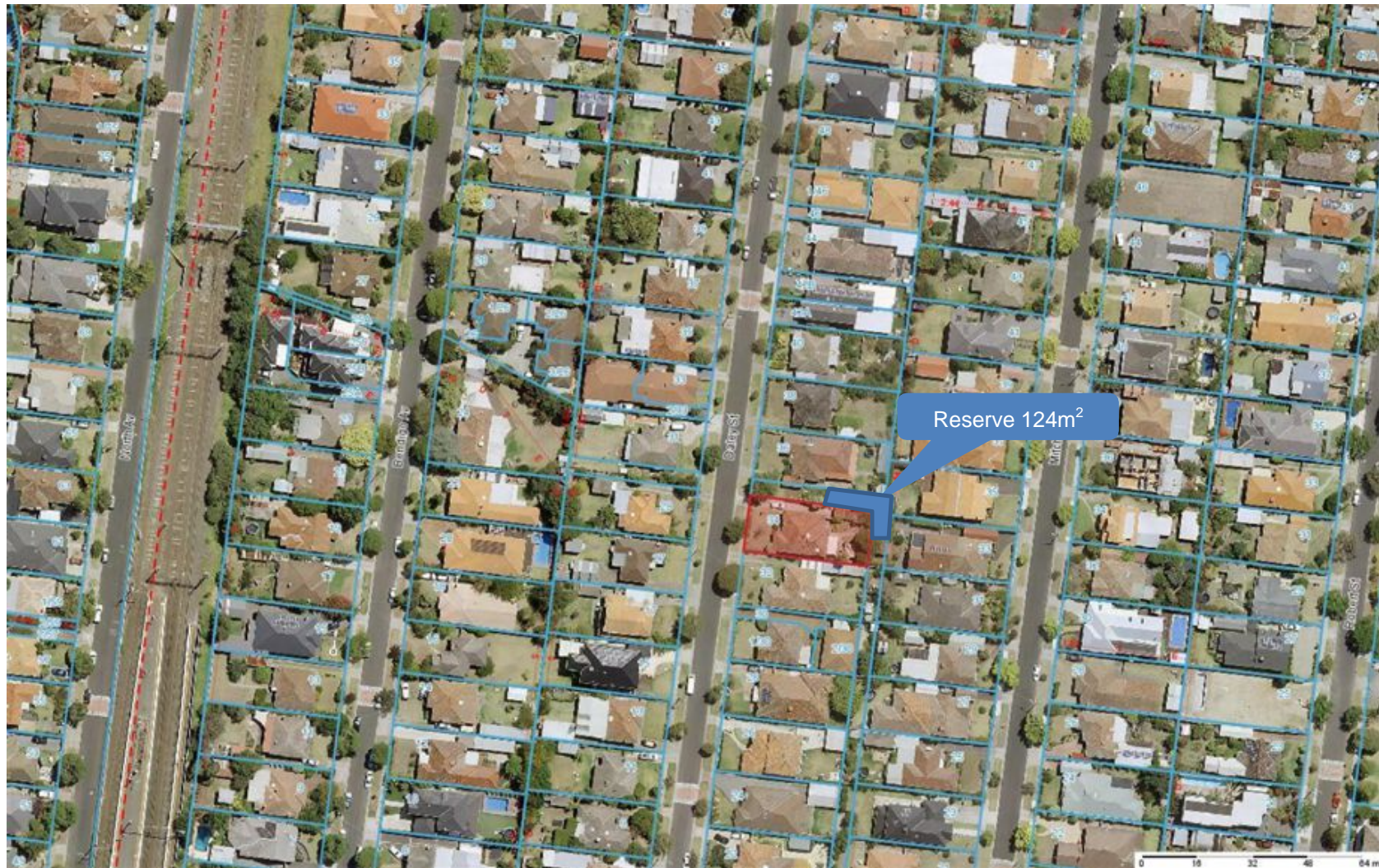
Crs Hyams/Lipshutz

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

Daley Street McKinnon - Location Plan

ATTACHMENT 1





Item 9.18**REVISIONS TO THE CHARTER OF
COUNCIL'S AUDIT COMMITTEE****Enquiries: Peter Swabey
Chief Financial Officer****1. Purpose**

The Audit Committee recommends that Council adopts an updated Charter.

2. Community Plan

Theme 4: Governance

3. Background

A well written Charter, which clearly sets out objectives, duties and responsibilities, membership composition and meeting structure, is a pre-requisite for an effective Audit Committee.

Council's Audit Committee has sought the Committee's Charter to be reviewed and, where necessary, updated. The current Audit Committee Charter was updated and adopted by the Council in October 2014. At the Audit Committee meeting in February 2015, the Audit Committee made further changes to the Charter to include the receiving and consideration of Performance Reports and some minor style changes.

The proposed amended Charter is attached.

4. Recommendation

That the attached Charter for Council's Audit Committee be adopted.

Crs Lipshutz/Delahunty

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

CITY OF GLEN EIRA AUDIT COMMITTEE

Executive Summary

The Audit Committee ('Committee') is designed to play a key role in assisting Council to fulfil its governance and overseeing responsibilities, ethical practices and accountability requirements.

The main objectives, functions and potential benefits of the ~~audit committee~~ Committee will include the following:

- The enhancement of the credibility and objectivity of internal and external financial reporting;
- Effective management of financial and other risks and the protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines;
- The effectiveness of the internal audit function; and
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

The ~~Audit~~ Committee is a formally appointed Advisory Committee of the Council and is responsible to that body. The ~~Audit~~ Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

The ~~Audit~~ Committee comprises 5 members – 2 Councillors and 3 external, independent persons. All members shall have full voting rights. The Chairperson shall be an independent member.

