



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

30 JUNE 2015

INDEX

- 1. ACKNOWLEDGEMENT**
- 2. APOLOGIES**
- 3. OATH OF OFFICE AND DISCLOSURE OF INTERESTS**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**
- 5. RECEPTION AND READING OF PETITIONS**
- 6. DOCUMENTS FOR SEALING**
- 7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**
- 8. REPORTS FROM COMMITTEES**
 - a. Advisory Committees**
 - i. Local Law Advisory Committee 18 May 2015
 - ii. Community Consultation Committee 27 May 2015
 - b. Records of Assembly**
 - i. Assembly of Councillors 2 June 2015
 - ii. Assembly of Councillors 9 June 2015
- 9. PRESENTATION OF OFFICER REPORTS**
 - 9.1 132 Hawthorn Road, Caulfield North
 - 9.2 5-7 Nepean Highway, Elsternwick
 - 9.3 233-239 Nepean Highway, Gardenvale
 - 9.4 101-113 (Odd) Grange Road, Glen Huntly & 118 Grange Road, Carnegie
2-4 Watson Grove, Glen Huntly
 - 9.5 Eskdale Fitzgibbon Road Closure
 - 9.6 Better Apartments Discussion Paper
 - 9.7 Council Alliance for a Sustainable Built Environment
 - 9.8 VCAT Watch – June 2015
 - 9.9 Complaint Handling
 - 9.10 Services for Youth (Including Schools TAFE and Local Learning and
Employment Networks)
 - 9.11 Rates Notices by email
 - 9.12 Financial Report May 2015
 - 9.13 Annual Report Awards

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

under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.040 Provision of Comprehensive Lift Maintenance and Servicing.

Number of tenders received	Three (3)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$255,000 over the life of the contract.

- 12.2 under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.037 – Provision of Grade Separation Project Management and General Property Advice Services.

Number of tenders received	Six (6)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	in excess of \$350,000

- 12.3 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.038 Provision of Automotive Panel Repair Services

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$390,000 over five (5) years

- 12.4 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.036 – Property Consultant - Provision of Road Discontinuance and General Property Advice Services as a result of invitations to tender

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	in excess of \$600,000

- 12.5 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2016.005 Shoobra Road Stage 1 & 2 Drainage works, Elsternwick.

Number of tenders received	Five (5)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$850,000.00

- 12.6 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.041 – Centenary Park Car Park Redevelopment, Brady Road Bentleigh East

Number of tenders received	Five (5)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$800,000

- 12.7 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.039, Booran Road Reserve, Supply and Installation of two double Automated Toilets

Number of tenders received	One (1)
Number of evaluation criteria tenders assessed against	One (1)
Estimated contract value	\$400,000

13. CLOSURE OF MEETING



**MINUTES of the ORDINARY MEETING OF THE
GLEN EIRA CITY COUNCIL held on TUESDAY, 30 JUNE 2015**

The meeting opened at 7.30 pm in the presence of:

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

1. ACKNOWLEDGEMENT

On behalf of Council the Mayor read the following acknowledgement.

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

2. APOLOGIES - Nil

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

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

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

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

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Copies of Minutes previously circulated.

Crs Hyams/Lipshutz

- i. **That the minutes of the Ordinary Council Meeting held on Tuesday, 9 June 2015 be confirmed**
- ii. **That the minutes of the Special Council Meeting held on Tuesday, 23 June 2015 be confirmed**

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**

Cr Sounness reported that as the Substitute delegate to the MAV, his attention has been drawn to the fact that former Glen Eira resident, Nikita Chawla, was killed in an act of domestic violence in Brunswick in January this year and that a vigil was held in her memory in the City of Moreland on 21 June. "Nikita was a graduate of Monash University and performed at the closing ceremony of the Melbourne Commonwealth Games. Members of her immediate family are residents of Glen Eira. I would like to move that Council extends its condolences to the Chawla family on the tragic loss of Nikita, and that Council condemns all acts of family violence and supports the work of many agencies to rid our community of this scourge".

Cr Sounness/Hyams

That the report be received.

The Mayor asked all Councillors supporting the report to stand in their places.

The MOTION was put and CARRIED unanimously.

8. REPORTS FROM COMMITTEES

a. Advisory Committees

- i. Local Law Advisory Committee 18 May 2015
- ii. Community Consultation Committee 27 May 2015

Crs Hyams/Lipshutz

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

That the recommendations of the Committees be adopted.

The MOTION was put and CARRIED unanimously.

b. Records of Assembly

- i. Assembly of Councillors 2 June 2015
- ii. Assembly of Councillors 9 June 2015

Crs Lipshutz/Piling

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

The MOTION was put and CARRIED unanimously.

**LOCAL LAWS ADVISORY COMMITTEE
MINUTES
18 May 2015, 6.30pm**

Attendees

Committee	Cr Michael Lipshutz (Chair) Cr Jamie Hyams (Member) Cr Karina Okotel (Member) Cr Oscar Lobo
Council Staff	Andrew Newton, CEO Robyn Taft, Corporate Counsel
Apology	Cr Neil Pilling

1. Welcome

Declaration of Conflict of Interests

- No conflicts of interest declared

2. Minutes of Last Meeting

The Minutes from the 9 April 2014 meeting had been received and noted at a Council meeting.

3. Local Law Review

The Chair had requested that councillors identify any elements of the Local Law for discussion.

- Bond for astroturf installation: Committee considered this was already covered by Local Law 429 (Damage, destruction or interference with Roads)
- Local Law 231: Committee - no change required
- Local Law 314: Model aeroplanes/drones: Committee agreed to changes to include powered flying machines including drones.
- Local Law 315: use of stencils on footpaths: Committee considered this was already covered by Local Law.
- Local Law 317: Exemption for hard rubbish: this Local Law was only for building materials/developments and therefore did not include hard rubbish. No change required.
- Local Law 331: Filming permits: Committee was advised that new legislation had recently been introduced on filming. Corporate Counsel would provide advice on this new legislation and Cr Sounness' requests and any changes needed to this Local Law.
- Local Law 332: Discharge into stormwater drains: the word "any substance" are sufficient.
- Local Law 420: Street numbering: no change required.
- Local Law 234(9): No change required.
- Local Law 235(1), (2) and (3): Divisions: Committee agreed to amendments following recent changes to the Local Government Act.
- Local Law 523: No change required.
- Local Law 105: No change required to definition. Building work times are available on the EPA web site.
- Requirements for school fetes (food and liquor) are governed by State legislation
- Alcohol Free Zone: previously discussed by Local Law Committee: no change required
- Dogs: covered by State legislation
- Smoke free areas: covered by State legislation – Committee requested an update on current legislation.

- Penalty Unit: already defined in Local Law 105 and referenced to State legislation (the amount changes annually)
- Local Law 316: requirements relating to shop awnings: Committee requested current Council policy on this to be provided.
- Local Law 326: no change required
- Local Law 405: no change required
- Local Law 418: Committee requested an update on current State legislation on smoke free areas.
- Local Law 420: no change required
- Local Law 504: no change required. State laws and VicRoads manage parking laws.
- Local Law 703: no change required.
- Council community leases and conditions of Use for sporting clubs are matters of policy, not Local Law: no action required.

Action:

- Corporate Counsel to draft amendments to Local Laws 314, 331 and 235.
- Corporate Counsel to provide Committee with updated advice on State legislation on smoke free zones
- Corporate Counsel to provide Committee with Council policy on shop awnings

4. Next Meeting

Date to be advised

Meeting concluded at 7.35pm



**Minutes
Community Consultation Committee Meeting
27 May 2015**

Purpose:

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

Assembly of Councillors Record

1. Meeting commenced at 6:32pm

Present

Cr Jamie Hyams	Chairperson
Cr Karina Okotel	<i>Arrived at 6:35pm</i>
Cr Oscar Lobo	<i>Arrived at 6:45pm</i>
Gregor Ptok	Community representative
Rosemary McClean	Community representative (<i>left at 8:10pm</i>)
Mark Holding	Community representative
Peter Jones	Director Community Services
Gaye Stewart	Manager Community Development
John Fien	Executive Director (Professor) Swinburne Leadership Institute (<i>present for items 3 and 4</i>)

Apologies

Cr Mary Delahunty	
Susan McKenna	Community representative

2. Matters considered

- i. Community engagement undertaken by Council between January – March 2015.
- ii. Presentation by John Fien, Executive Director and Professor, Swinburne Leadership Institute.
- iii. Keeping participants informed of the outcome of community engagement activities.
- iv. Term of appointment for community representatives.

3. Community engagement undertaken by Council between January – March 2015

The report on consultation undertaken between January and March 2015 utilised the framework of the *Community Engagement Strategy* and was organised around the drivers for engagement articulated in the *Strategy*: Strategic planning, Facilities management, Planning and environment, and Service delivery.

Committee noted the report and asked that future reports clearly identify:

- (a) the media used for consultation,
- (b) the channels used to inform the community about the consultation,
- (c) the number of respondents' and
- (d) aggregate data on consultations.

Action: **In future quarterly reports to the Committee Officers are to include media used, channels used to inform, number of respondents and aggregate data**

Discussion occurred on what Council should consult on and whether new Council policies should be subject of community consultation. The discussion was adjourned to a future meeting so that John Fien could begin.

4. Presentation by John Fien, Executive Director and Professor, Swinburne Leadership Institute

The Swinburne Leadership Institute is a joint university and benevolent funded research centre, founded in 2013. John discussed the Institutes work, societal expectations of leadership and approaches to consultation including:

- The institute's commitment to engagement and advocacy with a focus on understanding leadership and how the practice of leadership can be enhanced.
- Community engagement in the context of life in Australia. He linked concepts such as, power, political ideology, and media with the idea of a spectator society and peoples focus on personal needs and desires
- Using community to help solve intractable problems, building community expectations and capacity around engagement, looking at engagement as a continuum from communication - consultation - capacity building.
- The idea of capacity building linked to training people for participation. John discussed examples such as participatory budgeting and community grants decision making put to a plebiscite. John advised that he would send some articles that may be of interest to committee members.

The committee thanked John for his time in coming to talk with them.

Action: **Articles from John are to be circulated to committee members when they are received by Officers**

5. Keeping participants informed of the outcome of community engagement activities

Action: **This item was deferred for discussion at the next meeting**

6. Term of appointment for community representatives

The Terms of Reference for the Committee state that: '*Council may appoint up to four community representatives following advertising and assessment against agreed criteria. Any such appointment is for two years*'.

The committee currently consists of three community members appointed in October 2013 (Gregor Ptok, Rosemary McClean and Mark Holding) and a new community representative appointed in March 2015 (Susan McKenna).

Council has indicated that in 2016 it intends to commence a new planning process for the 2016 Community Plan. It was agreed that it would be beneficial to confirm the appointment of the all community representatives until 1 October 2016. This will ensure that all term appointments expire at the same time and that the Committee can continue to plan for the 2016 Community Plan with minimal disruption.

The Committee notes that:

Rosemary McClean does not wish to seek an extension of her appointment to the Community Consultation Committee beyond her current term which ends October 2015.

Recommendation: The Committee recommend to Council that:

- a) the term of appointment for the two remaining community representatives, Gregor Ptok and Mark Holding is extended to 1 October 2016, and**
- b) the term of appointment for the new community representative, Susan McKenna be to 1 October 2016.**

Moved Cr Lobo Seconded Cr Okotel

Motion was passed unanimously

Next Meeting: Proposed August 19 at 6:30pm

Meeting closed at 8:20pm

Assembly of Councillors

2 June 2015

Record under S 80 A (2)

Meeting commenced at 6.49PM

A. Present

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

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

Apologies

Cr Margaret Esakoff

B. Matters considered.

- (i) Council Papers for the 9 June 2015 Council Meeting comprising twenty three officer reports together with standing items on the Agenda.
 - (a) Agenda Item 9 – Table of Contents.
 - (b) Agenda Item 9.1 - Metropolitan Planning Levy.
 - (c) Agenda Item 9.2 - 53 Magnolia Road - PAO Amendment.
 - (d) Agenda Item 9.3 - 15 Bent Street Bentleigh.
 - (e) Agenda Item 9.4 - 40 Mavho Street Bentleigh.
 - (f) Agenda Item 9.5 - 30-32 Ames Avenue Carnegie.
 - (g) Agenda Item 9.6 - 1 Wahgoo Road, Carnegie – Heritage Overlay Amendment.

7.24PM Cr Delahunty left the briefing room.

7.36PM Cr Delahunty returned to the briefing room.

- (h) Agenda Item 9.7 - 36 Brewer Road Bentleigh.
- (i) Agenda Item 9.8 - 345 Hawthorn Road Caulfield.
- (j) Agenda Item 9.9 - 136-138 & 140-146 Glen Eira Road, Elsternwick - Planning Scheme Amendment C139.
- (k) Agenda Item 9.10 - Bentleigh Special Rate - Submissions.
- (l) Agenda Item 9.11 - Submissions on Proposed Budget 2015-16 and Council Plan.
- (m) Agenda Item 9.12 - 277A Bambra Road, Caulfield South Scoreboard (Council owned land).
- (n) Agenda Item 9.13 - VCAT Watch June 2015.
- (o) Agenda Item 9.14 - Telecommunication Facilities.
- (p) Agenda Item 9.15 - Indian Myna Bird Control Program.
- (q) Agenda Item 9.16 - Foundation For Youth Excellence Committee Grant Applications.
- (r) Agenda Item 9.17 - Creation of Easement – Land Abutting 34 Daley Street Mckinnon.
- (s) Agenda Item 9.18 - Revisions to the Charter of Council's Audit Committee.
- (t) Agenda Item 11.1 – Request for Reports – Cr Pilling, Booran Park, Indigenous recognition.
- (u) Agenda Item 11.1 – Request for Reports – Cr Lipshutz, electronic Rate Notices.
- (v) Agenda Item 11.1 – Request for Reports – Cr Okotel, Library computers.

- (w) Agenda Item 11.1 – Request for Reports – Cr Okotel, Rate Notice pie chart.
 - (x) Agenda Item 11.1 – Request for Reports – Cr Delahunty, Reconciliation Action Plan.
 - (y) Agenda Item 11.1 – Request for Reports – Cr Delahunty, planning zone in an area of Elsternwick.
 - (z) Agenda Item 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.
- (ii) Records of Assembly.
- (a) Cr Delahunty – 12 May 2015, return of Cr Sounness.
 - (b) Cr Hyams – 12 May and 19 May 2015, pavilion in Centenary Park.
 - (c) Cr Hyams 19 May 2015, correct Minute B(m).
- (iii) General Business raised by Councillors.
- (a) Cr Pilling – update on completion of Duncan Mackinnon pavilion.
 - (b) Cr Sounness – previous information on the flower seller in Caulfield Park.
 - (c) Cr Lobo – 12 May 2015 Record of Assembly.
 - (d) Cr Lobo – Councillor requests.
 - (e) Cr Lobo – has a reply been received from Planning Minister Wynne.
 - (f) Cr Lobo – payment of Rates at libraries.
 - (g) Cr Lobo – flooding in Schultz Street.
 - (h) Cr Lobo – include a smoking ceremony in Citizenship ceremonies.

- (i) Cr Lobo – Residents of Daphne Street are calling him.
- (j) Cr Lobo – There are restaurants where the toilet is accessed through the kitchen.
- (k) Cr Delahunty – Residential Parking Permits.
- (l) Cr Delahunty – MRC VCAT appeal in relation to the MRC application to operate an outdoor cinema at the Caulfield Racecourse.
- (m) Cr Delahunty – Eskdale/Fitzgibbon speed hump. Can it be redesigned.
- (n) Cr Delahunty – details of planning controls on the CSIRO site in Bayside.
- (o) Cr Hyams – Community Satisfaction Survey.
- (p) Cr Hyams – increase in the amounts of garbage being collected.
- (q) Cr Hyams – ALGA, information on Federal Government grants.
- (r) Cr Lipshutz – removal of the Amphitheatre in Caulfield Park.
- (s) Cr Lipshutz – alleged damage to a residents front fence by a street tree.
- (t) Cr Okotel – updated information on the Fire Services Levy.

Fin 8.38PM

Council Pre-Meeting

9 June 2015

Record under S 80 A (2)

Meeting commenced at 6.48PM

A. Present

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

Andrew Newton, CEO
Peter Jones
Peter Waite
Ron Torres
Peter Swabey
Paul Burke

Cr

Cr Delahunty assumed the Chair.

Apologies

Cr Jim Magee, Mayor

B. Matters considered.

- (i) Council Papers for 9 June 2015 consisting of twenty four Officer reports together with standing items on the Agenda.
 - (a) Agenda Item 9.1 - Metropolitan Planning Levy.
 - (b) Agenda Item 9.4 - 40 Mavho Street Bentleigh.
 - (c) Agenda Item 9.5 - 30-32 Ames Avenue Carnegie.
 - (d) Agenda Item 9.6 - 1 Wahgoo Road, Carnegie – Heritage Overlay Amendment.

DECLARATIONS OF INTEREST

Cr Delahunty declared a Conflict of Interest in this item.

6.53PM Cr Delahunty left the room.

Cr Pilling assumed the Chair.

6.56PM Cr Esakoff left the room.

7.04PM Cr Delahunty and Cr Esakoff returned to the room and Cr Delahunty resumed the Chair.

- (e) Agenda Item 9.10 - Bentleigh Special Rate – Submissions.
- (f) Agenda Item 9.11 - Submissions on Proposed Budget 2015-16 and Council Plan.
- (g) Agenda Item 9.14 - Telecommunication Facilities.
- (h) Agenda Item 9.15 - Indian Myna Bird Control Program.
- (i) Agenda Item 11.1 – Request for a Reports.
- (j) Agenda Item 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.
- (k) Agenda Item 8(a) – Minutes of the Audit Committee.

7.26PM Cr Esakoff left the room.

Fin 7.27PM

9. PRESENTATION OF OFFICERS REPORTS

- 9.1 132 Hawthorn Road, Caulfield North
- 9.2 5-7 Nepean Highway, Elsternwick
- 9.3 233-239 Nepean Highway, Gardenvale
- 9.4 101-113 (Odd) Grange Road, Glen Huntly & 118 Grange Road, Carnegie 2-4 Watson Grove, Glen Huntly
- 9.5 Eskdale Fitzgibbon Road Closure
- 9.6 Better Apartments Discussion Paper
- 9.7 Council Alliance for a Sustainable Built Environment
- 9.8 VCAT Watch – June 2015
- 9.9 Complaint Handling
- 9.10 Services for Youth (Including Schools TAFE and Local Learning and Employment Networks)
- 9.11 Rates Notices by email
- 9.12 Financial Report May 2015
- 9.13 Annual Report Awards

PROCEDURAL MOTION

Crs Lipshutz/Delahunty

That Agenda Item 9.13 be heard as the first Item of business at this meeting.

The MOTION was put and CARRIED unanimously.

Item 9.13**ANNUAL REPORT AWARDS**

Enquiries: Chief Executive Officer

1. Purpose

To report Awards accorded to Glen Eira's most recent Annual Report.

2. Community Plan

Governance

3. Accountability

Annual Reports reveal a lot about an organisation's values and culture:

- how it reports against its Plan,
- what it discloses,
- how it handles not only successes but disappointments and challenges.

The Annual Report is the final chapter in each year's work. It draws on the efforts of the whole organisation and accounts for our work to our Community.

4. Australasian Reporting Awards

The Australasian Reporting Awards assesses annual reports from multi-nationals, businesses, Federal and State government agencies and Not-for-Profits as well as local governments across Australia and New Zealand.

On 19 June the ARA announced its 2015 Awards.

Glen Eira was awarded a Gold Award. Other organisations to be awarded Gold included

- BHP Billiton
- CSIRO
- Indigenous Business Australia
- Sydney Opera House.

Special Awards

There were seven categories of Special Awards with thirty-seven Finalists. Glen Eira was the only Victorian Council represented in the Finals.

Governance

The Special Award for *Governance Reporting* went to:

- Private sector: BHP Billiton
- Public sector: Glen Eira City Council.

A Media Release from the Governance Institute is attached.

Item 9.13 (cont'd)***Sustainability***

The Special Award for *Sustainability Reporting* went to:

- Private sector: AGL Energy
- Public sector: Glen Eira City Council.

Communication

Glen Eira was a Runner-Up in this award, won by Plant and Food Research (New Zealand).

Report of the Year

Glen Eira was also one of six Finalists for the overall *Report of the Year (Public Sector)* which was won by the CSIRO.

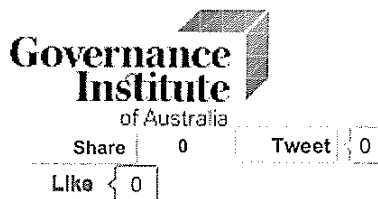
5. Recommendation

That the Awards for Glen Eira's 2013-14 Annual Report be received.

Crs Lipshutz/Delahunty

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.



BHP Billiton, Glen Eira City Council take out top governance awards

Monday, 22 June 2015

BHP Billiton and Glen Eira City Council have taken out top honours for the Governance Reporting Award at the 2015 Australasian Reporting Awards with both organisations demonstrating good governance cultures and a strong commitment to open reporting.