The Chief Executive Officer, Chief Financial Officer and internal auditor (whether a member of staff or contractor) should attend all meetings, except when the Committee chooses to meet in camera. All Councillors may attend all meetings. Council staff and other relevant persons may be invited to attend at the discretion of the Committee to advise and provide information when required.

Council shall provide secretarial and administrative support to the Committee.

The Committee should meet at least quarterly.

The ~~Audit~~ Committee shall after every meeting forward the minutes of that meeting to the next practicable ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.

The Committee will review its performance annually.

Charter

1. **Objectives of the Audit Committee**

The main objectives and the potential benefits of the ~~audit-committee~~ Committee include the following:

- Improving the credibility and objectivity of the accountability process (including financial reporting in the annual financial statements).
- Assisting the Council to discharge its responsibility to exercise due care, diligence and skill in relation to the Council's:
 - Reporting of financial information to external users of financial reports;
 - Application of accounting policies;
 - Risk management including, but not limited to, fraud prevention, business continuity planning and disaster recovery;
 - Financial management;
 - Internal control system;
 - Policies and practices; and
 - Compliance with applicable laws, regulations and best practice guidelines.
- Providing a formal forum for communication between the Council and senior financial management.
- Improving the effectiveness of the internal and external audit functions and the communication between Council and the external and internal auditors.
- Improving the efficiency of the Council by delegating tasks to the ~~committee~~ Committee and thus facilitating the discussion of issues in sufficient depth.
- Providing a structured reporting line for internal audit and facilitating the maintenance of the objectivity of the internal auditor.
- Improving the quality of internal reporting.
- Adding to the credibility of Council and the organisation through adherence to ethical standards.
- Following the Code of Conduct of the Council and Best Practice Guidelines on Audit Committees as issued from time to time.

2. Charter and Terms of Reference

The Committee's charter is to assist the Council to fulfil its responsibilities in relation to accounting policies, external financial reporting practices, risk assessment, risk management, internal control, management and reporting policies and systems and any other matters referred to it by Council.

This will include:

- Recommending to Council the appointment of internal auditors and advising the Auditor-General in relation to the appointment and performances of their agent;
- Overseeing and appraising the quality of the audits conducted by both the Council's internal auditors and the Auditor-General;
- Maintaining, by scheduling regular meetings, open lines of communications among the Council, the internal auditors, the Auditor-General and their agent to exchange views and information, as well as confirm their respective authority and responsibilities;
- Serving as an independent and objective party to review the financial information presented by management to Council, Government and the general public;
- Monitoring the action taken on matters raised in respect of the Council by the internal auditors, the Auditor-General and their agent;
- Reviewing drafts of the statutory accounts and recommending their adoption or rejection to Council;
- Reviewing the annual performance statement and recommending its adoption or rejection to Council;
- Reviewing fraud prevention mitigating controls (including corruption) and risk management.

3. Composition

The ~~Audit~~ Committee is appointed by Council and is comprised of the following persons:

- Two (2) Councillors.
- Three (3) appropriately qualified and experienced independent persons.

An independent person shall be Chairperson of the Committee. Should the Chairperson be absent from a meeting of the Committee, the members of the Committee shall choose one of their number to be Chairperson for that particular meeting.

Council shall select independent persons for the Committee and nominate the Committee's Chairperson.

The Chief Executive Officer and Chief Financial Officer will be invited to each meeting. Representatives from the Auditor-General, their agent and internal auditors will be invited to meetings as required. Members must abide by the Code of Conduct as promulgated by the Council.

4. *Term of Membership*

Independent members of the Committee are not officers or employees of Council and have no executive powers. Independent members shall be appointed for an initial term of three (3) years after which time they will be eligible for reappointment. No independent member is to be appointed for more than two consecutive three year terms unless Council resolves otherwise. Terms will be scheduled to facilitate continuity of the Committee such that no more than one Councillor and one independent member's terms cease within the one year

New members shall be given induction training (as required).

5. *Remuneration of Independent Members*

Remuneration will be paid to each independent member of the **Audit** Committee. The amount paid will be a per annum amount as agreed by Council and will be paid half-yearly in two equal instalments.

6. *Records of Meetings*

An independent minute taker shall be responsible for keeping the minutes of meetings of the Committee and circulating them to Committee members, (after approval by the Chairperson) and others as required.

An appropriate officer shall act as independent minute taker to the Committee.

7. *Meetings*

The Committee will hold regular meetings, preferably quarterly and such additional meetings as the Chairperson shall decide are necessary in order to fulfil its duties. In addition, the Chairperson is required to call a meeting of the Committee if requested to do so by any Committee member, the Chief Executive, the CFO, the Auditor-General, their agent or the internal auditors.

The CFO, in conjunction with the Chairperson, shall be responsible for drawing up the agenda and circulating it, supported by explanatory documentation to Committee members. Such documentation shall be distributed at least four (4) working days prior to each meeting.

A quorum shall consist of three (3) members, including at least one Councillor member and one Independent member.

8. *Access*

The Committee shall be responsible for liaising with the Auditor-General or their agent in relation to the audit of the financial statements. It shall have direct access to the Auditor-General, their agent and the internal auditors all of whom shall also have direct access to the Committee. It shall have the

authority to seek any information it requires from any employee of Council through the CEO.

The Committee shall have the authority to consult independent experts where it considers it necessary to carry out its duties.

9. *Reporting*

The Committee, through its Chairperson, will report to Council after each Committee meeting and minutes of the Committee meetings will be incorporated in Council's agenda papers. The Chairperson shall submit an annual report to Council summarising the Committee's activities and principal findings during the year.