According to Governance Institute President Trisha Mok, "Private sector winner, BHP Billiton Limited, delivered a comprehensive annual report that exceeded the guidelines for the award and provided outstanding explanations of how it achieves compliance and why it carries out specific activities.

"Equally, the Glen Eira City Council annual report took out the public sector award, with a detailed overview of its performance and of its excellent approach to stakeholder management. The Council showed that it is willing to discuss setbacks in order to improve overall performance.

"Efforts to improve reporting by organisations such as these show a strong commitment to good governance and increased transparency, allowing the market and the community to evaluate their performance and invest with confidence," Ms Mok said.

Ben Mansfield, annual reporting project manager, accepted the award for BHP Billiton. It was clear that the company prided itself on its reporting practices and recognised the importance of clearly stating the opportunities and setbacks it faced in its operations.

Glen Eira City Council chief executive Andrew Newton made the point that the Council was committed to explaining its performance clearly so that all members of the community could be confident that their interests were being advanced and their rates were achieving value for money.

Governance Institute of Australia continues its support of the Australasian Reporting Awards — now in their 65th year — with the Governance Reporting Award, established in 1998 to give formal recognition to the importance of reporting on an organisation's governance frameworks, processes, and policies.

Since then the award has grown to showcase the best in governance reporting and to encourage organisations to be open about their performance.

For further information contact Viv Hardy at CallidusPR on 0411 208 951 or Tim Sheehy at Governance Institute of Australia on 0419 490 594.

Note to editors

The reports entered for this Award were reviewed by a judging panel made up of Governance Institute of Australia members who are experienced governance professionals in the private and public sectors, many of whom also adjudicated on the 2014 Awards.

Adjudicators considered how well entrants reported on their corporate governance against a variety of factors, including: how roles and responsibilities were established, how the board discharged its duties, what practices were in place to maintain and safeguard integrity in financial reporting, and how organisations managed issues such as risk and remuneration.

About Governance Institute of Australia

Governance Institute of Australia is the only independent professional association with a sole focus on the practice of governance. We provide the best education and support for practising chartered secretaries, governance advisers and risk managers to drive responsible performance in their organisations.

MR/2015/10

Return to Media releases

Item 9.1

132 Hawthorn Road CAULFIELD NORTH
APPLICATION NO. GE/PP-27884/2015

File No: GE/PP-27884/2015
Enquiries: Karoline Ware
Manager Statutory Planning

COMMERCIAL 1 ZONE**APPLICATION SUMMARY**

PROPOSAL	A four storey building containing a shop and two dwellings
RECOMMENDATION	Notice of Decision to Grant a Permit
KEY ISSUES	<ul style="list-style-type: none"> • Streetscape • Car parking and access • Amenity impacts
MUNICIPAL STRATEGIC STATEMENT	Housing Diversity Area (Caulfield Park Neighbourhood Centre)
APPLICANT	Rimma Belkin
PLANNING SCHEME CONTROLS	<ul style="list-style-type: none"> • Commercial 1 Zone
EXISTING LAND USE	Single storey shop, car spaces and common property area
PUBLIC NOTICE	<ul style="list-style-type: none"> • 16 properties notified • 30 notices sent (owners and occupiers) • 1 sign erected on site • 3 objections received
Application fee payable (fee increased by the State Government in 2009)	\$815.00

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

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

2. Recommendation

That Council:

- Issues a Notice of Decision to Grant a Permit for Application No. GE/PP-27884/2015 allowing the construction of a four storey building (containing a shop and two dwellings) and associated works on common property including car parking and waiver of loading bay requirements in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne

Glen Eira City Council

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

4. Reasons For Recommendation

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

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

The key issues influencing the recommendation are as follows:

Height and scale

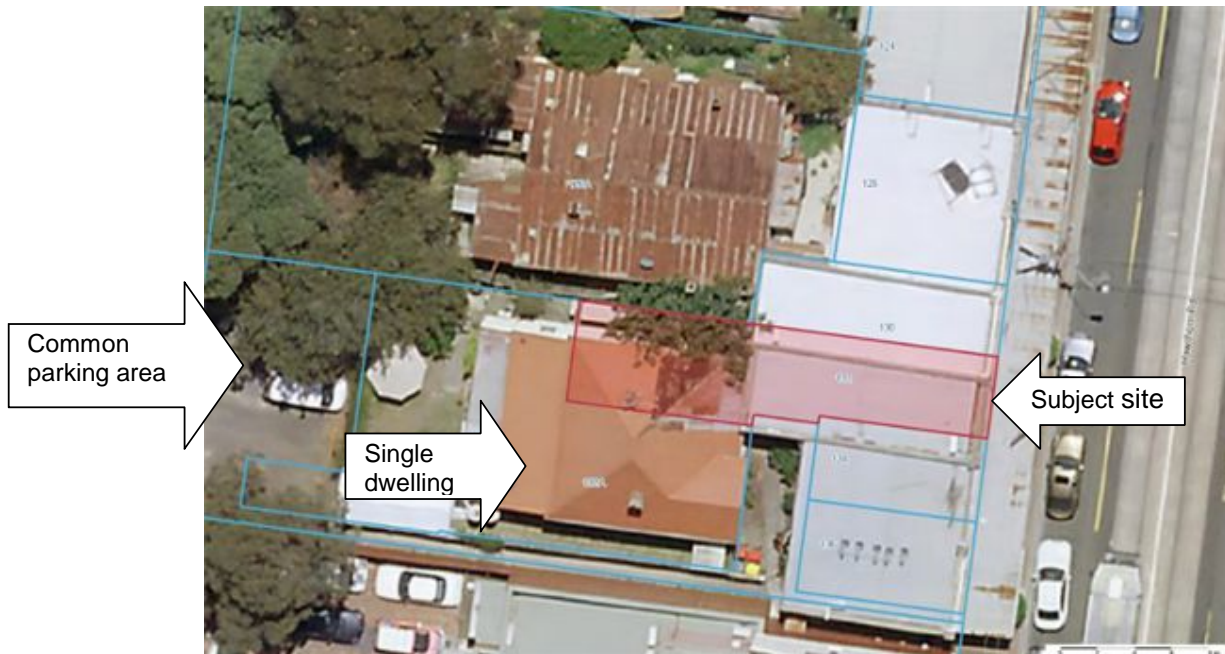
The site is located within a Commercial 1 Zone. Given the commercial context, it is considered that a four storey building is acceptable on the site. The proposal has been designed so it reads as a three storey building from the street with the upper level setback 3.6m from the street to improve the appearance of the building.

It is considered that a three storey podium presenting to Hawthorn Road is an acceptable response to the streetscape.

The architectural style of the proposal is considered acceptable as the façade incorporates a reasonable level of visual interest through articulation of the elevations using a verandah above the pavement and balconies. Conditions are recommended to modify materials to achieve a better streetscape outcome.

Item 9.1 (cont'd)Amenity impacts to neighbouring properties

The most sensitive interface is to the west (at the rear) where there is a single dwelling (which is also within the Commercial 1 Zone). Part of the title boundaries of the subject site appear to extend into this existing dwelling but the proposal will not encroach into the dwelling in any way.



The building envelopes of the ground and first floor are setback 3.8m from the rear (western) boundary, with the second and third floors setback 5.5m. Setbacks proposed are considered to be reasonable and will ensure there is no unreasonable bulk created to the dwelling at the rear.

There will be additional shadows cast to the properties to the south and west, however overshadowing complies with Rescode standards and is considered acceptable.

Internal amenity

All habitable rooms have windows which will provide for ample light and ventilation. The dwellings have balconies of 8 square metres which face east and west (as well as smaller additional balconies).

The proposed shop will have a floor area of 24sqm which is quite limited, however given the narrow width of the site and need for pedestrian access to the dwellings from Hawthorn Road; this is considered to be a reasonable outcome. It is noted the current shop (which is used as a locksmith) has a similar sized area for customers.

Item 9.1 (cont'd)Car Parking and Access

A total of four car parking spaces are proposed at the rear, accessed from the laneway. A car stacker system has been proposed with car parking rates as follows:

- 2 car spaces for Unit 1 (which contains four bedrooms)
- 1 car space for Unit 2 (which contains two bedrooms)
- 1 car space for the shop

The number of car spaces provided complies with State Government Guidelines.

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

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

Buildings and works in Common Property

The car stacker is to be constructed on the part lot which is linked to the subject site; however works are proposed within common property including paving to access the car stacker, removal of a Eucalypt tree and construction of pedestrian steps to the side of the building.

The proposed works in common property (including removal of the tree) are considered reasonable and will improve access into and around the subject site. Whilst the Owners Cooperation were notified of the proposal, their consent is not required as part of the Town Planning process.

Management Plan Requirements

A Construction Management Plan, Waste Management Plan and Car Stacker Management Plan are required. Conditions have been included in the Appendix outlining these requirements.

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

ADDRESS: 132 Hawthorn Road, Caulfield North
APPLICATION NO: GE/PP-27884/2015

1. Proposal

Features of the proposal include:

- Demolition of the existing buildings
- Construction of a four storey building comprising a ground floor shop and two dwellings above
- Maximum building height of 12.6m (excluding lift overrun)
- Car stacker unit at the rear, accessed from laneway at the rear comprising of four car spaces (one for the shop, two for the four bedroom dwelling at Unit 1 and one for the two bedroom dwelling at Unit 2)
- Buildings and works on common property including construction of a paved area for access to car stacker, removal of a Eucalypt tree and construction of pedestrian steps to the side of the building

2. Public Notice

- 16 properties notified
- 30 notices sent (owners and occupiers)
- 1 sign erected on site
- 3 objections received

The objectors' concerns are summarised as follows:

- Waste/rubbish issues
- Impact on development potential to adjoining properties
- Works in common property/owners corporation issues
- Removal of the tree
- Noise
- Vehicular access
- Overshadowing
- Overlooking/privacy issues

3. Referrals

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

Transport Planning

- Adequate number of parking spaces proposed.
- Car stacker model on the plans is not supported due to access issues. Car stacker model Klaus 2062 (or another stacker with identical specifications) to be used.
- Application to waive the loading bay requirement is supported.
- Disabled car parking requirements to be determined by the relevant building surveyor.

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

- The arborists report submitted has been reviewed and it is agreed that the tree in question should be removed. The trees sited on the neighbouring property are unlikely to be impacted by the current application and do not require any tree protection works.

Building Surveyor

- Proposed canopy over entrance (if new) is to be setback not less than 750mm from kerb and 3.0m above the level of the footpath.

4. 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 town planning issues arising from the discussions were:

- Waste
- Removal of tree from common property
- Noise and security impacts
- Impact on future development of adjoining properties
- Overlooking

Undertakings by the Applicant

The applicant advised they would have no objection to the removal of glass bricks from the southern elevation (to allow for equitable development opportunities to the adjoining property) and would provide a Waste Management Plan as a condition of permit (should one issue).

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 TP5-TP7 job number 5059 dated 9/4/15 drawn by Belco Design and Town Planning) but modified to show:

Design

- (a) Casement (or similar) windows to be used to the first floor windows on the eastern elevation;
- (b) The first and second floor of the façade (eastern elevation) to be constructed of brickwork/masonry. The specifications/colour must be to the satisfaction of the Responsible Authority;
- (c) A schedule of construction materials, external finishes and colours (incorporating samples) must be submitted to, and approved by, the Responsible Authority. When approved, the schedule will be endorsed and will form part of the permit;
- (d) Deletion of glass bricks to second floor southern elevation;

Item 9.1 (cont'd)Car Parking

- (e) The car stacker model used to be the Klaus 2062 (or alternative stacker with identical specifications) to the satisfaction of the Responsible Authority;
- (f) Written approval to be provided from a suitably qualified Building Surveyor the shop car space is not required to meet disability specifications. If this cannot be provided the shop car space must be redesigned accordingly to meet disability specifications. Any consequential modifications to the car parking must be to the satisfaction of the Responsible Authority;

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

2. This Planning Permit represents the Planning approval for the development of the land. This Planning Permit does not represent the approval of the Owners Cooperation or Body Cooperate. Separate approval may be required from these entities prior to the commencement of buildings and works. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations and to obtain other required permits, consents or approvals.
3. This Permit will expire if:
 - The development does not start within two (2) years from the date of this Permit; or
 - The development is not completed within four (4) years of the date of this Permit.

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

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

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

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

5. 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.
6. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

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

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

Item 9.1 (cont'd)

7. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the development, the walls on the boundary of adjoining properties/common property areas 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.
9. The Permit holder must ensure that all dwellings within the development are protected from noise associated with any on-site mechanical plant equipment, consistent with the requirements of the State Environment Protection Policy N-1.
10. The permit holder must ensure that internal noise levels of the sleeping areas of the proposed dwellings must comply with AS/NZS 2107:2000.
11. The permit holder must ensure that dividing walls and floors between dwellings are constructed to limit noise transmission to 45 STC (Sound Transmission Class) in accordance with Part F(5) of the Building Code of Australia.
12. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:

(a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.

(b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.

(c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.

(d) Details for best practice waste management once operating.

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

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

Item 9.1 (cont'd)

following:

- (a) Delivery and unloading points and expected frequency;
 - (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (d) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (e) Hours for construction activity in accordance with any other condition of this permit;
 - (f) Measures to control noise, dust, water and sediment laden runoff;
 - (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
14. 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
15. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather sealcoat;
 - (d) Drained;
- 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.
16. The surface of the car park area must be treated to the satisfaction of the Responsible Authority to prevent dust causing a loss of amenity to the neighbourhood.
17. 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;
 - One (1) car space for the shop.

Item 9.1 (cont'd)

18. The areas set aside for car parking, shown on the endorsed plans, must be made available for use free of tenants of the dwellings and shops at all times and must not be used for any other purpose
19. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.

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.

20. 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.
21. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note C.
22. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the foyer stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.

Notes;

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are "necessary or consequential" are those that will be assessed by Council when plans are lodged to satisfy that condition. Any "necessary or consequential" amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987

Item 9.1 (cont'd)

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits)
- D. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- E. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- F. The proposed development abuts a Right of Way that was constructed for commercial purposes. Commercial uses still utilise the Right of Way therefore residents of the development should not expect the same access opportunities as a typical local street.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

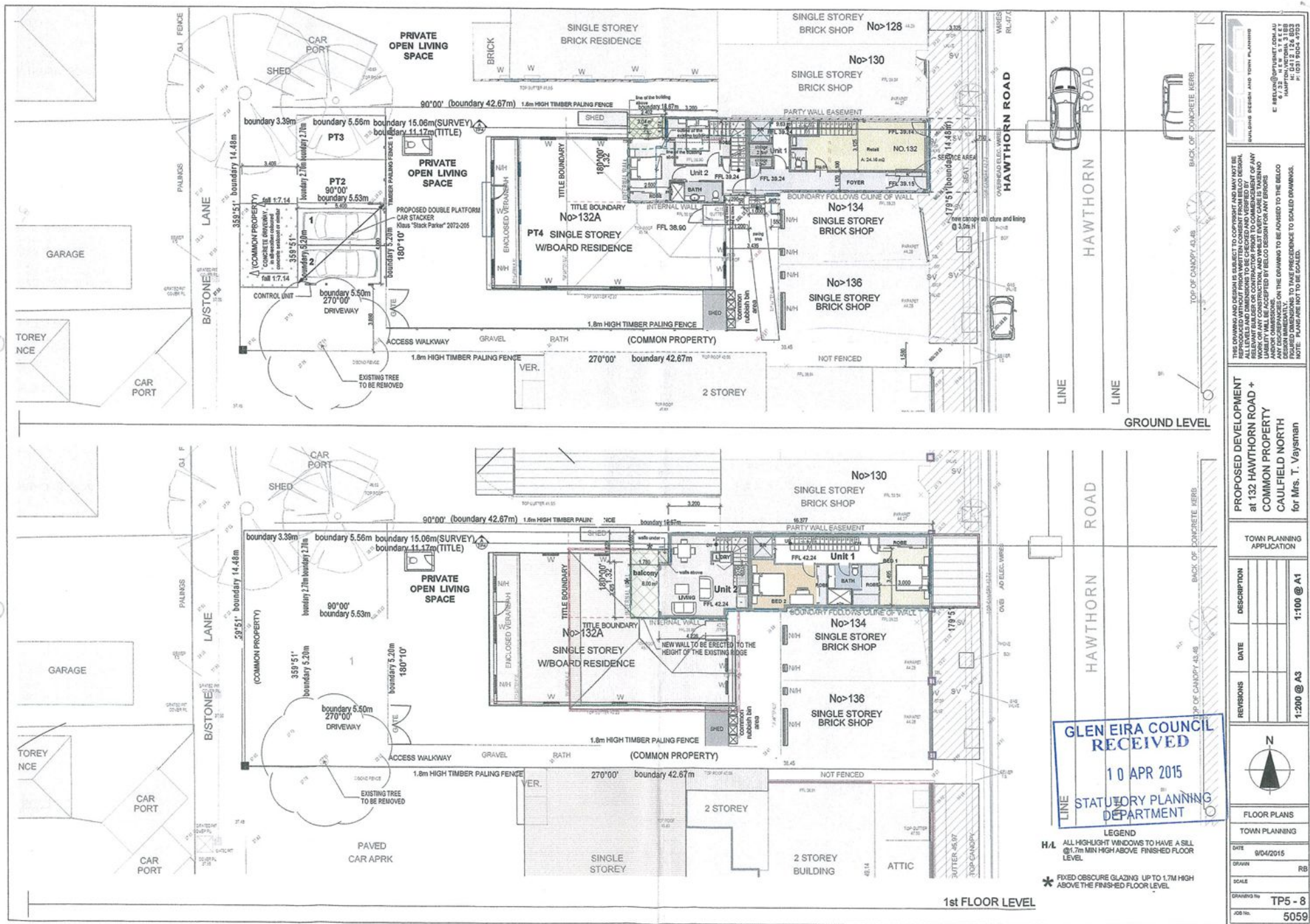
Crs Hyams/Delahunty

That the recommendation in the report be adopted but with the following additional Condition 1(g) which reads as follows:

Landscaping

- (g) The provision of replacement tree planting/landscaping within the common property area to the satisfaction of the Responsible Authority.**

The MOTION was put and CARRIED unanimously.





146 Hawthorn Road



144 Hawthorn Road



142 Hawthorn Road



140-132 Hawthorn Road



132 Hawthorn Road
SUBJECT SITE



130-126 Hawthorn Road



124 - 118 Hawthorn Road



108-116 Hawthorn Road



110-114 Hawthorn Road



100-106 Hawthorn Road



65-67 Hawthorn Road



69-77 Hawthorn Road



79-83 Hawthorn Road



85-89 Hawthorn Road



91-93 Hawthorn Road



95-101 Hawthorn Road



103-107 Hawthorn Road

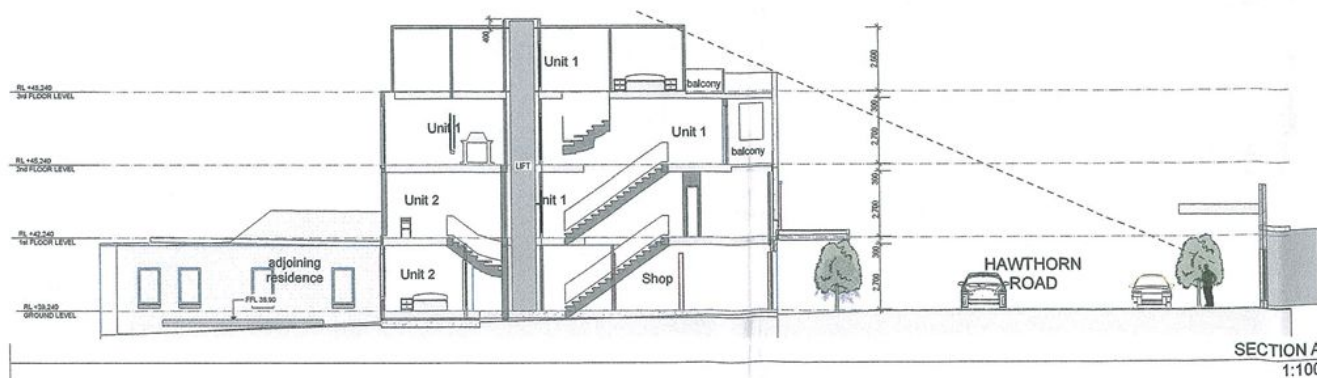


109-111 Hawthorn Road



132 Hawthorn Road
SUBJECT SITE

STREETSCAPE ELEVATION
1:200



SECTION A
1:100

**GLEN EIRA COUNCIL
RECEIVED**
10 APR 2015
STATUTORY PLANNING
DEPARTMENT

REVISIONS
E: REVISIONS@OPTUSNET.COM.AU
6/12/2014 1:26 PM
M: 0412 126 803
P: 0412 126 803

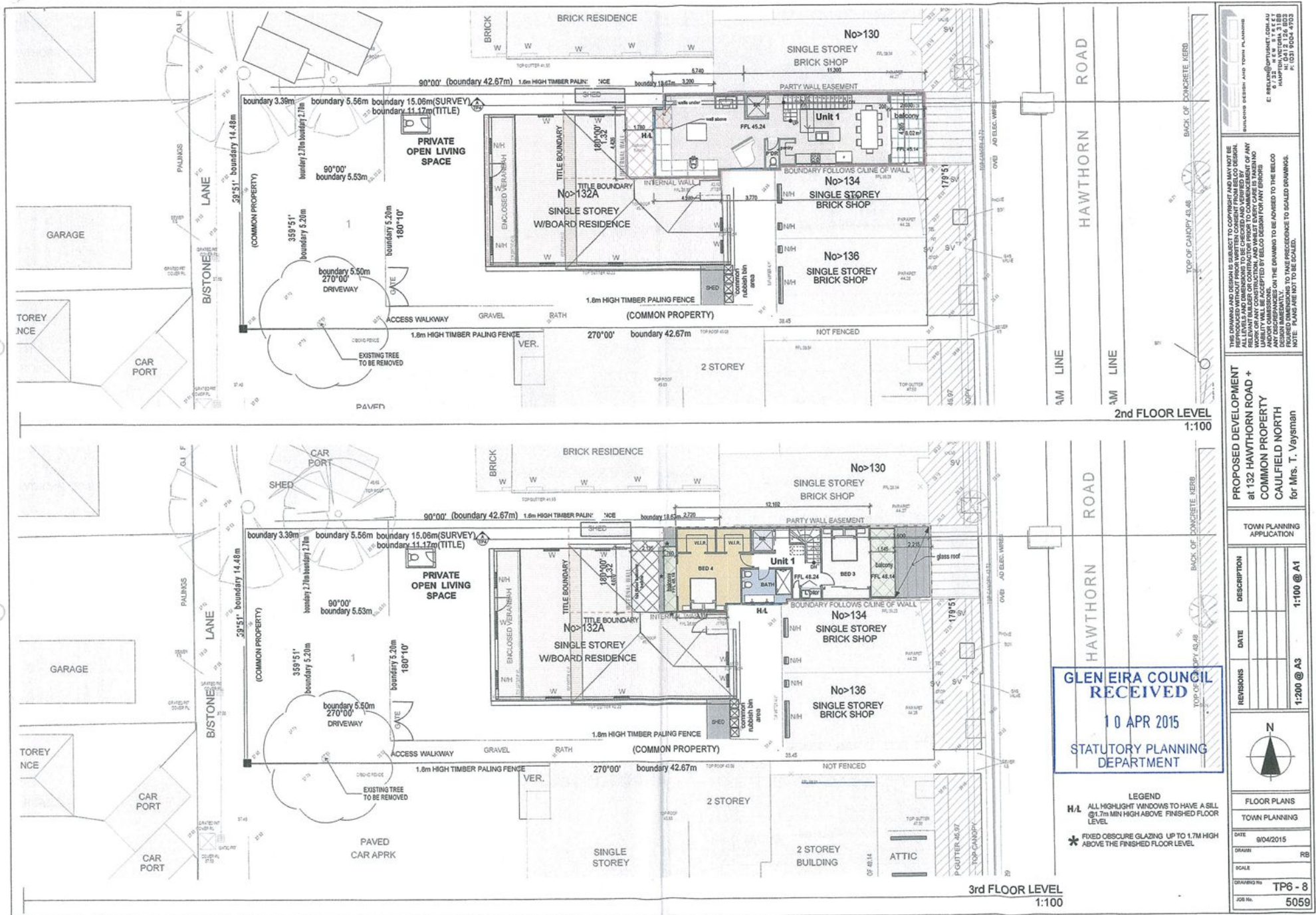
THIS DOCUMENT IS A DESIGN AND NOT A CONTRACT AND MAY NOT BE USED FOR CONSTRUCTION WITHOUT PRIOR WRITTEN CONSENT FROM BELCO DESIGN. ALL LEVELS AND DIMENSIONS TO BE CHECKED AND VERIFIED BY THE CLIENT. BELCO DESIGN SHALL NOT BE RESPONSIBLE FOR ANY WORK OR ANY CONSTRUCTION, AND WHILE EVERY CARE IS TAKEN TO ENSURE THE ACCURACY OF THE INFORMATION, BELCO DESIGN WILL BE RESPONSIBLE FOR ANY DISCREPANCIES ON THE DRAWING TO BE ADVISED TO THE BELCO DESIGN. PLANS ARE NOT TO BE COPIED.

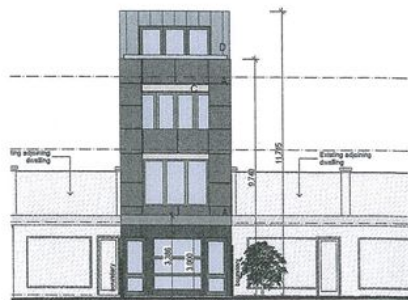
PROPOSED DEVELOPMENT
at 132 HAWTHORN ROAD +
COMMON PROPERTY
CAULFIELD NORTH
for Mrs. T. Vaysman

TOWN PLANNING
APPLICATION

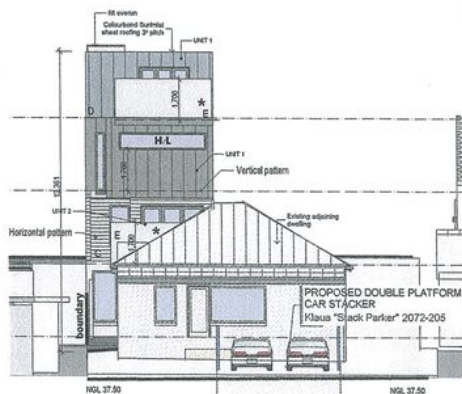
REVISIONS	DATE	DESCRIPTION
1:200 @ A1		
1:400 @ A3		

SCAPES + STREET PH
TOWN PLANNING
DATE: 9/04/2015
DRAWN: RB
SCALE:
DRAWING NO: TP4 - 8
JOB NO: 5059

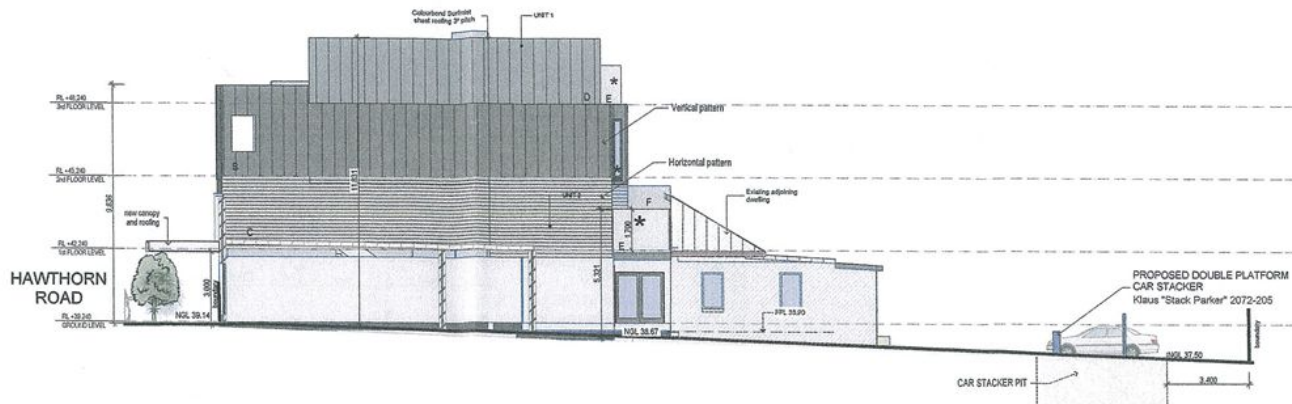




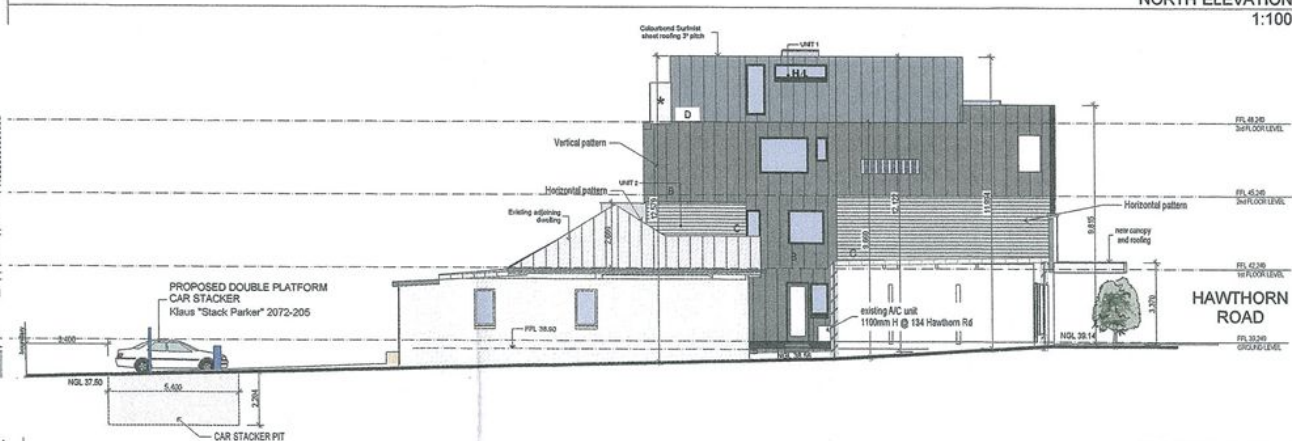
EAST ELEVATION
HAWTHORN ROAD ELEVATION 1:100



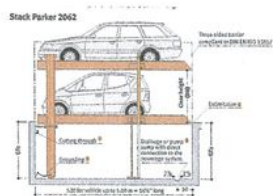
WEST ELEVATION
1:100



NORTH ELEVATION
1:100



SOUTH ELEVATION
1:100



Outdoor Stack Parker 2072-205
1:1

06 (double platform) = 4 vehicles

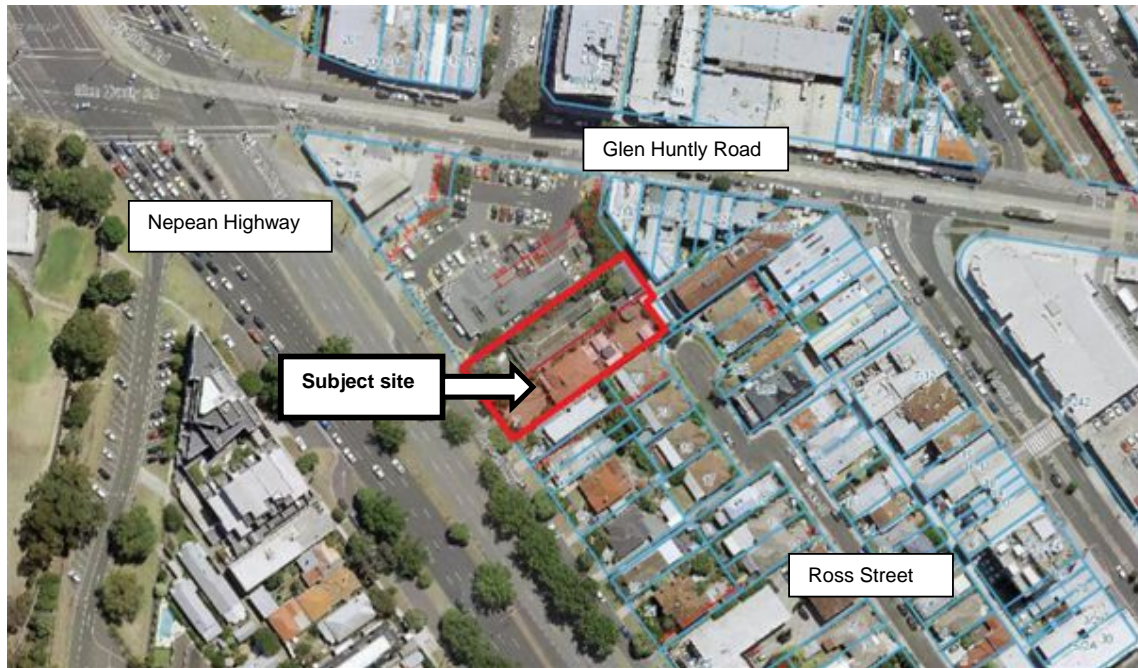
Suitable for
Standard passenger car and station wagon.
Height and length according to table.

Type	06	08	09	10	11
2061-170	170	-	-	160	-
2062-190	190	-	-	180	-
2063-210	210	-	-	200	-
2064-230	230	170	175	150	-
2065-250	250	175	185	190	165
2066-270	270	185	195	200	175
2067-290	290	195	205	210	185
2068-310	310	205	215	220	195
2069-330	330	215	230	335	150

Item 9.2

5-7 Nepean Hwy ELSTERNWICK
APPLICATION NO. GE-PP-27786/2015

File No: GE/PP-27786/2015
Enquiries: Karoline Ware
Manager Statutory Planning



APPLICATION SUMMARY

PROPOSAL	A part four and part five storey building comprising 53 dwellings above basement car parking
RECOMMENDATION	Notice of Decision to Grant a Permit subject to conditions requiring increased setbacks from the front boundary and the existing tree on the neighbouring property
KEY ISSUES	<ul style="list-style-type: none"> • Setbacks • Basement and landscaping opportunities • Internal amenity • Car parking and traffic
MUNICIPAL STRATEGIC STATEMENT	Urban Villages Policy (Elsternwick Urban Village)
APPLICANT	Vantage Point Projects Pty Ltd
PLANNING SCHEME CONTROLS	<ul style="list-style-type: none"> • Residential Growth Zone – Schedule 1
EXISTING LAND USE	Residential (single dwelling contained on each lot)
PUBLIC NOTICE	<ul style="list-style-type: none"> • 24 properties notified • 108 notices sent (owners and occupiers) • 2 signs erected on site • 3 objections received
Application fee payable (fee increased by the State Government in 2009)	\$ 8064

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

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

2. Recommendation

That Council:

- Issues a Notice of Decision to Grant a Permit for *'Construction of a part four and part five storey building comprising up to 53 dwellings above basement car parking and alteration of access to a Road Zone Category 1'* for Application No. GE-PP-27786/2015 in accordance with the conditions contained in the Appendix.

3. Applicable Policies and CodesState Government

- Plan Melbourne
- Guidelines for Higher Density Residential Development (State Government)
- 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

4. Reasons For Recommendation

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

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

The key issues influencing the recommendation are as follows:

Urban Villages Policy and Zoning

The subject site is within the Residential Growth Zone. The properties to the north-east and north-west (including the McDonald's restaurant site) are located within a Commercial 1 Zone. Properties to the south-east fronting Nepean Highway and within Ross Street are also located within the Residential Growth Zone. The site is well located to transport, services and infrastructure on Glen Huntly Road.

A development of this nature is considered an acceptable response to policy, zoning, the site context and neighbourhood character as envisaged by policy.

Item 9.2 (cont'd)

The subject land comprises 2 lots. Consolidation of these lots offers the opportunity for more efficient development in terms of car parking, setbacks and landscaping opportunities.



The Residential Growth Zone has a mandatory maximum building height of 13.5m. A residential building may exceed this height to no more than 14.5m but only if there is a slope to the land of more than 2.5 degrees. The site has a slope of approx. 4.3 degrees and the building does not exceed a maximum height of 14.5m at any point on the site. The overall height of the development is considered acceptable in this context noting the frontage to a major road (Nepean Highway) and commercial properties to the north and west.

Design of the building

The design of the building through its use of alternate materials and treatments breaks in the building length, and graduation of height is considered acceptable.

The design incorporates a strong 4 storey podium form to Nepean Highway and the food and drink premises (McDonald's restaurant) to the north-west. This responds to these non-sensitive abutments by focusing the built form away from the more sensitive areas of private open space to the south-east. The upper level is well recessed so that the building appears as a 4 storey building.

The architectural style including colours, finishes, materials, balustrade details, building/roof form, window placement and contemporary design are considered appropriate for this context and abutment to Nepean Highway.

Item 9.2 (cont'd)Rescode

The development has front setbacks to Nepean Highway which do not meet Rescode which results in the building sitting forward of the lower scale buildings on the adjoining residential properties fronting Nepean Highway. It is considered that greater setbacks are required to improve views of the building from public vantage points within the McDonald's site and along Nepean Highway.

In terms of rear setbacks the ground and Level 1 abut the laneway with upper levels recessed with a setback of 2.9 metres to improve views from within Ross Street.

The development has been designed to prevent unreasonable overlooking of neighbouring private open space to the south east. Upper levels windows and balconies have obscure glass or privacy screens up to 1.7m above floor level in accordance with Rescode.

The submitted shadow diagrams demonstrate that the building has been designed with adequate setbacks to ensure there is no additional shadows cast to the residential properties to the south-east. This has been achieved by providing a large central 'cut-out' within the building directly opposites the sensitive areas of private open space. Accordingly, the development meets the relevant Rescode Standard.

Basement and landscape opportunities

The size and extent of the basement limits opportunities for tree planting therefore additional setbacks are required.

There is a tree on the adjoining property to the north-west (located at the end of the McDonald's drive-thru lane) which has potential to be affected by the development. In order to comply with the Australian Standard the basement must be setback at least 3.3 metres in the area of this tree. These changes may result in the loss of dwellings and can be managed by permit conditions requiring the building envelope to be modified accordingly or an alternate arrangement to Council's satisfaction.

Internal amenity

Nine (9) out of fifty-three (53) dwellings have a bedroom relying on borrowed light. These are all one bedroom dwellings, which have shallow living areas which brings the bedroom closer to the light source. This is considered a reasonable outcome in a development of this nature which provides a mix of dwellings types and layouts.

The number of dwellings which have directly south facing private open space has been minimised. South facing dwellings at ground floor are provided with deep areas of private open space with setbacks at the upper levels to maximise sunlight.

Conditions will require acoustic measures incorporated into the design of the development to protect residents from noise emanating from Nepean Highway, the food and drink premises (McDonalds's restaurant) to the north-west and from other dwellings on the subject site.

Item 9.2 (cont'd)

Overall, the development provides a range of dwelling types, sizes and layouts to contribute to housing diversity and choice and in the internal layout is considered reasonable given the orientation and constraints of the site.

Conditions will require all balconies to be compliant with Rescode in terms of minimum dimensions and area.

Car Parking and Traffic

The development provides resident and visitor car parking at grade in accordance with State Government parking supply guidelines.

VicRoads did not object to the proposal.

Transport Planning has recommended minor modifications to the proposed accessway and basement layout to ensure vehicle access is safe and practical.

Bicycle parking is provided in accordance with the Planning Scheme guidelines.

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

Management Plan Requirements

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

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

ADDRESS: 5-7 NEPEAN HIGHWAY, ELSTERNWICK
APPLICATION NO: GE/PP-27786/2015

1. Proposal

- Part four and part five storey building comprising 53 dwellings.
- Two levels of basement car parking comprising of 67 car spaces (one for each one or two bedroom dwelling, 2 for each 3 bedroom dwelling and 10 visitor car spaces)
- Surplus of two resident spaces
- Vehicular access via a new crossover onto the service lane of Nepean Highway
- All dwellings consist of one or two bedrooms (except for one which consists of 3 bedrooms and one of 2 bedroom plus study)
- Maximum overall building height of 14.45 metres (Note: the subject site meets the exemption under the zone allowing a building to exceed 13.5 metres)

2. Public Notice

- 24 properties notified
- 108 notices sent (owners and occupiers)
- 2 signs erected on site
- 3 objections received

The objectors' concerns are summarised as follows:

- Traffic and car parking
- Height, massing and bulk
- Setbacks
- Overlooking
- Overshadowing and loss of natural daylight
- Construction management concerns

3. Referrals

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

Transport Planning

- The total number of car spaces proposed meets / exceeds planning scheme requirements for residents and visitors.
- Residents of the development would be ineligible for resident parking permits.
- Provide vehicle passing area at entrance to the basement.
- Provide intercom for visitors.
- The proposed ramp grades are acceptable.
- The number of bicycle spaces to residents and visitors meets / exceeds planning scheme requirements.
- A minimum height clearance of 2.25m within the basement should be provided.

Item 9.2 (cont'd)Urban Designer

- The site is a suitable candidate for multi-unit development.
- Overall height is considered satisfactory
- Setbacks of the building from front boundary and transition at the rear would be inadequate. Note: This is addressed via conditions of the approval in terms of front setbacks and landscaping
- Limited landscape opportunities due to basement footprint.
- The architectural style including colours, finishes, materials, balustrade details, building/roof form, window placement and design is generally satisfactory.

Asset Engineering

- The redundant vehicle crossings must be removed and footpath, nature strip and kerb and channel
- All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- All Asset Protection and Engineering Permits must be obtained from Council Engineering Services Department prior commencement of any building works. No modifications without Council consent.

Landscape Officer

- There are no high value trees on the subject site.
- There is one tree (#15, Ornamental Pear) sited in the neighbouring property to the west (McDonalds) that is likely to be impacted by the development. Changes are required to the basement and ground floor levels to allow for retention of this tree.

Parks Services Department

- The street tree (Queensland Brush Box) to be removed to construct the proposed crossover can be removed at the developers cost.

Building Technical Officer

- Building Surveyor to assess protection works, fire ratings, disability access, sound insulation, light and natural ventilation, mechanical ventilation, circulation of spaces, amenity of units, distances of travel
- Construction Management Plan required.