10. *Performance*

The Committee will perform an annual assessment of its performance against the Charter.

11. *Duties and Responsibilities*

The primary responsibility of the Committee is to assist Council to fulfill its responsibilities in relation to the Council's accounting policies, risk assessment, risk management, internal control systems and operational audit and financial and performance reporting practices.

The discharge of this responsibility will involve the following activities, inter alia:

i) *Financial and Performance Reporting*

The Committee will review all financial statements and performance reports required for external publication prior to recommending the approval or rejection by Council. It will consider the contents of the financial statements and performance reports and the adequacy of disclosure with the financial statements and performance reports themselves, prior to presentation to Council.

Specific matters the Committee may address include:

- Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.
- Determination as to whether accounting policies and disclosure meet the requirements of the Australian Accounting Standards and of the law. Where there have been significant changes in accounting principles or in the application from those of prior years, the reasons for the changes and the auditor's view of the changes;
- Material adjustments arising from audits and cases where management sought advice on specific accounting matters from any external source;

- Developments likely to affect financial reporting, proposed changes to the formats of financial statements and new accounting and legislative pronouncements and disclosure requirements, as they affect both current and future years;
- Review any abnormal transaction, including current or pending litigation claims or other contingencies which management or legal counsel believe is likely to have a material effect on the financial position or operating results of Council and the manner in which those matters have been disclosed in the financial statements;
- Reviewing any accruals, provisions or estimates which significantly affect the financial statements as well as other material financial matters.
- Monitoring related party transactions.
- Periodic reviews and updates on performance reporting.

ii) Internal Control

The Committee will be responsible for advising Council on the adequacy of internal control policies and procedures in relation to safeguarding Council's assets, maintenance of reliable and detailed financial records and compliance with legislation. It shall also ensure compliance with such policies and procedures.

Specific matters the Committee may address include:

- Review of the Internal Auditor's reports to management on internal accounting controls and financial reporting systems, action taken or proposed resulting from those reports with particular emphasis on the control over computerised systems;
- Gaining assurance as to the effectiveness and appropriateness of the documented internal controls;
- Scrutiny of policies and procedures relating to compliance with laws and regulations, Council decisions and Ministerial directions and gaining assurance that there is adherence to such policies and procedures;
- Investigation of significant instances of employees or Council's conflict of interest, misconduct or fraud;
- Matters specifically referred by Council.

iii) Risk Assessment

- Monitor the risk exposure of Council by determining if Management has appropriate risk management processes and adequate risk management systems;

- Consider the adequacy of actions taken to ensure that the material business risks have been dealt with in a timely manner to mitigate exposures to Council;
- Review the outputs and effectiveness of Council's risk management program; and
- Monitoring corporate risk assessment and the internal controls instituted.

iv) *Activities of Internal Auditors and Auditor-General*

The Committee will be responsible for ensuring that activities are carried out in the most effective, efficient and comprehensive manner.

Specific matters the Committee may address include:

- Review the level of resources allocated to internal audit and the scope of its authority, including overseeing any tender process conducted for the provision of internal audit services and making a recommendation of preferred supplier to the Council;
- Review the scope of, and approve, the internal audit plan;
- Annual assessment of the effectiveness of the internal audit activities by a review of the internal audit plan and scope of operations and a critical appraisal of internal audit activities including audit plans, progress plans, internal resources and reports produced;
- As part of the ~~audit committee's~~ Committee's annual assessment of performance, determine level of satisfaction with internal audit function;
- The interaction between the Internal Auditors, the Auditor-General and their agent to ensure that the overall coverage is adequate and duplication of effort is avoided; and
- Consider reports and findings by the Auditor-General and ensure that appropriate responses are made and that appropriate action is taken in relation to such matters. The Auditor-General should be satisfied that management has provided all relevant information in response to any requests to Council.

Item 9.19**COMMUNITY SATISFACTION SURVEY**

Chief Executive Officer

1. Purpose

To report the results from the annual survey of Community satisfaction.

2. Community Plan

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

3. Recommendation

That Council note that in the 2015 Community Satisfaction survey:

- a. Glen Eira received the highest proportion of favourable responses (*Good* or *Very Good*) ever received in the seventeen years in which surveys have been conducted (72%);
- b. the Approval Rating was 72 / 4, the Satisfaction Rating 96 / 4 and the index score 71;
- c. Community satisfaction with Council's Customer Service was the highest recorded;
- d. the Survey reveals high levels of satisfaction with services which Council controls (eg Parks, Recreation Facilities, Community Facilities, Waste and Recycling, Customer Service and Public Areas);
- e. the Survey reveals that the Community would like to see improved performance in areas where Council is subordinated to State Agencies (eg town planning, possibly including being regularly over-ruled by VCAT, and parking ratios);
- f. Glen Eira recorded satisfaction levels significantly higher than the metro average across twelve criteria while having the second-lowest average rates and charges per property.

4. Background – the Survey

Each year there is an external, independent survey of community satisfaction. It is undertaken by a market research firm under contract to the State Government. The firm phones a representative sample of residents and asks them set questions. The questions are determined by the Department Environment, Water, Land and Planning and the survey firm.

The number of residents phoned in Glen Eira is 400. Because the sample is randomly chosen but representative of the community by suburb, gender, age etc, the survey results would be replicated very closely if undertaken again. (By way of comparison with the 400 person sample, election opinion polls usually have a sample of 2,000 nationally which might include around 10 from Glen Eira.)

Item 9.19 (cont'd)

The 400 phone interviews in Glen Eira were undertaken in March 2015. Survey reports were sent to councils on 28 May 2015. The survey document is scheduled to be uploaded to Council's website on 15 June.