Waste Services

- Waste Management Plan (WMP) approved

4. Planning Conference

The Conference, chaired by Cr Magee, provided a forum where all interested parties could elaborate on their respective views. Only the permit applicant attended the meeting (no objectors attended).

Item 9.2 (cont'd)**Undertakings by the Applicant**

- Introduce different materials such as timber cladding to 'soften' the appearance of the south-east elevation.
- Provide trellis extensions to shared boundary fencing to increase privacy
- Carry out extensive landscaping along south-east boundary

5. Conditions

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as Drawing no. TP02 – TP10 (Rev. 6) and TP20 – TP21 (Rev. 5) dated 21/04/2015 prepared by Hayball) but modified to show:
 - (a) A schedule of construction materials, external finishes and colours for the building including (but not limited to) timber cladding to the south-east elevation to soften the appearance of the building to the satisfaction of the Responsible Authority
 - (b) The building envelope (inclusive of balconies) setback an additional 1.0 metre from the front (south-west) boundary. Any consequential changes must be absorbed within the approved building envelope.
 - (c) The upper Basement level setback a minimum of 4 metres from the front (south-west) boundary (excluding the area allocated for the substation and bicycle storage) and the ground floor balconies above reduced accordingly.
 - (d) The building envelope (inclusive of basement levels) modified to provide a minimum setback of 3.3 metres in the area surrounding the Ornamental Pear tree located adjacent to the drive-thru lane on the neighbouring property 1 Nepean Highway or an alternative arrangement to the satisfaction of the Responsible Authority.
 - (e) All balconies with a minimum dimension of 1.6 metres and area of 8 square metres.
 - (f) Notations stating that all screening measures will be fixed and no more than 25% transparent.
 - (g) The car parking allocation for the approved development must be:
 - One (1) car space be allocated to each 1-bedroom and 2 bedroom dwelling;
 - Two (2) car spaces be allocated to each 3 or more bedroom dwelling (with studies or studios that are separate rooms counting as a bedroom; and
 - A minimum of ten (10) residential visitor parking spaces be provided (Planning scheme rate of 1 space per 5 dwellings
 - (h) The provision of a passing area at the entrance of the driveway measuring a minimum of 5 metres wide by 7 metres in length and aligned with the existing vehicle crossover. Any consequential changes to the basement and ground floor are to be absorbed within the approved building envelope, to the satisfaction of the Responsible Authority;
 - (i) A separator (i.e. kerb) provided at each end of the accessway, at the frontage, between the accessway and the pedestrian entry point and the accessway and the stairs to the basement car parks to reduce conflict between motorists and pedestrians at these locations.

Item 9.2 (cont'd)

- (j) A separate minimum 1.5 metre path provided between the accessway and the entrance to the 6 visitor bicycle spaces to reduce conflict between cyclist/pedestrians and motorists at this location. This path and the bicycle parking area should be designed at the same level as the footpath as opposed to being ramped with the accessway ramp;
- (k) The access ramps provided with 300mm kerbs on each side (or 500mm kerbs on the outside around bends in accordance with Section 2.5 of AS2890.1. The 300mm kerbs clearly annotated and dimensioned on all plans.
- (l) The lengths and gradients of the vehicle accessway ramp are to be clearly dimensioned on the plans and in accordance with Design Standard 3 of Clause 52.06-8 of the Glen Eira Planning Scheme;
- (m) Dimensions of all car spaces clearly annotated on the plans in accordance with section 52.06 of the Planning Scheme (including the two tandem spaces)
- (n) The kerbs surrounding Car space 34 in Basement 2 cut back or this intersecting point modified to allow sufficient space for a vehicle to safely manoeuvre into the accessway leading to Basement 1.
- (o) All car spaces are to be numbered and allocated to their respective dwelling;
- (p) The over bonnet storage boxes measure a maximum 900mm out into the car space and should be 1.35 metres off the ground to ensure large vehicles can access the car spaces. No vertical supports should be provided within the car spaces.
- (q) Pedestrian access to the storage area in Basement 2 from the car park and within the storage room needs to be at least 1 metre wide. The dimensions of the pedestrian paths should be annotated on the plans;
- (r) An intercom system provided at the entrance to the basement to allow for visitor access the car park. The intercom must be setback a minimum of 3 metres from the frontage and should include video with remote access from each apartment.
- (s) The security roller door should be located towards the top of the ramp so that non-residents do not inadvertently drive down the ramp and become unable to turn around.
- (t) The pedestrian sight triangles on the south-eastern side of the accessway dimensioned measuring 2.5 metres (along the driveway edge) by 2.0 metres (along the property line). These areas should be clear of any objects or vegetation greater than 600mm in height and this be annotated on the plans;
- (u) A minimum height clearance of 2.25 metres along the proposed ramps and the underside of the floors above and within the car parks. This must be measured as per Figure 5.3 of AS2890.1:2004 and shown on the longitudinal cross section plan;
- (v) Bicycle parking rack specifications detailed on the plans.
- (w) Acoustic treatments provided in accordance with condition 23.

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

Item 9.2 (cont'd)

2. Before the commencement of buildings and works, a detailed Landscape Plan (generally in accordance with the plans LA-1 – LA-9 (Rev. C) dated 2/04/2015 prepared by Land Projects) 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 3.0m 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.
 - (d) The delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the Ornamental Pear tree located adjacent to the drive-thru lane on the neighbouring property 1 Nepean Highway at a radius of 4.8 metres from the base of the trunk of the tree or an alternative arrangement to the satisfaction of the Responsible Authority.
 - (e) Advanced canopy trees (minimum 3.0m tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i) Front setback
 - (ii) Adjacent to the South-east boundary
 - (iii) Eastern corner of the site

Trees are not to be sited over easements.

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

3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme.

Note: This does not obviate the need for a permit where one is required.

4. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
5. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.
6. All retained vegetation as shown on the endorsed plan(s) must be protected in line with the requirements of the Australian Standard AS 4970-2009 'Protection of trees on development sites' and in particular sections 4.0 (4.1-4.6). TPZs listed below must be maintained:

Tree Location	Species or Common Name	TPZ radius (m)
Adjacent to the McDonalds Drive-thru lane to the north-west (1 Nepean Highway)	Ornamental Pear	4.8 metres

Item 9.2 (cont'd)

7. Prior to the commencement of the development, a fee of \$1521 must be paid to the Responsible Authority for the removal and replacement of the existing street tree (Queensland Brush Box). The street tree will be replaced with the species, maturity and location of which will be selected by Council's Parks Services Department.
8. Any pruning that is required to be done to the canopy or root system of any trees retained on-site or where the canopy of neighbouring property tree/s overhang the site, is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 – 2007, Standards Australia.
9. Any pruning of the root system of any existing tree to be retained is to be done by hand by a qualified Arborist.
10. The car parking allocation for the approved development must be:
 - One (1) car space be allocated to each 1-bedroom and 2 bedroom dwelling;
 - Two (2) car spaces be allocated to each 3 or more bedroom dwelling (with studies or studios that are separate rooms counting as a bedroom; and
 - A minimum of ten (10) residential visitor parking spaces be provided (Planning scheme rate of 1 space per 5 dwellings.
11. 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, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
12. 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 drivewaysto 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.
13. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

Item 9.2 (cont'd)

- (a) delivery and unloading points and expected frequency;
- (b) a liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (c) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (d) any requirements outlined within this permit as required by the relevant referral authorities;
- (e) hours for construction activity in accordance with any other condition of this permit;
- (f) measures to control noise, dust, water and sediment laden runoff;
- (g) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- (h) any construction lighting to be baffled to minimise intrusion on adjoining lots.

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

14. Prior to the occupation of the development, the Waste Management Plan as approved by the Responsible Authority must be implemented to the satisfaction of the Responsible Authority. The plan must include but is not limited to:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority.
 - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - (d) Details for best practice waste management once operating.
 - (e) Frequency of collection.

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

15. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

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

Item 9.2 (cont'd)

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

16. Provision must be made on the site for letter boxes and receptacles for newspapers to the satisfaction of the Responsible Authority.
17. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.
18. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
19. 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.)
20. 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.
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 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.
22. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to 'Note D' that residents of the dwellings allowed under this permit will not be issued residential parking permits (including visitor parking permits).
23. To protect future residents within the building with a direct interface to adjoining drive-thru lane of the food and drink premises (McDonald's restaurant) an acoustic report is required prior to the endorsement of plans. The acoustic report must be prepared by a suitably qualified acoustic engineer and be submitted to and approved by the Responsible Authority. The report must demonstrate that:
 - (a) The building is designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed.
 - (b) The external glazing, doors and the air conditioning and/or ventilation systems are suitable to achieve a maximum noise level of 45 dB in habitable rooms.
 - (c) Future residents within the building will be protected from any mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development or the adjoining food and drink premises (McDonald's restaurant).

Item 9.2 (cont'd)

24. The recommendations contained in the approved acoustic reports must be implemented and completed and where they are recommendations of an ongoing nature must be implemented and maintained all to the satisfaction of the Responsible Authority.
25. This Permit will expire if:
- * The development does not start within two (2) years from the date of this Permit; or
 - * The development is not completed within four (4) years of the date of this Permit.

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

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

NOTES:

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.

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

Item 9.2 (cont'd)

- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

Asset Engineering Advice:

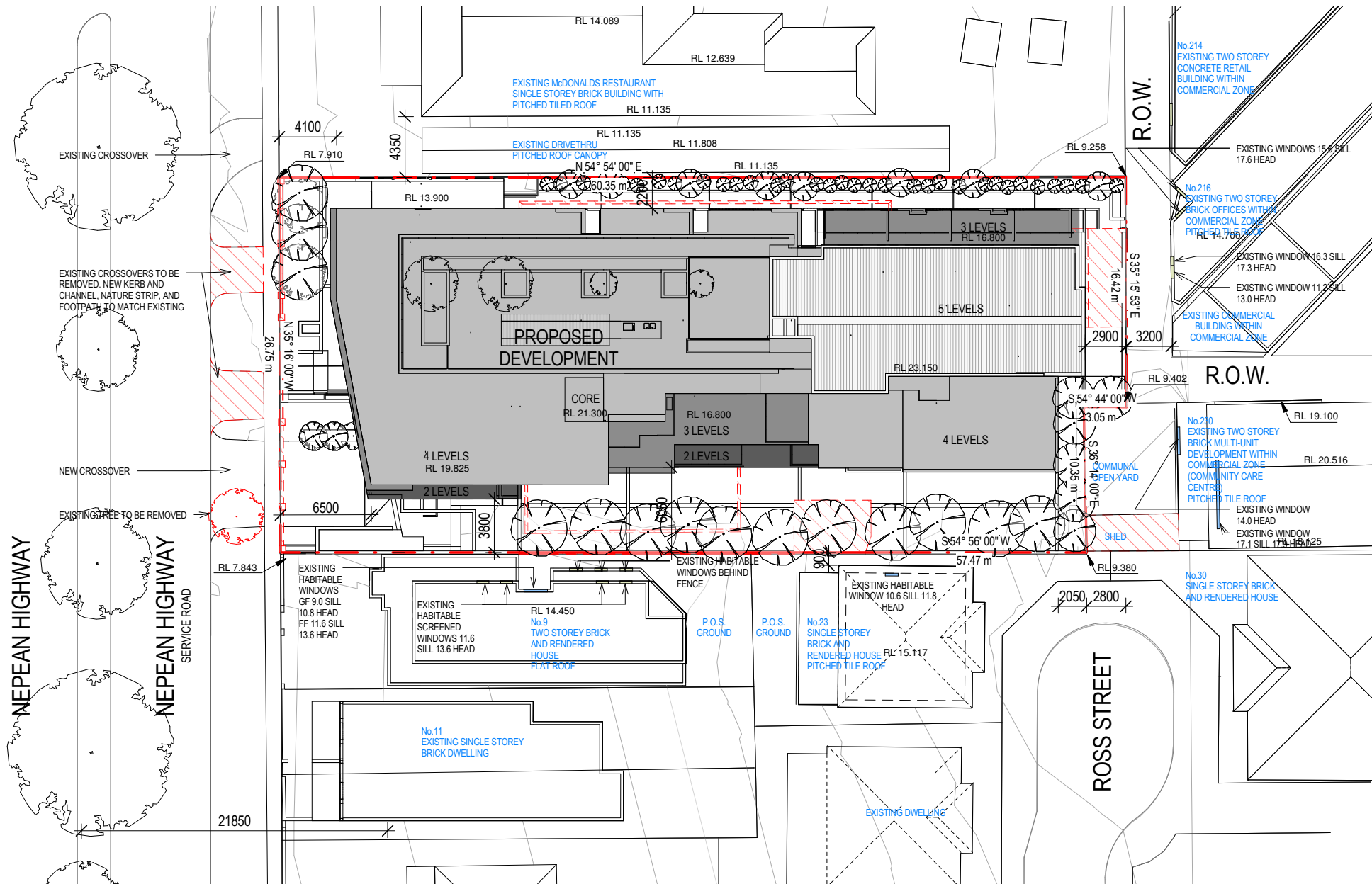
- H. Vehicle crossing should be constructed as commercial type vehicle crossing with splayed to Council standards.
- I. The redundant vehicle crossings must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
- J. No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works. When approved these plans will be endorsed and form part of plans submitted with town planning permit application.
- K. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- L. 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.
- M. All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- N. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- O. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- P. Any modifications, amendments or changes that could impact Council's infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.

Item 9.2 (cont'd)

Crs Pilling/Lipshutz

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.



PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
SITE PLAN

Rev	Date	Description
1	05.02.2015	TOWN PLANNING
2	10.02.2015	TOWN PLANNING
3	10.03.2015	TOWN PLANNING
4	21.04.2015	TOWN PLANNING - RFI

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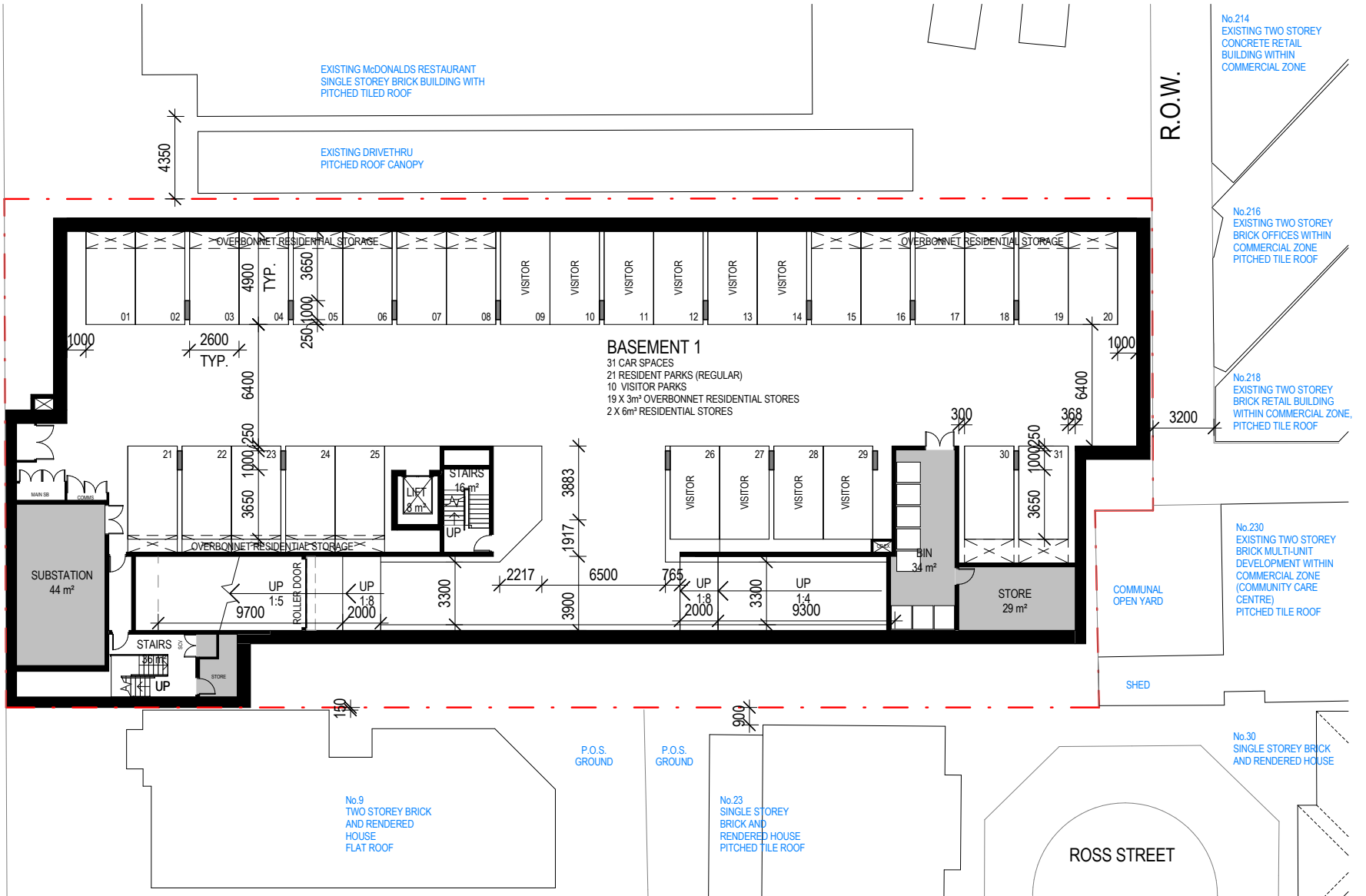


TOWN PLANNING

hayball

Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specifications, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved

NEPEAN HIGHWAY



PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
BASEMENT 1 PLAN

Rev	Date	Description
1	15.01.2015	CONSULTANT ISSUE
2	21.01.2015	GENERAL REVISIONS
3	22.01.2015	CONSULTANT ISSUE
4	06.02.2015	TOWN PLANNING
5	10.03.2015	TOWN PLANNING
6	21.04.2015	TOWN PLANNING - RFI

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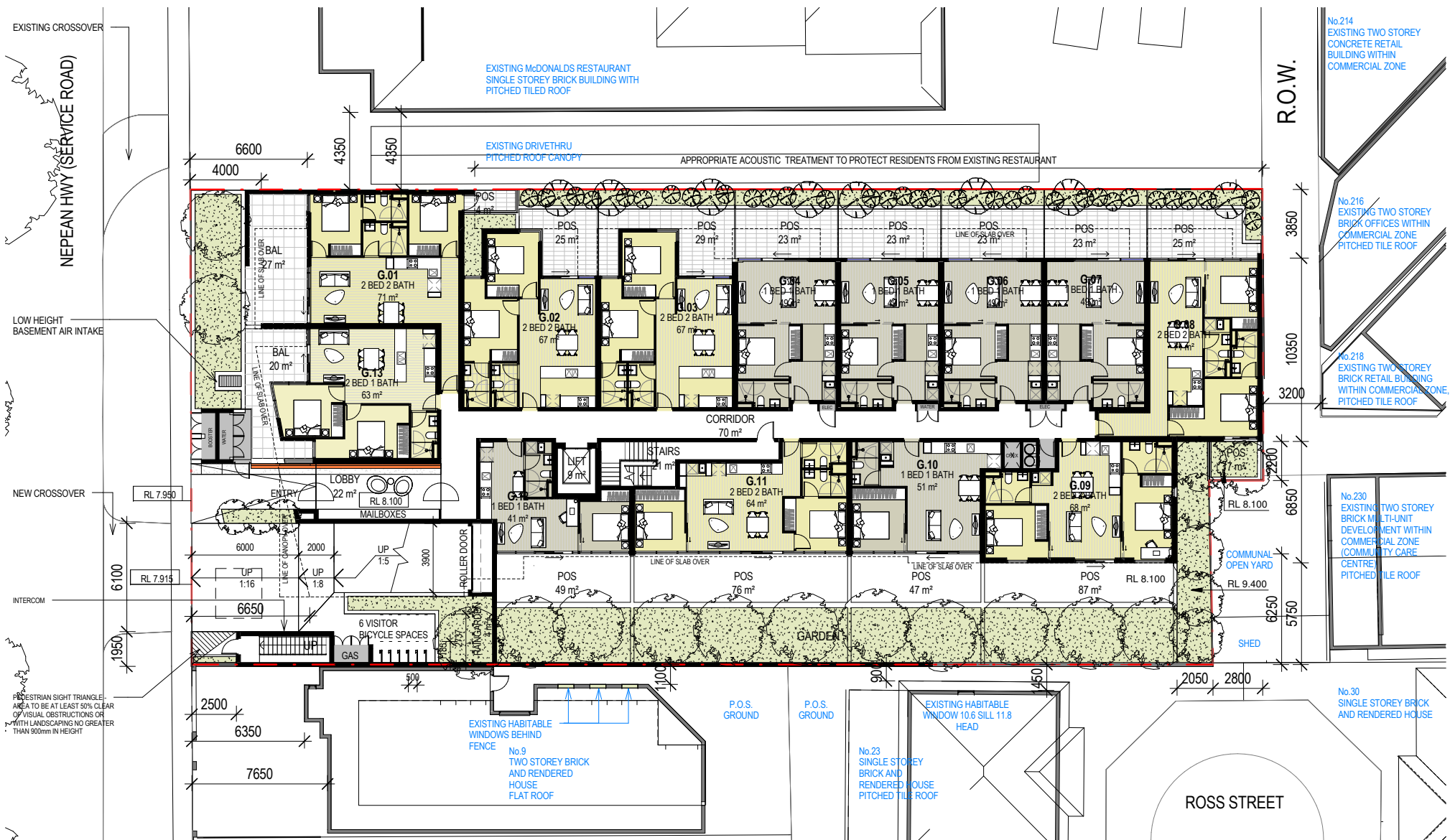
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PROJECT
5-7 NEPEAN HIGHWAY
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TITLE
GROUND FLOOR PLAN

Rev	Date	Description
1	15.01.2015	CONSULTANT ISSUE
2	21.01.2015	GENERAL REVISIONS
3	22.01.2015	CONSULTANT ISSUE
4	22.01.2015	GENERAL REVISIONS
5	31.01.2015	TOWN PLANNING
6	06.02.2015	TOWN PLANNING
7	10.02.2015	TOWN PLANNING
8	10.03.2015	TOWN PLANNING
9	21.04.2015	TOWN PLANNING - RFI

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TOWN PLANNING

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NEPEAN HIGHWAY



PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
LEVEL 2 PLAN

Rev	Date	Description
1	21.01.2015	GENERAL REVISIONS
2	22.01.2015	CONSULTANT ISSUE
3	22.01.2015	GENERAL REVISIONS
4	31.01.2015	TOWN PLANNING
5	06.02.2015	TOWN PLANNING
6	10.02.2015	TOWN PLANNING
7	10.03.2015	TOWN PLANNING
8	21.04.2015	TOWN PLANNING - RFI

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TOWN PLANNING

hayball

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NEPEAN HIGHWAY

PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
LEVEL 3 PLAN

Rev	Date	Description
1	21.01.2015	GENERAL REVISIONS
2	22.01.2015	CONSULTANT ISSUE
3	22.01.2015	GENERAL REVISIONS
4	31.01.2015	TOWN PLANNING
5	08.02.2015	TOWN PLANNING
6	10.02.2015	TOWN PLANNING
7	10.03.2015	TOWN PLANNING
8	21.04.2015	TOWN PLANNING - RFI

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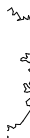
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Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specifications, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved

TOWN PLANNING



PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
LEVEL 4 PLAN

Rev	Date	Description
1	21.01.2015	GENERAL REVISIONS
2	22.01.2015	CONSULTANT ISSUE
3	22.01.2015	GENERAL REVISIONS
4	31.01.2015	TOWN PLANNING
5	06.02.2015	TOWN PLANNING
6	10.02.2015	TOWN PLANNING
7	10.03.2015	TOWN PLANNING
8	21.04.2015	TOWN PLANNING - RFI

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Geoffrey Hammer 5147
ABN 84 006 394 261

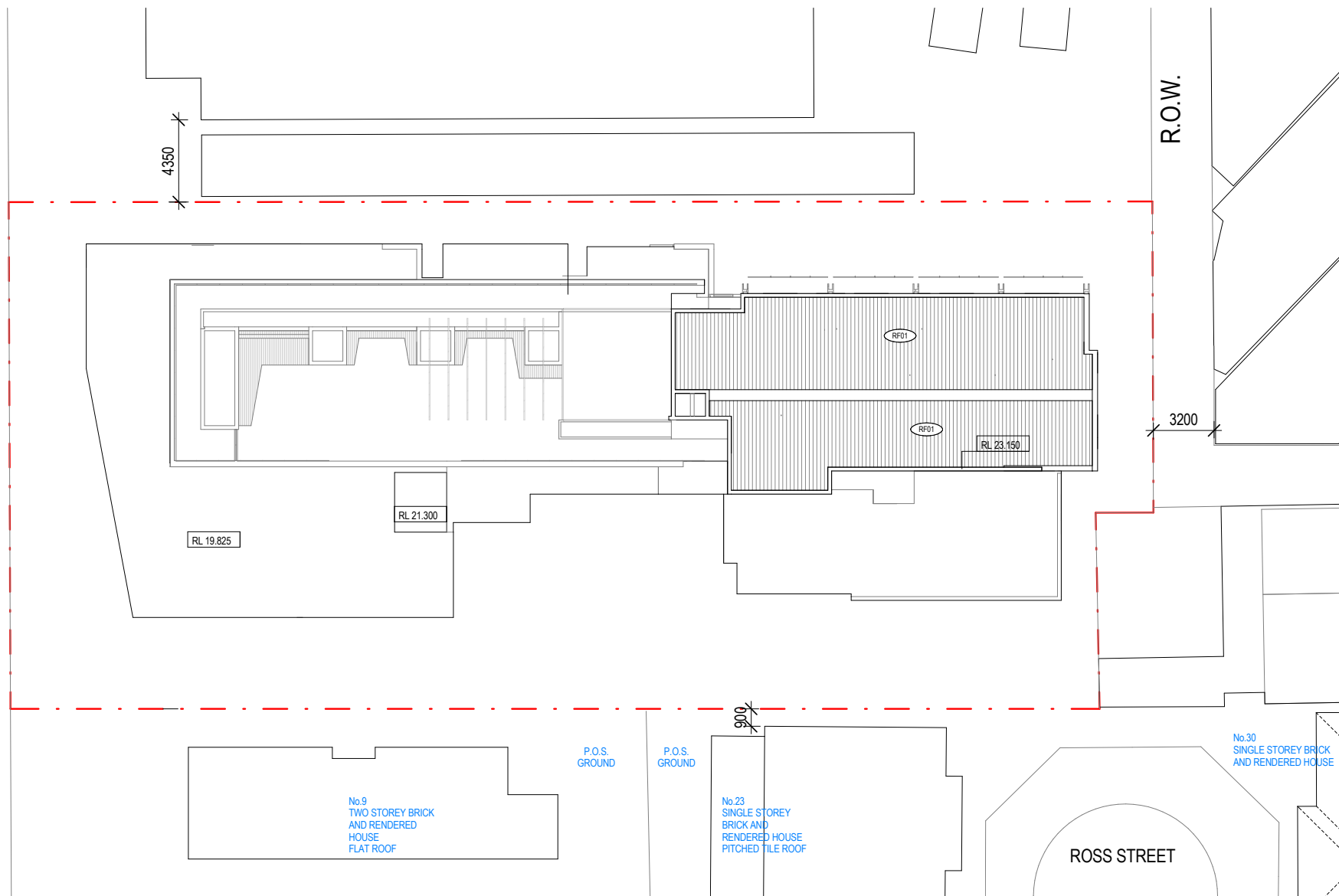
TOWN PLANNING

haybal

Builders/Contractors shall verify job dimensions before any job commences. Figured dimensions shall take precedence over scaled work. Work shall also conform to the specification, other drawings and job dimensions. All shop drawings shall be submitted to the Architect/Consultant and manufacture shall not commence prior to the return of inspected shop drawings signed by the Architect/Consultant. © Copyright 2008 All rights reserved



NEPEAN HIGHWAY



PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
ROOF PLAN

Rev	Date	Description
1	22.01.2015	CONSULTANT ISSUE
2	31.01.2015	TOWN PLANNING
3	06.02.2015	TOWN PLANNING
4	10.02.2015	TOWN PLANNING
5	10.03.2015	TOWN PLANNING
6	21.04.2015	TOWN PLANNING - RFI

PROJECT NO
DRAWN BY
CHECKED
DATE PRINTED
SCALE

DWG NO TP10

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Hayball Pty Ltd
4/135 Short Street Southbank
Victoria Australia 3006
T 03 9699 3644 F 03 9699 3708
www.hayball.com.au

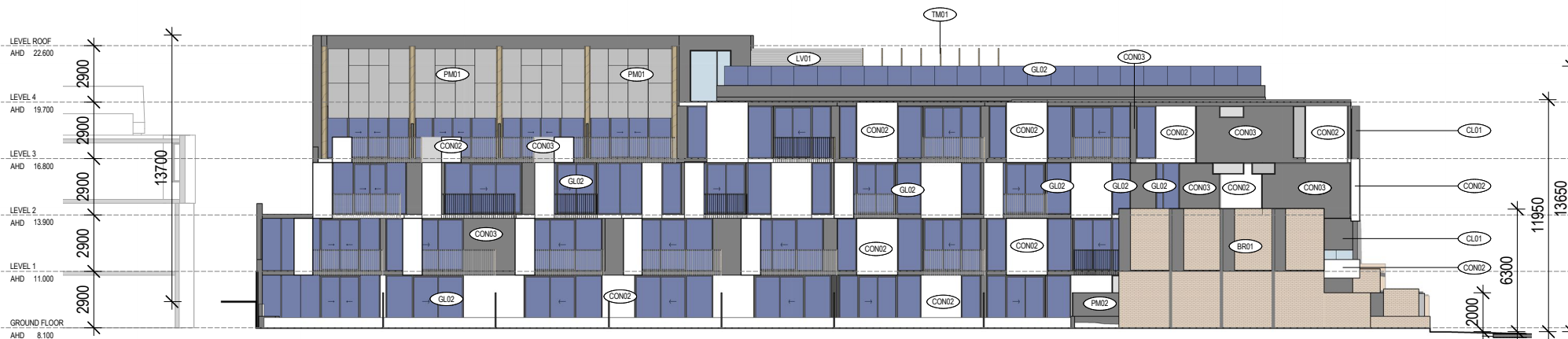
NSW Nominated Architects:
Tom Jordan 7521,
Richard Leonard 7522,
Robert Sient 7523,
Geoffrey Hammer 5147
ABN 84 006 394 261



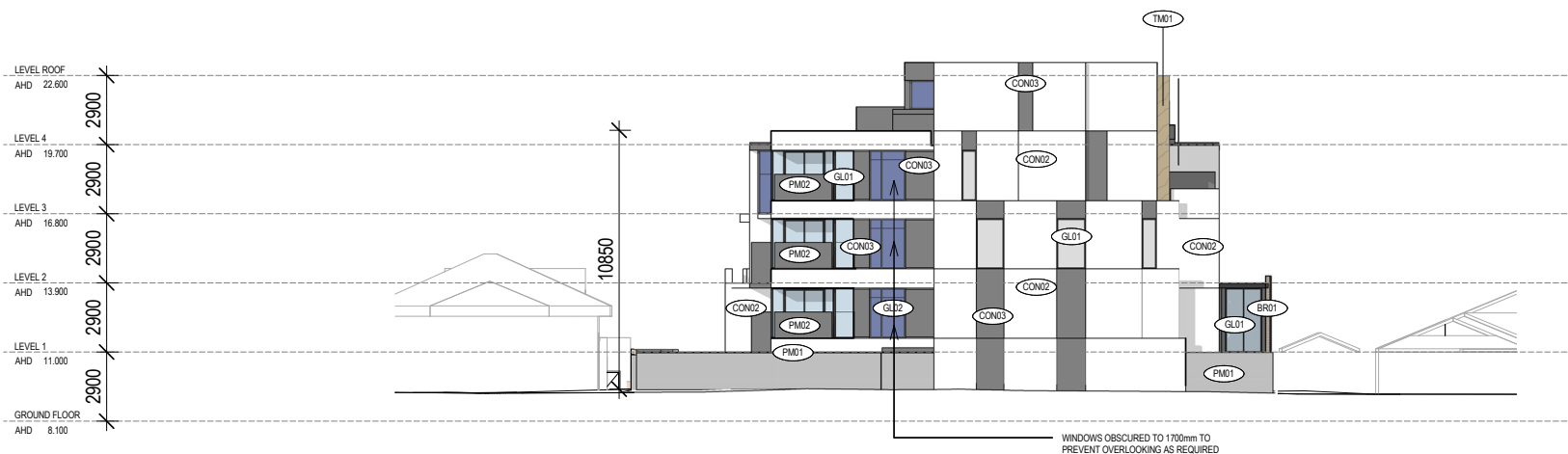
TOWN PLANNING

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1 NORTH ELEVATION
1:200



2 EAST ELEVATION
1:200

MATERIAL LEGEND	
BR01	BRICK FINISH
CL01	LIGHTWEIGHT CLADDING - CHARCOAL FINISH
CL02	LIGHTWEIGHT CLADDING - FEATURE COLOUR
CON01	CONCRETE - NATURAL
CON02	CONCRETE - WHITE
CON03	CONCRETE - CHARCOAL FINISH
GL01	GLAZING
GL02	GLAZING - DARK TINT
LV01	LOUVRES
PM01	PERFORATED ALUMINIUM SUN SHADE SCREEN - POWDERCOAT FINISH - CHARCOAL
PM02	PERFORATED ALUMINIUM PRIVACY SCREEN 25% PERMEABILITY - POWDERCOAT FINISH - CHARCOAL
RF01	ROOF SHEETING
TM01	TIMBER FINISH

PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
ELEVATIONS

Rev	Date	Description
1	31.01.2015	TOWN PLANNING
2	06.02.2015	TOWN PLANNING
3	10.02.2015	TOWN PLANNING
4	10.03.2015	TOWN PLANNING
5	21.04.2015	TOWN PLANNING - RFI

PROJECT NO 1924
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DWG NO TP20

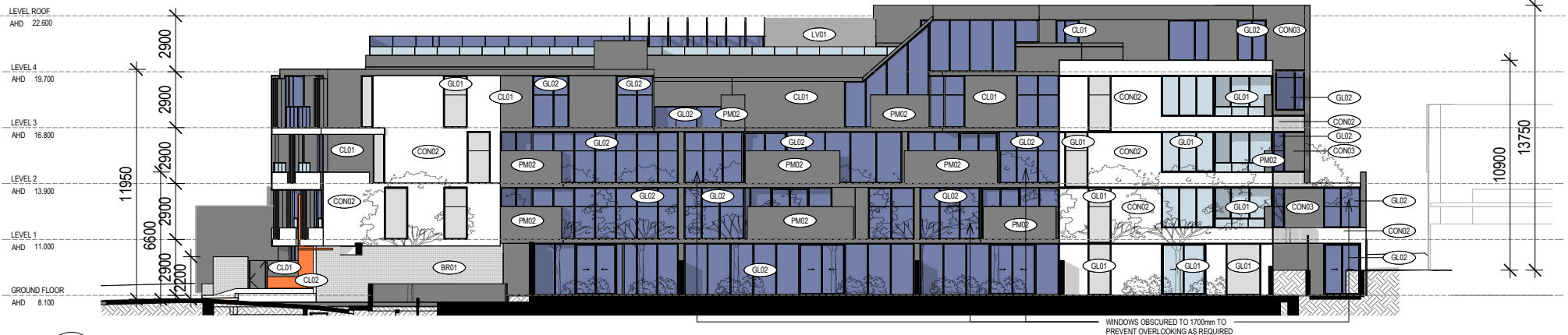
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NSW Nominated Architects:
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TOWN PLANNING

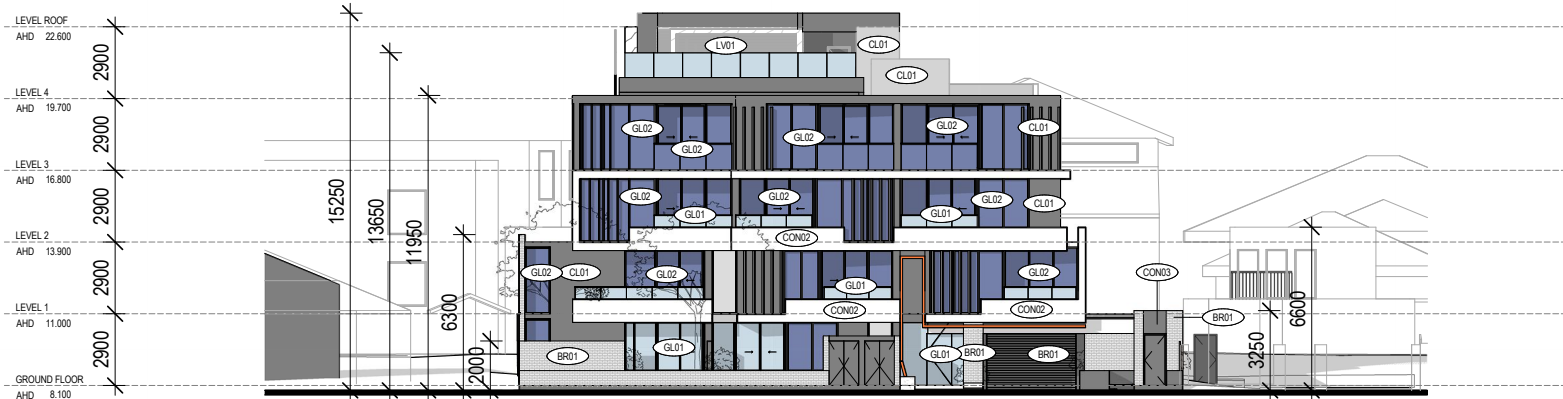
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3 SOUTH ELEVATION

1:200



4 WEST ELEVATION

1:200

MATERIAL LEGEND

BR01	BRICK FINISH
CL01	LIGHTWEIGHT CLADDING - CHARCOAL FINISH
CL02	LIGHTWEIGHT CLADDING - FEATURE COLOUR
CON01	CONCRETE - NATURAL
CON02	CONCRETE - WHITE
CON03	CONCRETE - CHARCOAL FINISH
GL01	GLAZING
GL02	GLAZING - DARK TINT
LV01	LOUVRES
PM01	PERFORATED ALUMINIUM SUN SHADE SCREEN - POWDERCOAT FINISH - CHARCOAL
PM02	PERFORATED ALUMINIUM PRIVACY SCREEN 25% PERMEABILITY - POWDERCOAT FINISH - CHARCOAL
RF01	ROOF SHEETING
TM01	TIMBER FINISH

PROJECT
5-7 NEPEAN HIGHWAY
ELSTERNWICK

TITLE
ELEVATIONS

Rev	Date	Description
1	31.01.2015	TOWN PLANNING
2	06.02.2015	TOWN PLANNING
3	10.02.2015	TOWN PLANNING
4	10.03.2015	TOWN PLANNING
5	21.04.2015	TOWN PLANNING - RFI

PROJECT NO 1924
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Richard Leonard 7522,
Robert Sient 7523,
Geoffrey Hammer 5147
ABN 84 006 394 261

TOWN PLANNING

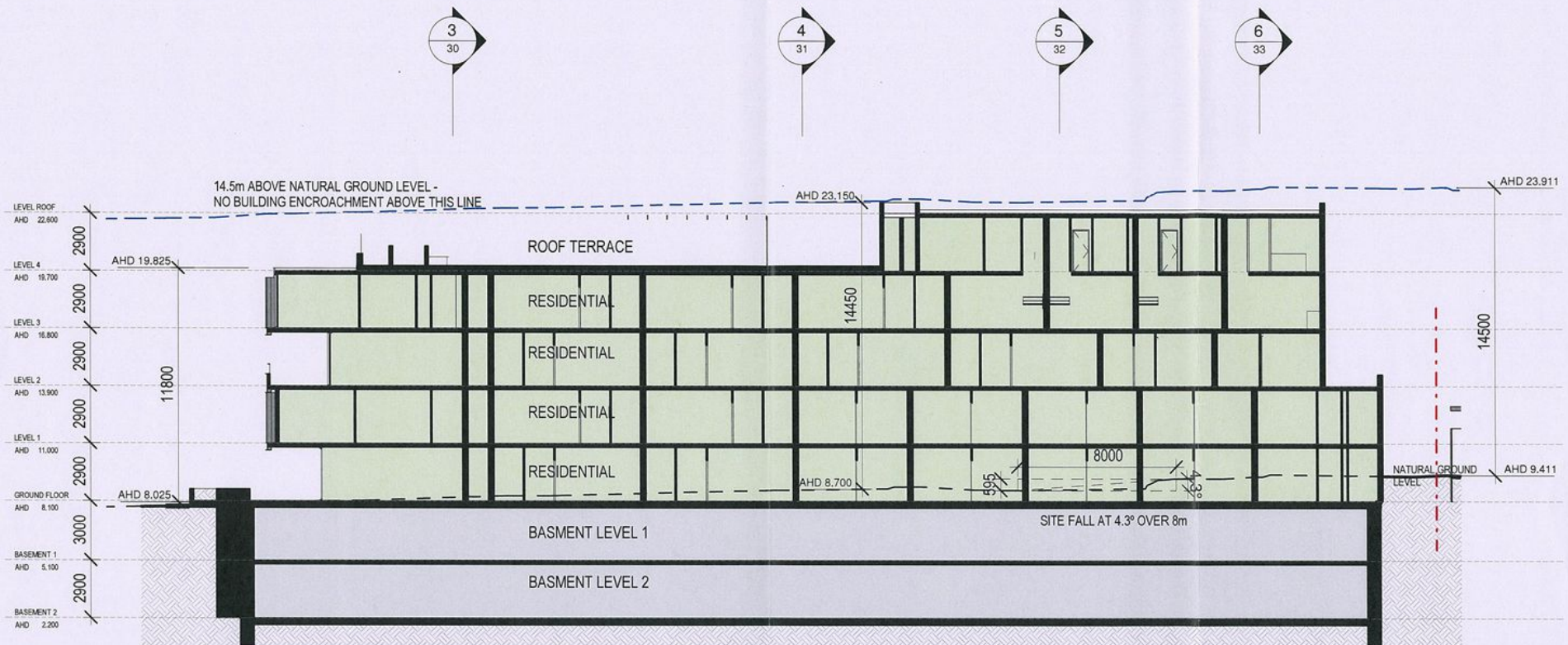
hayball

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2.0 Design Response

Site Fall Section

01-05-2015



GLEN EIRA COUNCIL
RECEIVED
22 APR 2015
STATUTORY PLANNING
DEPARTMENT

Scale 1:200 @ A3

0 2.5 5 7.5 10m

5-7 Nepean Highway, Elsternwick

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10.03.2015 Project No 1924 28