Results are expressed as weighted scores according to responses:

- *Very Good* 5
- *Good* 4
- *Average* 3
- *Poor* 2
- *Very Poor* 1
- *Can't Say.*

5. Purpose

The annual survey is useful in order to

- a. compare current levels of satisfaction in Glen Eira with those of previous years
- b. check satisfaction in Glen Eira relative to our benchmark group of metropolitan municipalities
- c. identify areas of high satisfaction and build on them and
- d. identify areas of lesser satisfaction and try to improve.

6. Summary of Results

Key Tables are attached.

6.1 Overall Satisfaction

Satisfaction with *Overall Performance* was as follows (previous year's figures in brackets):

- *Very Good* 18% (21)
- *Good* 54% (47)
- Subtotal 72 (68)

- *Average* 22% (28)

- *Poor* 3% (2)
- *Very Poor* 1% (0)
- Subtotal 4 (2)

- *Can't Say* 1% (2)

Compared with last year, "*Average*" has thinned from 28 to 22 with increases in both *Good* or *Very Good* (up from 68 to 72) and *Poor* or *Very Poor* (up from 2 to 4). Particular experiences may have influenced the higher number of both favourable and unfavourable responses.

Item 9.19 (cont'd)

The results can be aggregated in three ways.

| | 2015 | 2014 | 2013 |
|--|--------|--------|--------|
| Approval Rating (Very Good and Good versus Poor and Very Poor) | 72 / 4 | 68 / 2 | 61 / 8 |
| Satisfaction Rating (Very Good, Good and Average versus Poor and Very Poor) | 94 / 4 | 96 / 2 | 90 / 8 |
| Indexed score | 71 | 72 | 66 |

The weighted index of 71 is not a statistically significant change from last year (72). Both 2015 and 2014 were statistically significantly higher than the 2013 weighted index of 66.

Reasons for the improved levels of favourable responses could include

- positive reasons such as Policy-making and service delivery in
 - more and better Open Space
 - many Sustainability programs, including more effective waste and recycling and increased use of renewable energy
 - no waiting lists for kindergarten, child care or home care
 - the introduction of a Care Crew to attend to shopping strip safety and cleanliness
 - very popular community programs (eg Party-in-the-Park, story time and baby time)
 - the many programs at GESAC
 - successful advocacy for Grade Separations
 - and others.
- the absence of negative factors such as internal disputation.

6.2 Customer Service

The weighted score was 79, including 44% *Very Good*. This is the highest proportion of *Very Good* ever received.

Glen Eira has been at the top of the State in this category for many years.

- In part this reflects the responsiveness of the Service Centre and the various service delivery teams.
- Councillors are also aware of the regular flow of compliments where residents have had direct contact with staff or contractors and have had their expectations exceeded and been kind enough to say so. The most recent example happens to be:

Item 9.19 (cont'd)

Sent: Friday, 29 May 2015 8:41 AM

"Hi There,

I'd imagine most of the feedback letters you get are usually based around enquires or complaints. So I thought it might be nice to pass on a thank you letter.

We're in the middle of renovating so we've had quite a few queries to council and I can happily say the planning department have been extremely responsive and helpful.

Additionally, services such as the hard rubbish pick process have been extremely simple and efficient.

To be completely frank, I can honestly say that every interaction with council I've had since moving to Glen Eira 3 years ago has been an absolute pleasure.

So once again thank you and keep up the great work!"

6.3 Direction

On trends in *Council direction*, 21% said improving, 7% deteriorating and the rest either think performance is stable or can't say.

7. Satisfaction relative to Metro Councils

The metropolitan group comprises: Banyule, Bayside, Boroondara, Glen Eira, Greater Dandenong, Frankston, Kingston, Knox, Manningham, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port Phillip and Stonnington.

Glen Eira was significantly above the metro average on

- *Overall Performance*
- *Customer Service*
- *Recreation facilities*
- *Disadvantaged Support Services*
- *Appearance of public areas*
- *Local streets and footpaths*
- *Parking facilities*
- *Sealed local roads*
- *Enforcement of Local Laws*

- *Art centres and libraries*
- *Waste management*
- *Environmental Sustainability.*

Item 9.19 (cont'd)**8. Strengths to build on**

The attached Table lists strengths and areas for improvement.

(When given the opportunity to identify things which Council needed to improve, 15% responded '*nothing*' or had no comment.)

9. Continual Improvement

The most useful purposes of the survey are

- to provide information on Community priorities and perceptions and
- to identify areas for improvement.

Survey results can be taken into account along with other constructive input such as constituent requests, comments made in specific community consultations, submissions to Statutory processes etc.

The main priorities for improvement are: *inappropriate development, traffic management and communication.*

9.1 Traffic Management

The number of vehicles in Glen Eira has been steadily growing and space for them – moving or stationary – has not.

The only sustainable solution to this is mass transit systems which are good enough for households to decide to have fewer cars or no car.

Previous reports to Council have addressed Melbourne's boom in population (increasing by 100,000 people each year) and boom in apartments which is now in its fifth year. Town Planning policy aims to co-locate apartment development around railway stations in both commercial and residential zones. Higher proportions of people will be able to walk to the station rather than drive to the station.

For many years Council has denied on-street residential parking permits for new multi-unit developments. That forces developers to make commercial decisions about the amount of off street car parking to provide.

Council is implementing commercial car sharing.

Council has greatly expanded bike paths and lanes and connected our bike network to the networks of neighbouring municipalities.

Council has successfully advocated for grade separation. The State Government has now approved seven grade separations in Glen Eira to be implemented by 2018. Grade separation is most commonly seen as a benefit to vehicles and drivers. But, in fact, it will allow more trains to run more often and provides benefits to walkers, cyclists, school drop-offs and pick-ups, freight deliveries etc.

Grade separation will make Glen Eira localities relatively more popular as places to live. This is likely to attract more development.

Item 9.19 (cont'd)

One effect of the zone one and two public transport prices has been to attract people who live in zone two to drive to Glen Eira stations in zone one. To the extent that the distinction is removed, those vehicle movements should stop.

Nonetheless, VicRoads projects that traffic congestion will continue to increase. It is not within the power of any suburban council to overcome this. Expectations need to be adjusted.

Council's focus will continue to be on safety, especially around schools and shopping strips.

9.2 *Inappropriate development*

Development tends to be perceived as "inappropriate" when it is more than used to be the case, contributes to traffic or because of its appearance.

As stated above, town planning policy is channelling apartment growth close to railway stations and away from traditional residential streets.

To a large extent this criterion reflects State, not local, policy. The Government had foreshadowed a review of key elements of town planning policy but has yet to announce the detail or timing. A particular problem is that VCAT is not required to apply Councils' planning policies, merely to "take account" of them.

9.3 *Communication*

This factor may reflect the rapid changes relating to inappropriate development and traffic management.

The ways in which people would like to give and receive information is expanding rapidly. While a significant segment in the Glen Eira community prefers hard copy, more people will prefer electronic means including communication to mobile devices. Council will need to cover the full range of methods.

In addition, experience suggests that residents prefer to engage on specific proposals that may affect them rather than in the abstract.

Council has undertaken a number of initiatives to try to improve in this area including

- e-newsletters where residents can register to receive emails about consultations
- advertising town planning applications to wider numbers of surrounding properties
- publishing the Residents' Handbook to inform residents of information and opportunities
- utilising different means for engagement methods
- revamp of the Council website to make it more user-friendly
- introducing Facebook sites for key services.

Council's Community Consultation Advisory Committee continues to consider opportunities for improvement.

Item 9.19 (cont'd)

10. Value for Money

It is noteworthy that high levels of satisfaction relative to our peers are being achieved with the second-lowest average rates and charges of all metropolitan Councils.

Crs Pilling/Hyams

That the recommendation in the report be adopted.

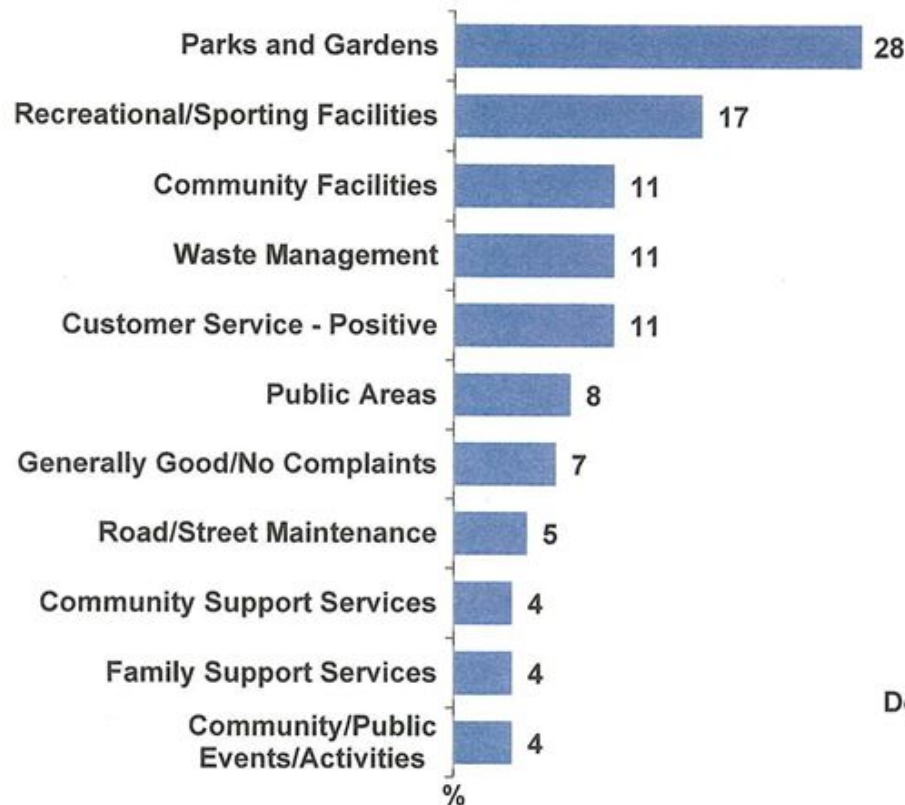
10.13PM Cr Sounness returned to the Chamber.

The MOTION was put and CARRIED unanimously.