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2.0 Design Response

2.6 Artist's Impression

21-04-2015



GLEN EIRA COUNCIL
ARTIST'S IMPRESSION LOOKING NORTH EAST
RECEIVED
22 APR 2015
STATUTORY PLANNING
DEPARTMENT

5-7 Nepean Highway, Elsternwick

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Project No 1924 42

2.0 Design Response

2.6 Artist's Impression

21-04-2015



ARTIST'S IMPRESSION LOOKING SOUTH

22 APR 2015

STATUTORY PLANNING

5-7 Nepean Highway, Elsternwick

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Project No 1924 43

Item 9.3

233-239 Nepean Hwy GARDENVALE
APPLICATION NO. GE/PP-25975/2013/A

File No: GE/PP-25975/2013/A
Enquiries: Karoline Ware
Manager Statutory Planning

COMMERCIAL ZONE



APPLICATION SUMMARY

PROPOSAL	Amended application that seeks to: <ul style="list-style-type: none"> • Modify the setbacks of the approved building including increases to the size of the terrace areas; • Modify the floor areas of the approved uses, deletion of 11 car spaces and further reduction to the car parking requirements; • Changes to the facades design details; • Internal reconfigurations; and • Modifications to roof plant equipment
RECOMMENDATION	Notice of Decision to Grant an Amended Permit subject to conditions to improve the allocation of car spaces, vehicle access and to provide bicycle parking at ground floor level.
KEY ISSUES	<ul style="list-style-type: none"> • Changes to floor areas of the approved uses and the number of car spaces now provided • Vehicle access to car spaces
MUNICIPAL STRATEGIC STATEMENT	Business
APPLICANT	Southern Freemasonry Pty Ltd
PLANNING SCHEME CONTROLS	<ul style="list-style-type: none"> • Commercial 2 Zone • Special Building Overlay
EXISTING LAND USE	Vacant site
PUBLIC NOTICE	<ul style="list-style-type: none"> • 24 properties notified • 38 notices sent (owners and occupiers) • 4 signs erected on site • 1 objection received
Application fee payable (fee increased by the State Government in 2009)	\$502.00

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

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

2. Recommendation

That Council:

- Issues a Notice of Decision to Amend Application No. GE/PP-25975/2013 allowing for the construction of a four (4) storey building and use and development of a mixed use building, including; cafe, restricted retail, retail showroom, offices, place of assembly, erection of advertising signage including major promotional signage; reduction car parking; alteration of an access to a Road Zone Category 1 and buildings and works on land affected by the Special Building Overlay 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:

- The written objection and matters raised at the planning conference
- Council's MSS

Background:

Planning Permit GE/PP-25975/2013 was originally approved by Council on 11 April 2014. The Permit Applicant appealed conditions contained within the permit, which was subsequently resolved at VCAT mediation. The permit allows the construction of a four (4) storey building to be used as a café, restricted retail, offices and a place of assembly.

The existing buildings have since been demolished but no works have commenced. The development must commence by 11 April 2016.

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

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

Use	Approved Permit	Proposed amendments	Change
Restricted Retail	1,191m ²	1,031m ²	-160m ²
Showroom	208m ²	221m ²	+13m ²
Office	1,400m ²	1,840m ²	+440m ²
Place of Assembly	150 patrons	150 patrons	No change
Café	101m ²	100m ²	-1m ²
Car spaces	118 spaces	107 spaces	-11 spaces
Bicycle spaces	39 spaces	35 spaces	-4 spaces

This is achieved by the following changes to the approved building:

- Alter the car parking layouts;
- Modify the setbacks of the first floor to the northern boundary;
- Extend the second floor to the northern boundary and increase to the size of the terrace area;
- Extend the third floor towards the northern boundary and the addition of a terrace along the Begonia Road frontage; and
- Modifications to the design details of the building facades.

Amenity Impacts

The subject site is provided with non-sensitive abutments due to it being on the corner of Nepean Highway, North Road and Begonia Road. The sites to the north and south are both commercial premises that are also located within the Commercial 2 Zone. To the north-east, the site is separated from the residential properties on Begonia Road by a 25 metre wide drainage reserve.

It is considered that due to this context, the increase to the built form at the upper levels and increase to the terrace areas will not negatively impact on the amenity of the adjoining properties.

Streetscape

The amendments to the façades are considered reasonable and improve the appearance of the building. Feature glazing and a mixture of materials and architectural features that moderate the effects of visual bulk will add to the streetscape response.

Parking and Traffic

The approved permit allows for a reduction of 16 car spaces. The amendments result in an additional 15 car spaces being required, which is attributed to the increase in the office floor area. The amendments also seek to reduce the number of car spaces provided by eleven thereby resulting in a total reduction of 42 car spaces for the various uses.

Item 9.3 (cont'd)

The Transport Planning Department has advised that the further reduction to the number of car spaces is acceptable. This is further supported by the development not including any residential uses and the car spaces for the office being shared by other uses when they are not being used, as required by Condition 23 of the Permit.

The amendments propose to replace six (6) of the customer parking spaces located within the ground floor with staff parking that is contained within car stackers. This is inconsistent with Condition 1 (c) of the Permit, which states:

All car spaces at ground floor (with the exception of the disabled space and spaces adjacent to loading zone) are to be labelled as customer parking

The reallocation of the spaces is not supported and it is recommended that at least seventeen (17) car spaces still be provided at ground floor level for customers, which will form recommended conditions.

The Transport Planning Department have also raised concerns in relation to the vehicle access arrangements to some of the car spaces as a result of substandard dimensions. Conditions are recommended that will address these concerns.

The concerns of the Transport Planning Department are addressed by recommended conditions 1 (a) to (f).

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

ADDRESS: 233-239 Nepean Highway, Gardenvale
APPLICATION NO: GE/PP-25975/2013/A

1. Proposal

(Refer to attached plans)

Features of the amended proposal include:

- Modify the setbacks of the approved building including increases to the size of the terrace areas;
- Modify the floor areas of the approved uses, deletion of 11 car spaces and further reduction to the car parking requirements;
- Changes to the facades design details;
- Internal reconfigurations; and
- Modifications to roof plant equipment

2. Public Notice

- 24 properties notified
- 38 notices sent (owners and occupiers)
- 4 signs erected on site
- 1 objection received

The objector's concerns are summarised as follows:

- Access arrangements and use of the laneway
- Damage to the existing building located at 245 Nepean Highway during the demolition of the existing building

3. Referrals

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

Transport Planning

- Adequate number of parking spaces proposed.
- Modifications to car spaces required ensuring that adequate vehicular access is provided.
- Relocation of some bicycle spaces to the ground floor.

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

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

- The development will limit views of existing advertising signage on his property.
- The location of the emergency escape door onto the laneway. This laneway is used for parking of vehicles, which will impact access to this door.

5. Conditions

The Permit be amended as follows:

- Condition 1 of the Permit be replaced with the following:
 1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as Drawing Number ATP-20001 (Revision P14 and dated 22/04/13), ATP-20002 (Revision P13 and dated 22/04/13), ATP-20003 (Revision P11 and dated 22/03/13), ATP-20004 (Revision P11 and dated 22/03/13), ATP-20005 (Revision P11 and dated 22/03/13), ATP-40001 (Revision P08 and dated 11/03/15), ATP-40002 (Revision P08 and dated 11/03/15) and ATP-50001 (Revision P07 and dated 25/09/12), all date stamped received by Council 30 March 2015 and prepared by The Buchan Group, but modified to show
 - (a) The '2 car stacker staff parking' spaces located within the ground floor are to be replaced with 5 customer parking spaces that are at-grade and designed in accordance with the Design Standards of Clause 52.06-8 of the Glen Eira Planning Scheme, to the satisfaction of the Responsible Authority;
 - (b) The replacement of 2 car spaces at first floor with Klaus Singlevario 2061 dependent car stackers. The dimensions (Car stacker unit width, useable platform width and length) are to be clearly shown. Any changes to the slab gradient are to be to the satisfaction of the Responsible Authority;
 - (c) Car spaces 1 and 2 located within the ground floor are to be reoriented to be perpendicular to the site access to the satisfaction of the Responsible Authority;
 - (d) A minimum of 107 car spaces to be provided on-site to the satisfaction of the Responsible Authority;
 - (e) The column adjacent to car spaces 19T and 20T to be relocated in accordance with the Design Standards of Clause 52.06-8 of the Glen Eira Planning Scheme;
 - (f) A provision of visitor bicycle parking within the ground floor and located where car spaces 1 and 2 were located, to the satisfaction of the Responsible Authority;

Item 9.3 (cont'd)

- (g) The ground level car park must be constructed with finished surface levels set at the existing natural surface level. This must be clearly shown and notated on the plans;
- (h) The canopy over the entrance setback not less than 750mm from the kerb and 3m above the level of the footpath; and
- (i) No part of the building (with the exception of canopies) is to encroach outside of the title boundaries.

Crs Hyams/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.



PLANNING PERMIT

GLEN EIRA PLANNING SCHEME

RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL

PLANNING PERMIT NUMBER:	GE/PP-25975/2013
ADDRESS OF THE LAND:	233-239 Nepean Hwy GARDENVALE VIC 3185
APPLICANT:	Southern Freemasonry Pty Ltd
THE PERMIT ALLOWS:	Construction of a four (4) storey building and use and development of a mixed use building, including; cafe, restricted retail, retail showroom, offices, place of assembly, erection of advertising signage including major promotional signage; reduction car parking; alteration of an access to a Road Zone Category 1 and buildings and works on land affected by the Special Building Overlay in accordance with the endorsed plans.

This Permit was issued at the direction of the Victorian Civil and Administrative Tribunal pursuant to Section 85(1)(b) of the Planning and Environment Act 1987 on the 26 August 2014.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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 ATP-00005 rev P04 dated 22/04/2013, ATP-20001 rev P06 dated 22/04/2013, ATP-20002 rev P06 dated 22/04/2013, ATP-20003 rev P05 dated 22/04/2013, ATP-20004 rev P05 dated 22/04/2013, ATP-20005 rev P05 dated 22/04/2013, ATP-40001 rev P04 dated 25/09/2012, ATP-40002 dated 25/09/2012, ATP-40003 dated 25/09/2012, ATP-50001 dated 25/09/2012, ATP- 50002 dated 25/09/2012, ATP80000 Rev P05 dated 22/03/2013) but modified to show:
 - a. North and south facing elevations to include additional fenestration/wall inscriptions to the satisfaction of the Responsible Authority.
 - b. A schedule of construction materials, external finishes and colours (incorporating samples) to the satisfaction of the Responsible Authority.
 - c. All car spaces at ground floor (with the exception of the disabled space and spaces adjacent to loading zone) are to be labelled as customer parking.
 - d. The columns within the car park must comply with the requirements of Diagram 1 at Clause 52.06-8 of the Glen Eira Planning Scheme (Design Standard 2). The columns must be dimensioned on the plans.
 - e. Tandem car spaces must not include wheel stops to the satisfaction of the Responsible Authority. This must be notated on the plans.

DATE ISSUED: 11 April 2014

SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY

IMPORTANT – REFER TO
NOTES ON LAST PAGE

PAGE 1 OF 10



PLANNING PERMIT
GLEN EIRA PLANNING SCHEME
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL
PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

- f. The car stacker on the ground level for car parking spaces 20 and 21 must be independent. The car stackers on the first level for car parking spaces 73-78 may be dependant, provided that all of the dependant spaces are clearly allocated for the exclusive use of tenants within a common tenancy in the building only. Details and specifications of the car stackers must be submitted to and approved by the Responsible Authority.
- g. The canopy over the entrance setback not less than 750mm from the kerb and 3m above the level of the footpath.
- h. No part of the building (with the exception of canopies) is to encroach outside of the title boundaries.
- i. Before the development and use starts, the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority. This includes the provision of showers and change rooms as required by Clause 52.34.
- j. No more than 20 seats being available for the use of the café.

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.

Note: This does not obviate the need for a permit where one is required.

- 3. The layout and description of the use(s) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Note: This does not obviate the need for a permit where one is required.

- 4. 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 times referred to if a request is made in writing before this Permit expires or within three (3) months after 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.

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 2 OF 10



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

PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

6. Disabled access to the building must be provided to the satisfaction of the Responsible Authority.
7. The amenity of the area must not be adversely affected by the use or development as a result of the:
 - (a) transport of materials, goods or commodities to or from the land; and/or
 - (b) appearance of any building, works, stored goods or materials; and/or
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/oror in any other way, to the satisfaction of the Responsible Authority.
8. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
9. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
10. 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.
11. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

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

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.
12. Prior to the commencement of the use/development allowed by this permit a comprehensive Traffic and Parking Management Plan must be submitted to and approved by the Responsible Authority. This plan must detail all land uses, including the layout and floor areas occupied by such uses and may be reviewed and varied from time to time subject to the approval of the Responsible Authority. The Management Plan must include a statement to the effect that no fees are to apply to the carpark (i.e using it must be free of charge). The management plan must also include details about the allocation and management of dependant car stackers (car park spaces 73-78) being allocated for the exclusive use of specific tenants from a common tenancy within the building.

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 3 OF 10



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

PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

13. 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.
14. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority an amended Waste Management Plan (WMP) (as a result of the changes required in condition 1) 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 must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

15. Prior to the commencement of 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;

DATE ISSUED: 11 April 2014	SIGNATURE FOR THE RESPONSIBLE AUTHORITY 
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**IMPORTANT – REFER TO
NOTES ON LAST PAGE**

PAGE 4 OF 10



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

PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

- (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 in particular to neighbouring land to the site's south;
 - (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.
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;
 - (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.
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.
18. The place of assembly must operate only between the hours of 6pm and 11pm Monday to Friday and weekends.
19. Not more than 150 patrons associated with the place of assembly must be present on the site at any one time.
20. Not more than 4 staff members/employees must be present on the site for the showroom at any one time and no more than 2 car parking spaces shall be allocated to the showroom use for staff car parking
21. Not more than 14 staff members/employees must be present on the site for the retail premises at any one time and no more than 12 car parking spaces shall be allocated to the retail premises use for staff car parking.

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 5 OF 10



PLANNING PERMIT
GLEN EIRA PLANNING SCHEME
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL
PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

22. Not more than 4 staff members/employees must be present on the site at any one time for the café and no more than 3 car parking spaces shall be allocated to the café use for staff car parking.
23. Office car parking spaces are to be used by the place of assembly and other uses when the office car parking spaces are vacant.
24. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
25. Prior to the completion of the ramp, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the ramp has been constructed in accordance with the endorsed plans.
26. 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.
27. 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.

28. The sign(s) must not contain any flashing, intermittent or changing colour light.
29. The sign(s) must be located wholly within the boundary of the land.
30. Signage permission expires 15 years from the date of issue.
31. The café must have no more than 20 seats available for patrons.

VicRoads (Conditions):

1. Any redundant vehicle crossing must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to VicRoads.
2. The canopy must have a minimum setback of at least 750mm from the back of the kerb and must be located clear of traffic signal poles, lanterns, directional signage and any other road infrastructure, and must not obscure visibility to traffic control devices or signs.

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 6 OF 10



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

PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

Melbourne Water (Conditions):

1. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
2. The restricted retail and lobby adjacent to the southern property boundary must be constructed with finished floor levels set no lower than 8.39 metres to Australian Height Datum.
3. The showroom, cafe and office lobby must be constructed with finished floor levels set no lower than 8.36 metres to Australian Height Datum.
4. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
5. The ground level car park must be constructed with finished surface levels set at the existing natural surface level so as not to obstruct the passage of overland flows.
6. Prior to the development plans being endorsed and the commencement of works amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum.
7. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.
8. Melbourne Water's land must not be used for the storage of materials, construction equipment and/or vehicle access.

Conditions End

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 7 OF 10



PLANNING PERMIT
GLEN EIRA PLANNING SCHEME
RESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL
PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

NOTES: *(The following notes are for information only and do not constitute part of this permit or conditions of this permit)*

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that Council can approve under Section 62(3) and/or Section 73 of the Planning and Environment Act 1987 without notice to other parties. Modifications of a more significant nature may require fresh consideration and constitute a new application.

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria to that adopted for the approval of this Planning Permit.
- C. 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.
- D. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.
- E. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
- F. Any modifications, amendments or changes that could impact Council’s infrastructure assets are to be discussed with the Engineering Services prior to issuing a planning permit.
- G. If further information is required in relation to Melbourne Water’s permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water’s reference 229684 *(note required by Melbourne Water)*.
- H. The existing side entry pit which will be located on the proposed vehicle crossing, accessing the loading bay at Begonia Road, must be relocated to Council’s satisfaction at the developer’s cost. The detailed design must be submitted and approved by Engineering Services prior final design and endorsement of plans.

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 8 OF 10



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

PLANNING PERMIT NUMBER: GE/PP-25975/2013

Conditions Continued –

- I. The point of connect for this development will be Melbourne water creek via constructing an outfall drain with the permission of that responsible authority. The detailed design must be submitted and approved by Engineering Services prior final design and endorsement of plans.
- All on-site stormwater 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:
 - I. trench grate (150mm minimum internal width) located within the property and/or;
 - II. Shaping the driveway so that water is collected in a grated pit on the property
 - All seepage and agricultural waters are to be filtered to rain water clarity and discharged to the nearest Council Drain /Pit and not be discharged to the kerb and channel.

DATE ISSUED: 11 April 2014

**SIGNATURE FOR
THE RESPONSIBLE
AUTHORITY**

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

PAGE 9 OF 10

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.

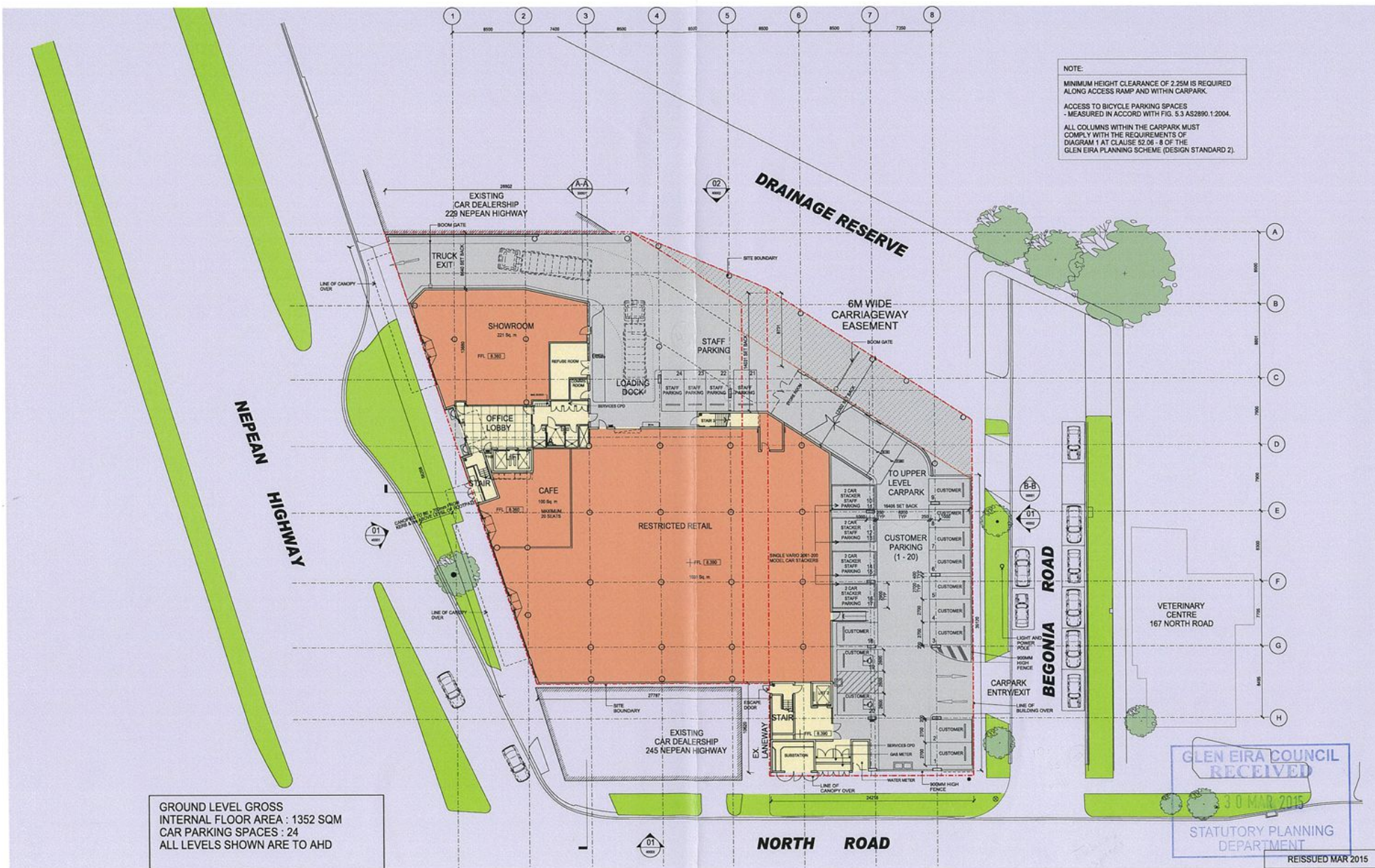
WHEN DOES A PERMIT EXPIRE?

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 appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil & Administrative Tribunal where, in which case no right of appeal exists.
- * An appeal 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 appeal must be lodged within 60 days after the giving of that notice.
- * An appeal is lodged with the Victorian Civil & Administrative Tribunal.
- * An appeal must be made on a Notice of Appeal form which can be obtained from the Victorian Civil & Administrative Tribunal, and be accompanied by the prescribed fee.
- * An appeal must state the grounds upon which it is based.
- * An appeal must also be served on the Responsible Authority.
- * Details about appeals and the fees payable can be obtained from the Victorian Civil & Administrative Tribunal.
- * The address of the Victorian Civil and Administrative Tribunal is Level 7, 55 King Street, Melbourne 3000. The telephone number is 03 9628 9777.

(LAST PAGE OF PERMIT)



GARDENVALE - MIXED USE DEVELOPMENT

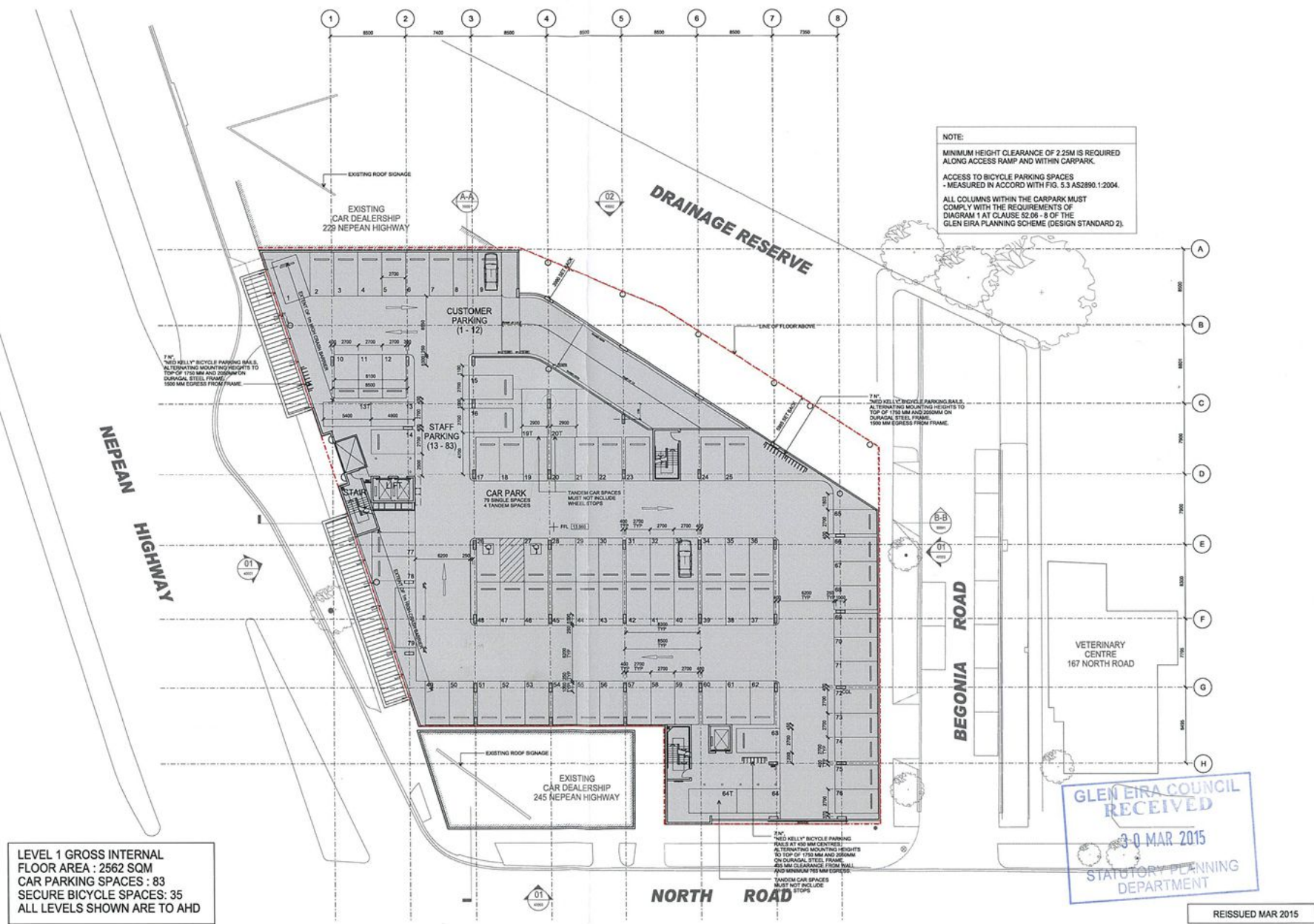
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 DATE: 22/04/13
 SCALE: @ A1
 1:200
 STATUS: TOWN PLANNING
 FOR INFORMATION

THE BUCHAN

DRAWING TITLE
**PROPOSED PLAN
 GROUND LEVEL**

DRAWING NUMBER
ATP-20001
 File Name: GRC TRG 25-06-09 ATP 20001

REVISION
P14





PROJECT GARDENVALE - MIXED USE DEVELOPMENT

PROJECT NUMBER
311085

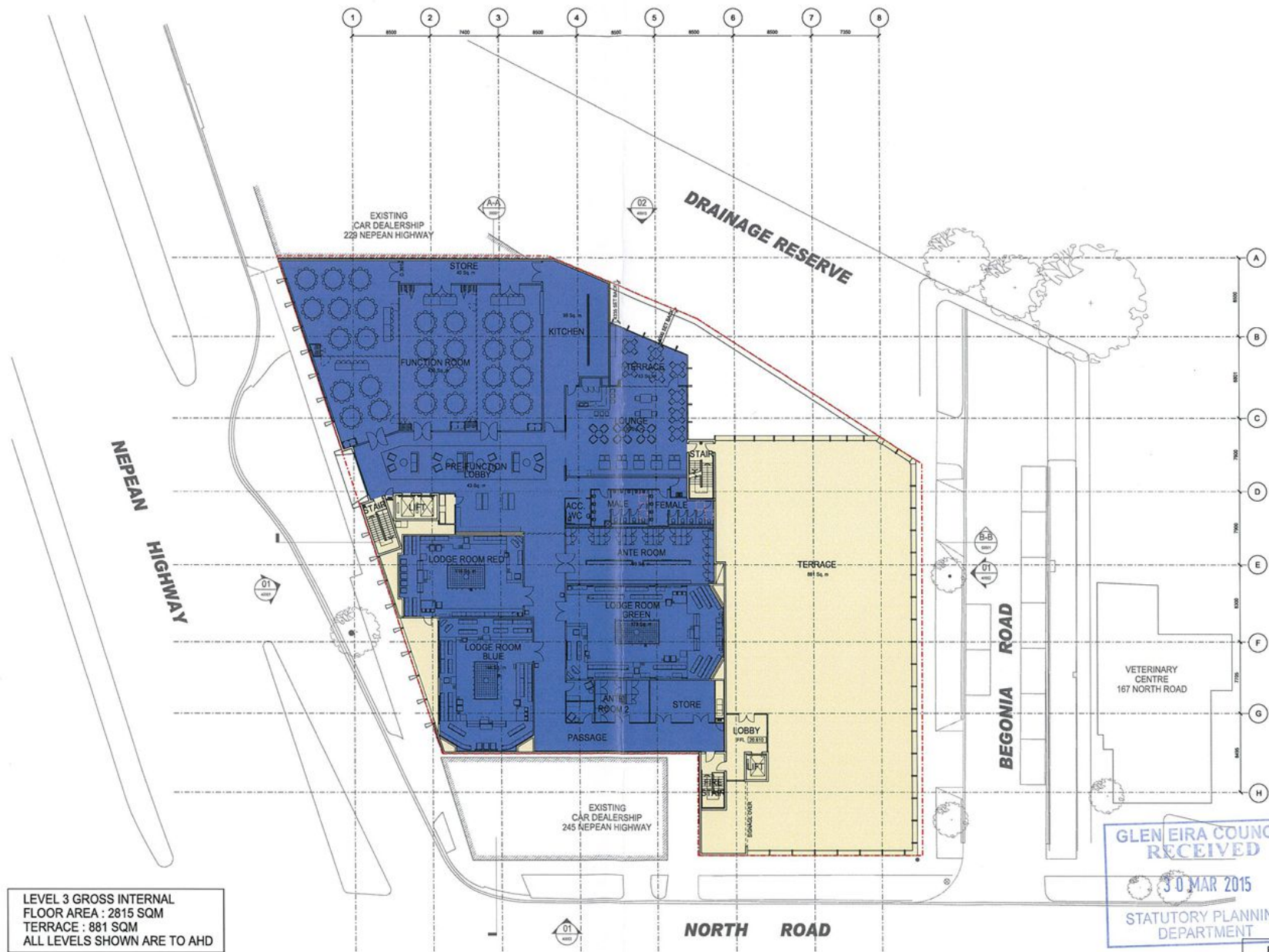
DATE
22/03/13

SCALE B A1
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THE BUCHAN GROUP

DRAWING TITLE
PROPOSED PLAN
LEVEL 2
GENERAL COMMERCIAL

REVISION
P11



PROJECT

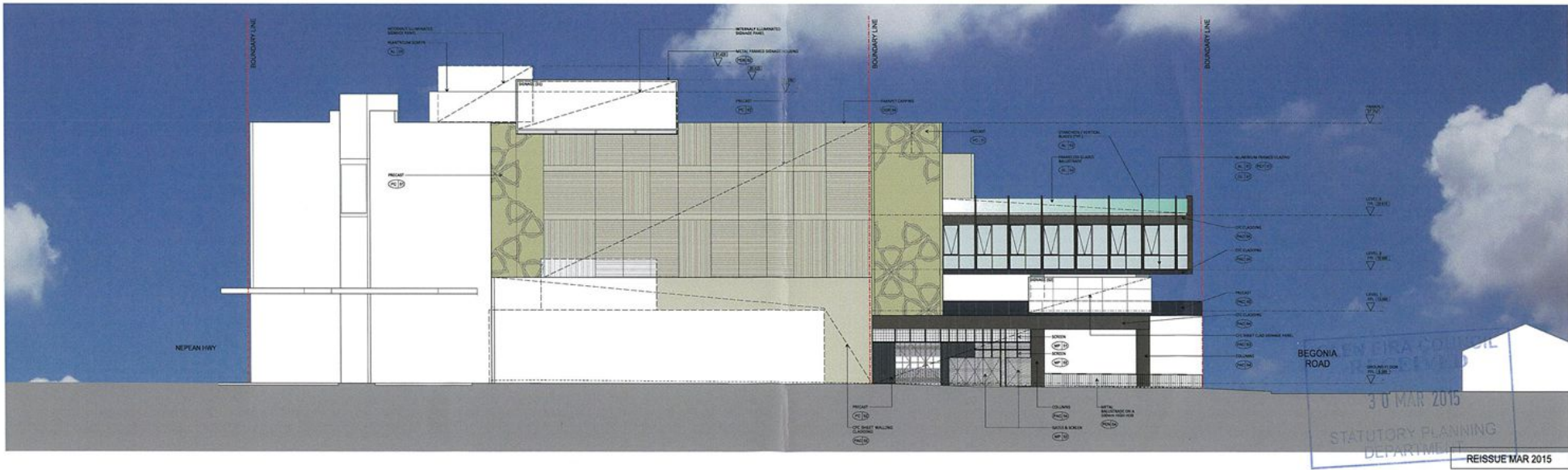
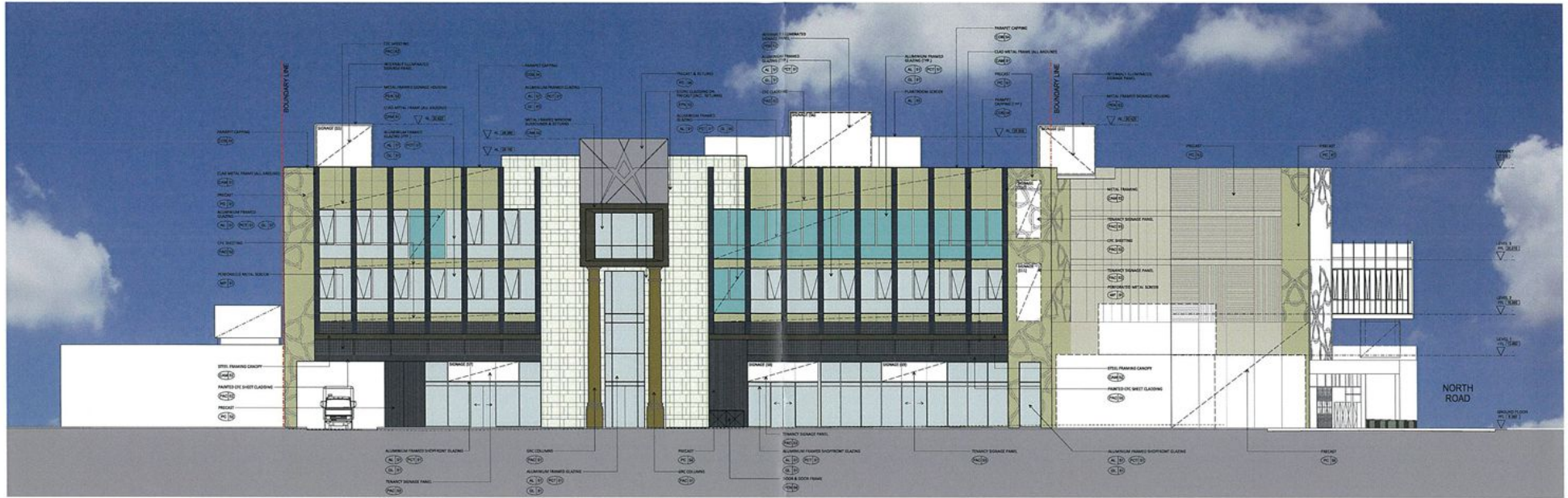
GARDENVALE - MIXED USE DEVELOPMENT

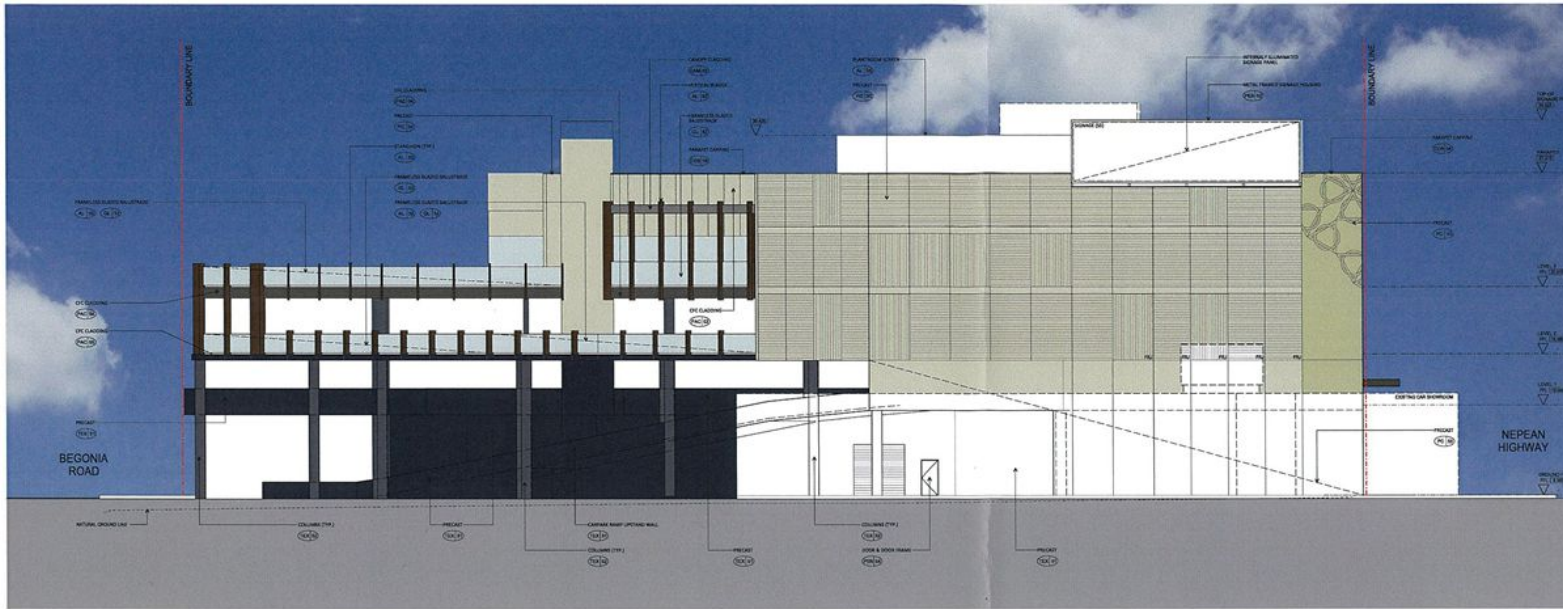
PROJECT NUMBER 311085
DATE 22/03/13
SCALE B A1
1:200
STATUS TOWN PLANNING
FOR INFORMATION

THE BUCHAN GROUP

DRAWING TITLE
PROPOSED PLAN
LEVEL 3
MASONIC CENTRE
DRAWING NUMBER
ATP-20004
File Name: GAC 1501-24-00-04-ATP-20004

REVISION
P11

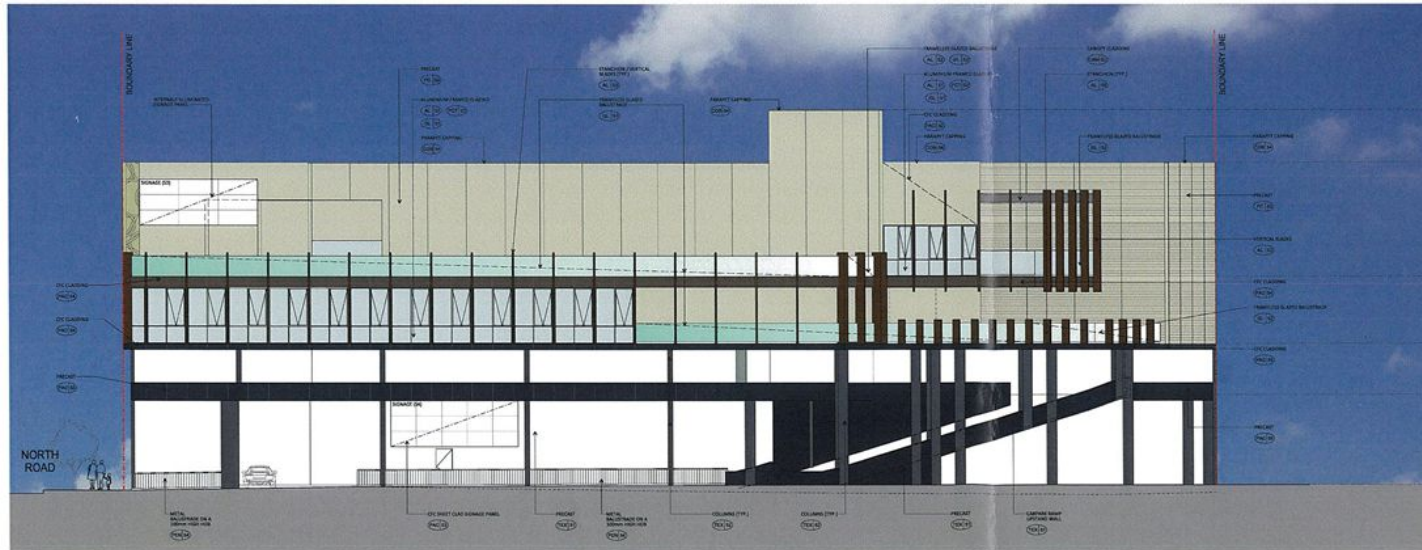




NO.	SIGNAGE TYPE	SIZE (WxH)
S1	DIGITAL BILLBOARD	11.8m x 3.7m
S2	TENANT SIGN	9.0m x 2.6m
S3	TENANT SIGN	7.0m x 2.7m
S4	TENANT SIGN	7.5m x 2.7m
S5	BILLBOARD	13.6m x 3.9m
S6	BILLBOARD	7.8m x 3.9m
S7	TENANT SIGN	5.2m x 1.5m
S8	TENANT SIGN	5.2m x 1.5m
S9	TENANT SIGN	4.8m x 1.5m
S10	TENANT SIGN	1.8m x 4.2m
S11	TENANT SIGN	1.8m x 4.2m

MATERIALS AND FINISHES SCHEDULE

	PROFILED CONCRETE PRECAST WITH COLOUR PIGMENT	PC S1
	PROFILED CONCRETE PRECAST WITH COLOUR PIGMENT	PC S2
	PROFILED CONCRETE PRECAST WITH COLOUR PIGMENT	PC S3
	PROFILED CONCRETE PRECAST WITH COLOUR PIGMENT	PC S3
	PROFILED CONCRETE PRECAST WITH COLOUR PIGMENT	PC S4
	PROFILED CONCRETE PRECAST WITH COLOUR PIGMENT	PC S6
	NATURAL STONE PANEL	STN S2
	PAINTED RENDERED COLUMNS AT WEST ENTRY	PAC S2
	PAINTED RENDERED CARPARK UPSTAND AND RAMP	TEX S1 PAC S5
	PAINTED RENDERED COLUMNS	TEX S2
	VERTICAL ALUMINUM FINS	AL S3
	GLAZED BALUSTRADE	GL S3
	METAL BALUSTRADE	PEN S4
	SOUTH FACADE CANOPY	PAC S4
	VERTICAL BLADES WEST FACADE	CAM S1
	HORIZONTAL MEMBERS WEST & SOUTH FACADES	CAM S2
	HORIZONTAL MEMBER SOUTH FACADE	CAM S3
	PERFORATED METAL	MP S1



GARDENVALE MASONIC CENTRE

PROJECT
11/03/15
SCALE @ A3
1:100
STATUS
TOWN PLANNING
FOR INFORMATION

THE BUCHAN GROUP

Buchan Land & Services Pty Ltd
100/101 Stirling Street, Sydney NSW 2000
Tel: 02 9251 1111
Fax: 02 9251 1111
Email: info@buchan.com.au

DRAWING TITLE
PROPOSED ELEVATIONS
EAST AND NORTH

DRAWING NUMBER
ATP-40002
Rev: 01

REVISION
P08

Item 9.4

AMENDMENT C130
101-113 (ODD) GRANGE ROAD, GLEN
HUNTLY & 118 GRANGE ROAD, CARNEGIE
2-4 WATSON GROVE, GLEN HUNTLY

Enquiries: Ron Torres
Director Planning and Transport

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

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

2. The Proposed Amendment

The amendment proposes to:

- Apply the Environmental Audit Overlay (EAO) to the properties at 101-113 (odd) Grange Road, Glen Huntly, 118 Grange Road, Carnegie & 2-4 Watson Grove, Glen Huntly.