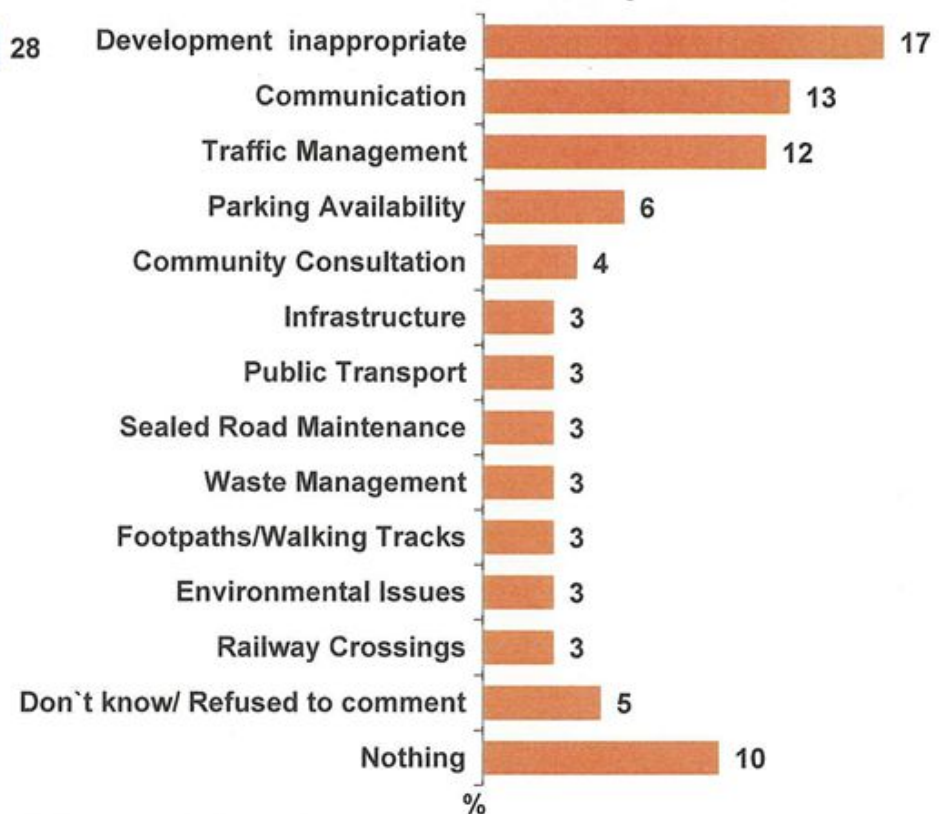
2015 BEST THINGS ABOUT COUNCIL DETAILED PERCENTAGES

2015 SERVICES TO IMPROVE DETAILED PERCENTAGES

2015 Best Aspects



2015 Areas for Improvement



Q16. Please tell me what is the ONE BEST thing about Glen Eira City Council? It could be about any of the issues or services we have covered in this survey or it could be about something else altogether?

Base: All respondents. Councils asked statewide: 19 Councils asked group: 6

Q17. What does Glen Eira City Council MOST need to do to improve its performance?

Base: All respondents. Councils asked statewide: 28 Councils asked group: 11

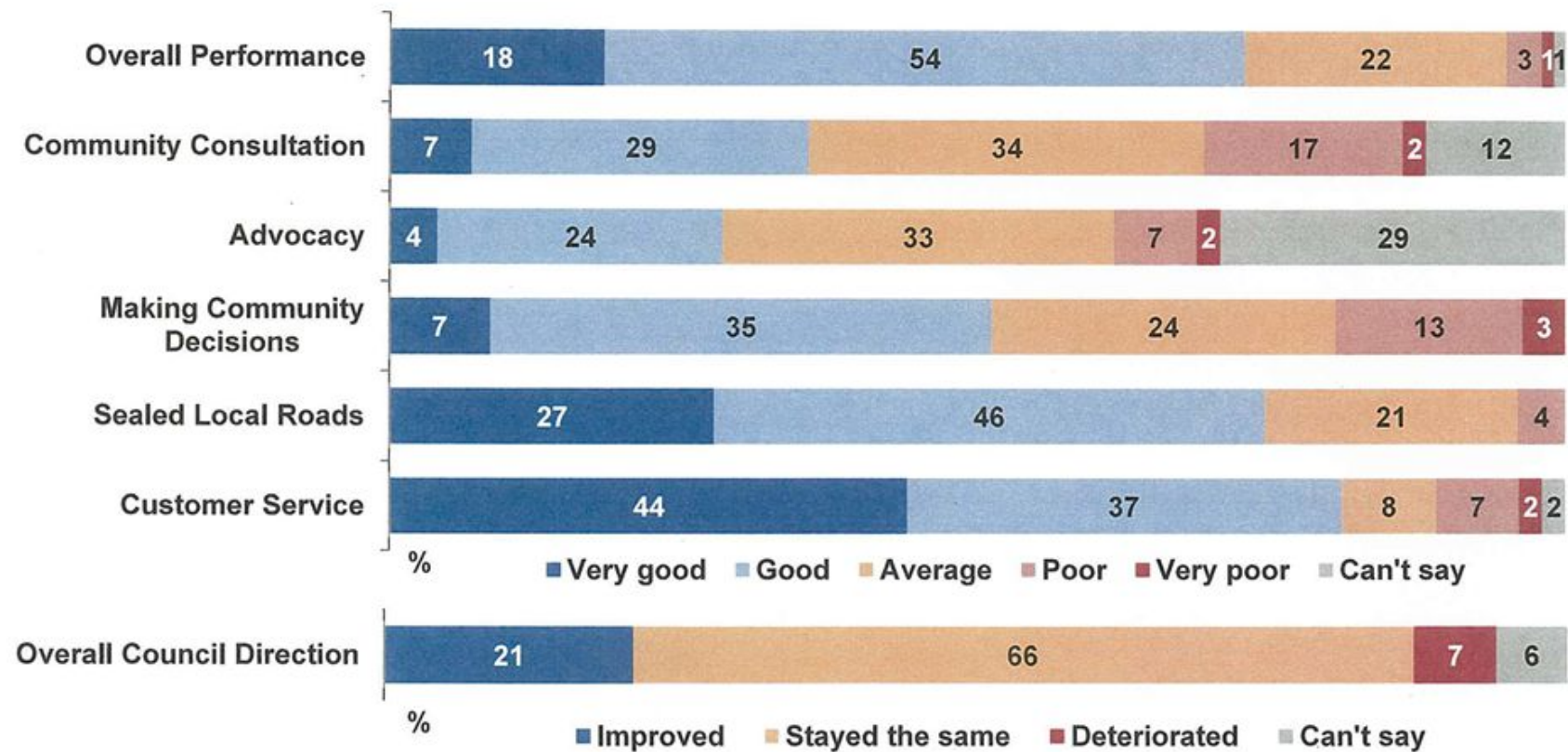


J W S R E S E A R C H

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2015 SUMMARY OF KEY COMMUNITY SATISFACTION PERCENTAGE RESULTS

Key Measures Summary Results



INDIVIDUAL SERVICE AREAS SUMMARY

COUNCIL'S PERFORMANCE VS STATE-WIDE AVERAGE



10. URGENT BUSINESS - Nil**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****(a) Crs Pilling/Okotel**

That a report be prepared on options for Council to consider at the new Booran Park that would provide permanent acknowledgement and recognition of the indigenous peoples on whose traditional lands the new park will be created. The report should also outline indigenous involvement at the official opening of the park. All options are to be presented after undertaking consultation with local indigenous groups.

The MOTION was put and CARRIED unanimously.

(b) Crs Lipshutz/Okotel

That Council provide a report to the next Council meeting detailing;

- (a) Whether it is feasible to forward Council Rate Notices and Instalment Notices by email.**
- (b) What steps has Council taken (if any) to institute procedures to allow Ratepayers to opt in to receiving Rate Notices and Instalment Notices by email.**
- (c) If yes, how many ratepayers are now being sent rate notices by email**
- (d) If no to (b) what procedures are required to allow Ratepayers to opt in to receiving Rate Notices and Instalment Notices by email**
- (e) What further data has or should be captured by allowing Ratepayers to opt in to receive Rate Notices and Instalment Notices by email.**
- (f) Whether a database of ratepayer email addresses will permit Council to use those email addresses for the purposes of notification and community consultation.**

The MOTION was put and CARRIED unanimously.

(c) Crs Sounness/Pilling

That a report be prepared reviewing the agreement resolved upon by Council on 27 April 2011 between the City of Glen Eira and the Melbourne Racing Club (item 9.12) in relation to the Centre of the Racecourse and related matters. In particular I seek information on on-going access arrangements being met, the continuing provision of infrastructure within the centre of the racecourse and the progress made in improving community visibility through changes to the perimeter fencing.

The MOTION was put and CARRIED unanimously.

11.2 Right of reply – Nil

11.3 Councillor questions – Nil

11.4 Public questions to Council

From: Rosetta Manaszewicz
Subject: Budget

“Could Council please provide full details of any variations Council has made to its annual draft budget in each of the last five years in direct response to submissions from members of the public. In other words, please itemise any changes that council has endorsed as a result of submissions in the past five years.”

The Deputy Mayor read Council’s response. She said:

“The preparation of each budget develops over several months and draws on the Council Plan, 12 month Action Plan and other Plans and Strategies (e.g. Environment Sustainability Strategy; Open Space Strategy; Municipal Early Years Plan and many more). By following these processes, Draft Budgets in recent years have included numerous initiatives such as:

- Open space projects including – Booran Reserve; Elsternwick Plaza; Gisborne/Archibald Street Park;
- Rolling out green waste bins across the Municipality;
- Environmental and sustainability initiatives including - planting of warm season grasses on sports ovals; installation of solar panels and other energy efficiency initiatives in Council buildings;
- Increasing the number of street trees planted to 2,000 per annum;
- Implementing the bicycle strategy;
- Continuation of shopping centre upgrades;
- Continuing the renewal and upgrade of Council's major infrastructure assets such as local roads, drains and footpaths;
- Redevelopment of the former East Boundary Road Pool into the Glen Eira Sports and Aquatic Centre;
- Pavilion redevelopments at various locations including Duncan Mackinnon Reserve and Centenary Park; and

- Increasing traffic management expenditure to improve safety and promote efficient movement across the Municipality.

As a result, Budgets have responded to Community input through a number of consultative processes.

In the last five years no variations have been made in response to submissions made under s129 of the Local Government Act.

Council does consider all budget submissions very carefully and whilst Council may not be able to implement the specific changes or suggestions that each submitter presents in the first financial year, the strategic aspects of all submissions are considered and reviewed by Council.”

From: Rosetta Manaszewicz
Subject: MAV State Conference

“At last council meeting, Councillor Esakoff provided an oral report on the MAV State Conference. She did not however indicate how council voted on all the motions. I therefore ask what was Council’s vote on the following resolutions, headed –

Apartment size standards

Standard contribution development levies on infill development within established urban areas

Funding for activity centres

Extension times to planning development permits

If any of the above were voted against by Council, could Cr Esakoff please explain the reasons why.”

The Deputy Mayor read Council’s response. She said:

“Council’s MAV delegate advises that Glen Eira City Council supported all but one of the Motions specified in your Public Question being the Motion on Extension times to Planning Development Permits.

The reason Glen Eira decided not to support this Motion was based on advice from our Planning Department that:

- Glen Eira is conservative in granting permit extensions.
- A permit holder needs to provide a valid reason for the extension. Any request is assessed against tests set out in VCAT cases. These include consideration of any change in town planning policy, and whether the permit holder is seeking to “warehouse” the permit.
- In some cases an extension of time is sought to enable completion of a development before a permit expires.
- It would be in our interest to continue to have flexibility to make individual decisions to extend or not on their merit.”

From: Rosetta Manaszewicz
Subject: Dwelling approvals

“A report tabled on the 28th April, 2015, says in part: “From 1 October 2013 to 31 December 2014 (15 month period), there have been 744 new dwellings approved in the General Residential Zone and Residential Growth Zone combined”. Does this figure of 744:

- (a) Refer to planning permits or building permits?*
- (b) Refer only to those planning permits granted by council and exclude those still to be decided by VCAT?*
- (c) Include those permits refused by council and granted by VCAT?*
- (d) Include decisions on amended permits for which the dates of final decision are outside the time frame of October 2013 and December 2014?”*

The Deputy Mayor read Council's response. She said:

“The figure consists of planning permits and amended planning permits issued by Council or at the direction of VCAT within the listed timeframe.”

12. CONSIDERATION OF CONFIDENTIAL ITEMS**Crs Hyams/Lipshutz**

That the meeting be now closed to members of the public under Section 89(2) of the Local Government Act 1989 in order to consider:

- 12.1** under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2015.042 Carnegie Library Forecourt Works, Carnegie.

| | |
|--|---------------|
| Number of tenders received | Four (4)) |
| Number of evaluation criteria tenders assessed against | Three (3) |
| Estimated contract value | \$ 390,000.00 |

- 12.2** under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.027 - Point of Sale system for Glen Eira Sports and Aquatic Centre.

| | |
|--|---------------------------|
| Number of tenders received | Five (5) |
| Number of evaluation criteria tenders assessed against | Three (3) |
| Estimated contract value | \$150,000 (excluding GST) |

- 12.3** under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender Number 2015.026 - Mystery shopping program for GESAC

| | |
|--|---------------|
| Number of tenders received | Three (3) |
| Number of evaluation criteria tenders assessed against | Three (3) |
| Estimated contract value | \$40,000 p.a. |

- 12.4** under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.021 – The supply of promotional items for sale/giveaway from Glen Eira City Council

| | |
|--|---------------------------|
| Number of tenders received | Five (5) |
| Number of evaluation criteria tenders assessed against | Five (5) |
| Estimated contract value | \$400,000 (excluding GST) |

- 12.5** under s89 (2)(d) “contractual” which relates the awarding of the contract for IT Products and Services.

The MOTION was put and CARRIED unanimously.

OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**Item 12.1****Crs Lipshutz/Okotel**

- 1. That Council appoints Planned Constructions Pty Ltd, ACN 084 908 645 as the contractor under Tender 2015.042 Carnegie Library Forecourt Works for an amount of \$348,356.20 exclusive of GST (\$383,191.82 including GST) in accordance with the Schedule of Rates submitted.**
- 2. That the Contract be prepared in accordance with the Conditions included in the tender.**
- 3. That the Contract be executed in an appropriate manner.**
- 4. That this resolution be incorporated in the public minutes of this Meeting.**

The MOTION was put and CARRIED unanimously.

Item 12.2**Crs Lipshutz Okotel**

- 1. That Council appoints Links Modular Solutions Pty Ltd, A.C.N. 104 429 923 as the contractor under Tender number 2015.027 in accordance with the Schedule of Rates submitted.**
- 2. That the contract be prepared in accordance with the Conditions of Contract included in the tender as negotiated and agreed to by Council.**
- 3. That the contract be executed in an appropriate manner by affixing of the Council Seal.**
- 4. That this resolution be incorporated in the public minutes of this Meeting.**

The MOTION was put and CARRIED unanimously.

OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS (cont'd)**Item 12.3****Crs Hyams/Lipshutz**

1. That Council appoints Bon Golf Pty Ltd, trading as Bon Leisure, A.C.N. 123 194 454 as the contractor under Tender number 2015.026 in accordance with the Schedule of Rates submitted.
2. That the contract be prepared in accordance with the Conditions of Contract included in the tender.
3. That the contract be executed in an appropriate manner by affixing of the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED.

Item 12.4**Crs Lipshutz/Okotel**

1. That Council appoints Conserv Pty Ltd, trading as Arid Zone, A.C.N. 056 489 340 as the panel contractor under Tender number 2015.021 in accordance with the Schedule of Rates submitted.
2. That Council appoints The De Saumarez Group Pty Ltd A.C.N. 159 194 091 as the trustee for The De Saumarez Group Unit Trust, trading as Intandem A.B.N. 78 870 806 708 as the panel contractor under Tender number 2015.021 in accordance with the Schedule of Rates submitted.
3. That Council appoints LOD Promotions Pty Ltd, A.C.N. 100 733 668 as the panel contractor under Tender number 2015.021 in accordance with the Schedule of Rates submitted.
4. That Council appoints TMA Australia Pty Ltd, A.C.N. 114 874 690 as the panel contractor under Tender number 2015.021 in accordance with the Schedule of Rates submitted.
5. That Council appoints Ive Group Australia Pty Ltd, trading as Blue Star Promote, A.C.N. 000 205 210 as the panel contractor under Tender number 2015.021 in accordance with the Schedule of Rates submitted.

OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS (cont'd)**Item 12.4 (cont'd)**

6. That the contracts be prepared in accordance with the Conditions of Contract included in the tender.
7. That the contracts be executed in an appropriate manner by affixing of the Council Seal.
8. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

Item 12.5

Crs Lipshutz/Okotel

That:

1. Council appoint Dell Computers to the panel of providers for 'IT Hardware' under Procurement Australia's *Contract 1404/0710 IT Products & Services*;
2. Council authorises the Chief Executive Officer to advise Procurement Australia in writing of the appointment; and
3. This resolution is incorporated into 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 10.36PM.

CONFIRMED THIS 30 JUNE 2015

CHAIRPERSON