3. Recommendation

That Council adopts Planning Scheme Amendment C130 as exhibited.

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

A planning review of the area surrounding 101 Grange Road, Glen Huntly was conducted in 2014 after it was found that this site was previously used as a petrol station. The history search revealed a number of properties in the vicinity with potential for land or groundwater contamination. It was therefore considered appropriate that Council apply the Environmental Audit Overlay (EAO) to ensure that an environmental assessment is carried out prior to any future redevelopment of these properties with a sensitive use (such as dwellings).

5. Authorisation and Exhibition

Council resolved to seek authorisation to prepare Amendment C130 on 24 February 2015. Authorisation was received from the Minister for Planning on 18 March 2015.

The amendment was exhibited from 16 April – 18 May 2015. The exhibition involved posting notices to 96 neighbouring owner and occupiers, posting letters to prescribed Ministers and Referral Authorities, placing a notice in the local newspaper and a notice in the Government Gazette.

Three letters were received from referral authorities stating no objection to this amendment. There were no objecting submissions received.

6. Planning Merits

Council is required through State Planning Policy to ensure that potentially contaminated land is suitable for its intended future use and development and that contaminated land is used safely.

Potentially contaminated land is land generally known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel. Land can also be contaminated from the movement of groundwater from one site to nearby properties.

The implementation of the EAO provides a reminder to Council and land owners that the environmental conditions of the site must be explored and the site cleaned (if required) prior to a sensitive use being allowed or intensified on the land. This exploration takes the form of an environmental audit which is carried out by EPA accredited personnel. The EAO does not affect existing uses but is only triggered when something new is proposed.

7. 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.
2. If there are no submissions Council can 'adopt' or 'abandon' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.

Item 9.4 (cont'd)

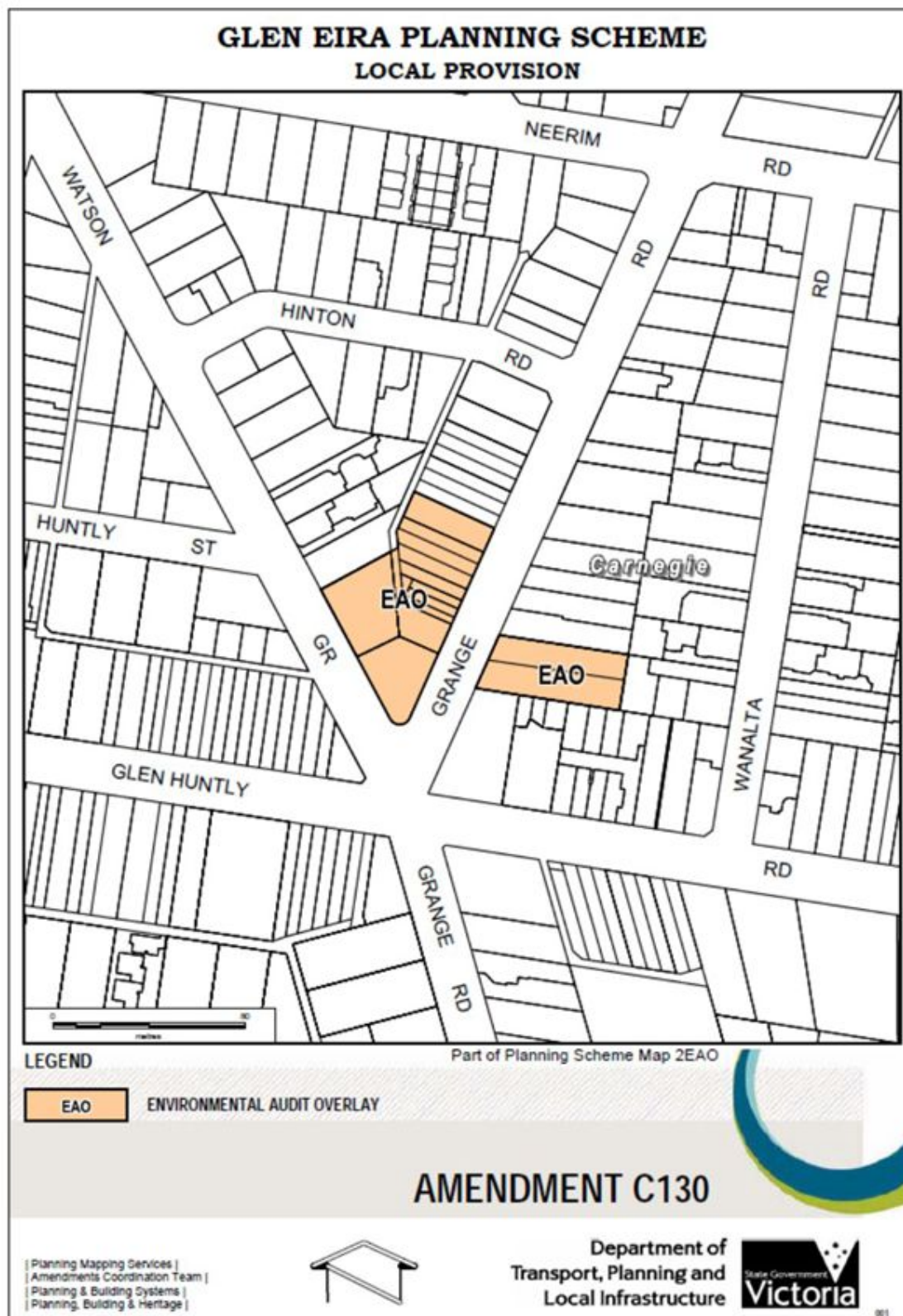
3. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council.
5. The Panel may make a recommendation to:
 - adopt the amendment
 - abandon the amendment
 - 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 from interested parties. With regard to the current proposal, Council is at Step 2 (Steps 3-6 are not applicable to this amendment).

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

ATTACHMENT 1: Environmental Audit Overlay Map

Item 9.5**NEW LOCAL PARK
FITZGIBBON CRESCENT AND ESKDALE ROAD
CAULFIELD NORTH
PROPOSED ROAD CLOSURE**

File No:
Enquiries: Noel Kiernan
Manager Buildings and Properties

1. Purpose

To consider a proposal to discontinue an area of road at Fitzgibbon Crescent for a new park.

2. Community Plan

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

3. Background

At the Council Meeting of 19 May 2015 Council considered two reports as follows:

1. To consider the results of community consultation in relation to a proposal to create a new local park; and
2. To commence the statutory processes associated with a proposal to discontinue the section of road.

In relation to the first report on 19 May 2015 Council resolved, in part, to note the feedback and responses raised as part of the community consultation phase on the concept (see Park Information Flyer in Attachment 4). Fourteen formal responses were received with six in favour, six against and two uncommitted.

With regard to the second report Council resolved in part that:

“That Council acting under section 206 and clause 3 Schedule 10 of the Local Government Act 1989 ... the statutory procedures be commenced to discontinue part of Fitzgibbon Crescent, Caulfield North...”

The purpose of this report is to consider discontinuing this area of road to remove the public's legal rights to use it as a road, transfer the land into Council's ownership and convert the land to a public park.

Attachment 1 shows the locality of the road, and Attachment 2 the area of road Council proposes to discontinue. The area of road is on Council's Register of Public Roads. If Council proceeds with the proposal, it will result in the area being removed from the Register.

The proposal does not affect existing vehicle access to adjacent properties. It would reduce on-street car spaces in the unnamed road by eight (four spaces each side of the street) but add four space along the south side of Eskdale Road. A nett loss of four on-street car spaces.

Item 9.5 (cont'd)**4. Issues**

The formal process to discontinue an area of road includes notifying the public and service authorities of Council's intent and invite submissions. The public has the right for Council to hear their submissions at a Council meeting.

Public Notices were placed in the Caulfield and Moorabbin Leader newspapers in the week commencing 25 May 2015 and on Council's website. The Notices invited the public to make submissions by Thursday 25 June.

Officers also wrote to relevant service authorities and the owners of the properties within the nearby streets. The service authorities do not object to the proposal.

There have been two written submissions from the community in response to the formal process to discontinue the required area of road to create the park (Attachment 3).

Officers have invited the submitters to be heard at the Council meeting.

Response to submissions

Mr Rice, owner of 57 Eskdale Road

The property abuts the proposed park and Eskdale Road. Mr Rice is concerned about the loss of on-street parking immediately adjacent to his home. He is also concerned the speed hump on the Eskdale Road hinders on-street parking.

Council has recently granted Mr Rice a permit for a new wider vehicle crossing just south of the proposed new park. This will improve access to his rear yard where he proposes to install a double garage.

Further, the design for the new park includes replacing the speed hump to current standards. It will have less width and (subject to consultation with affected residents) and be moved to the west. This will continue to allow motorists to legally park over the speed-hump and provide more kerbside parking clear of it outside Mr Rice's property.

Closing the area of road would also create about four additional on-street car spaces adjacent to the proposed park in Eskdale Road, including one at the frontage of Mr Rice's property. All new on-street spaces would be within a convenient walking distance of the Mr Rice's property.

Having regard to the above, the proposed park does not unduly fetter access to Mr Rice's property.

Item 9.5 (cont'd)

Dr Mann-Segal, owner 6 Fitzgibbon Crescent

The second submitter Dr Mann-Segal property is about 200 metres from the proposed park.

Dr Mann-Segal supports the creation of the park and suggested to name the new park after a former resident of Caulfield.

Not all Council parks and reserves have names and where they do it is Council's practice to base the name on the geographical location.

If Council wants to name the park it must comply with the Department of Environment, Land, Water and Planning's *Guidelines for Geographic Names Victoria 2010*. The *Guidelines* require Council to consult the community before deciding on a name.

Council does not have to decide on whether to name the park prior discontinuing the area of road and creating the park.

5. Timing

If Council decides to proceed with the park, programmed road works within the vicinity of the park area would be integrated into the park project. This is the most economic approach. If Council decides not to proceed with the park, the works planned in the nearby roads will still proceed in the 2015/16 financial year.

6. Public Notice closure

Should Council receive any further submissions regarding the part road closure prior to 25 June 2015, officers will arrange for those submissions to be circulated and also invite those submitters to be heard at the Council meeting.

7. Finances

Should Council decide to proceed to discontinue the area of road, the next step would be for Council to tender for the construction of the new park. Works would commence later this year.

Council has supporting budget in its 2015/2016 Capital Works Program for the creation of the new park and associated road works.

8. Options

After having considered written and any oral submissions, Council will have two options relating to this matter:

- a. Not to proceed with the discontinuance and continue to manage the land as a public road.
- b. Formally discontinue the area of road and proceed to create the new park.

Item 9.5 (cont'd)

Should Council want to proceed with Option (b), a suitable resolution would be:

“That Council being of the opinion that the road is not reasonably required as a road for public use, hereby directs that:

- (a) the area of road shown in Attachment 2 be discontinued in accordance with the provisions of section 206 and Schedule 10, Clause 3 of the Local Government Act, 1989;*
- (b) a notice be published in the Victoria Government Gazette;*
- (c) the discontinuance and transfer of the road will not affect any right, power or interest held by Service Authorities in the roads in connection with any sewers, drains, pipes or other assets under the control of the authorities in or near the road;*
- (d) the land from the area of road be transferred into Council ownership;*
- (e) the Chief Executive Officer, or his delegate, be authorised to act on behalf of Council to finalise the transfer of the land, including affixing of the common seal on any required documents;*
- (f) any additional valid written submission relating to this matter be incorporated into the public minutes of this meeting;*
- (g) the land be converted to a new public park;*
- (h) any submitter be informed of this decision”.*

9. Recommendation

Council decide on option 8a or 8b above.

Item 9.5 (cont'd)**COMMENTS FROM THE GALLERY**

The following people addressed the Council:

Mr John Rice

Crs Lipshutz/Delahunty

That Council being of the opinion that the road is not reasonably required as a road for public use, hereby directs that:

- (a) the area of road shown in Attachment 2 be discontinued in accordance with the provisions of section 206 and Schedule 10, Clause 3 of the Local Government Act, 1989;
- (b) a notice be published in the Victoria Government Gazette;
- (c) the discontinuance and transfer of the road will not affect any right, power or interest held by Service Authorities in the roads in connection with any sewers, drains, pipes or other assets under the control of the authorities in or near the road;
- (d) the land from the area of road be transferred into Council ownership;
- (e) the Chief Executive Officer, or his delegate, be authorised to act on behalf of Council to finalise the transfer of the land, including affixing of the common seal on any required documents;
- (f) any additional valid written submission relating to this matter be incorporated into the public minutes of this meeting;
- (g) the land be converted to a new public park;
- (h) any submitter be informed of this decision.

The MOTION was put and CARRIED.

ATTACHMENT 1



Item 9.5 (Cont.)

PLAN OF PROPOSED ROAD DISCONTINUANCE

ATTACHMENT 2

TITLE PLAN		EDITION 1	
LOCATION OF LAND PARISH : PRAHRAN (AT CAULFIELD) SECTION : ---- CROWN ALLOTMENT : ---- CROWN PORTION : 35 & 37 (PARTS) TITLE REFERENCE : VOL 11116 FOL 731 LAST PLAN REFERENCE : LP 8681 (ROAD R1) MGA94 Co-ordinates (of approx centre of land in plan) E 326 620 ZONE: 55 N 5806 030 GDA 94 DEPTH LIMITATION : DOES NOT APPLY		NOTATIONS: THIS PLAN HAS BEEN PREPARED FOR LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by: Date: / / Assistant Registrar of Titles	
I, Brent Kevin O'Grady of 765 Glenferrie Road 3122 Hawthorn certify that this plan correctly represents the information obtained by me from the sources indicated on this plan. Date _____ Licensed Surveyor Surveying Act 2002		DRAWN: JS CAD FILE: 13194-01-TP CHECKED: BOG	
TGM GROUP 765 Glenferrie Road (PO Box 2304) Hawthorn Vic 3122 T 03 8862 9330 F 03 8810 4026 ADV 11 128 566 461 www.tgmgroup.com <small>TGM AEC Accredited Quality ISO 9001 - QUALITY ASSURED - STATEMENT 001-14081</small>		PREPARED FROM: VDP, REF 13194-01 Sheet 1 of 1 Sheets	
		SCALE 1:400 SHEET SIZE A3	

Item 9.5 (Cont.)**WRITTEN SUBMISSION 1****ATTACHMENT 3**

Noel Kiernan
Manager Building and Properties
Glen Eira City Council
PO Box 42
Caulfield South 3162

14 June 2015

**Re: Proposed closure of part of road off Fitzgibbon Crescent
Caulfield North prior to creation of a new park**

Dear Mr. Kiernan,

I am writing a submission in relation to Glen Eira City Council's proposal to discontinue part of the No Name Street, which runs between Eskdale Rd and Fitzgibbon Crescent.

My wife and I own the property at 57 Eskdale Rd, Caulfield North, which is immediately adjacent to the proposed road closure. Should the proposal proceed as described by Council, we will not be able to park outside our own home. There is no driveway access to our house from Eskdale Rd. Therefore, we request that Council either:

- a) withdraw its proposal to close the street; or
- b) the outsized speed hump which is located at the front of our property at 57 Eskdale Rd be removed, or significantly reduced in size, so that we and our visitors are able to park our cars outside our own home.

We have explored the various alternative options, and have found they are impractical for the reasons outlined below:

- **Parking on the Eskdale Road side of the property** – As mentioned, there is a very large (10.5 metre) speed hump, which means that any car parked outside our house would have to be parked on the speed hump. If we were to park on this speed hump it would be dangerous to enter and exit our car, given that I am in my 70s and my wife has undergone two hip replacements as well as managing ongoing tendonitis in her achilles. We agreed to the installation of the speed hump many years ago, as we knew we could park our car in the No-Name

Item 9.5 (Cont.)**WRITTEN SUBMISSION 1 CONTINUED**

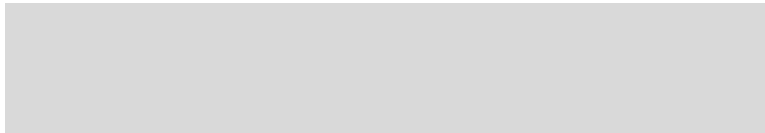
Street. However under the Council proposal we would no longer be able to do that, as the No-Name Street (where we *now* leave our cars), is possibly to be replaced by a park. I am very concerned about our safety.

- **Parking in front of neighbours' properties** – We have raised this with our neighbours, who have indicated they would strongly oppose us parking in front of their houses, presumably because they use the space for their own, or their childrens' vehicles.

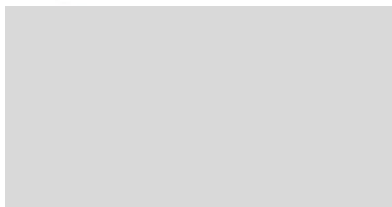
Therefore we are requesting that either the Council proposal be withdrawn, or the speed hump be removed, relocated or significantly reduced in size to allow us to park outside our own home.

I look forward to hearing Council's response to our submission. We have been good citizens throughout our 32 years residing at the property, and would hope and expect that Council will act on our concerns.

The contact details for my wife Pamela and I are as follows:



Regards,



WRITTEN SUBMISSION 2

Dr Daniel Mann-Segal

18/6/2015

Manager Buildings and Properties
Glen Eira City Council
PoBox 42
Caulfield South 3162



Dear sir/ madam

I hereby present a submission to Glen Eira Council regarding the planned park between Eskdale Rd and Fitzgibbon Crescent in North Caulfield.

I commend the council for increasing green space and recreational facilities for local residents. I believe that this project would provide a palpable improvement in quality of life for residents of the adjacent streets. In addition, I submit the proposition of naming this small reserve in honour of long term resident of Caulfield, Issy Segal.

Issy was a teacher who inspired generations of locals to embrace and celebrate learning. He was both humorous and dramatic in the class room and had a teaching manner which encouraged intellectual curiosity. Issy taught over 2000 students at Mt Scopus College-mainly residents of Glen Eira from 1957 until his retirement in 1992. He taught both primary school as well as Maths and a host of humanities subjects in high school. The only break that he had in this period was in 1974-75 when he set up Carmel High School in Perth.

I still run into local community leaders, academics and writers who inform me that Issy was either their trigger to embrace learning that led to their career or gave them the self confidence in their ability to chase their goals.

He never forgot a student, what subject he taught them, in which year or where they sat in class. He would amaze old students with these details decades after he taught them.

Issy moved to Melbourne from Perth in 1957 and lived in Caulfield until he passed away in 2007.

I will be away for the next week but will followup with letters of support by local communal leaders he taught.

Yours sincerely,

PARK INFORMATION FLYER

ATTACHMENT 4

Key elements of the concept design include:

- central seating area under established trees, which will provide for respite and contemplation;
- grassed areas which will provide heat mitigation and assist in site drainage; and
- clear and open green entrances to create a welcoming and inviting space.

The unnamed road currently caters for very low and localised traffic volumes, and would not create adverse traffic conditions for the surrounding road network. Existing access to residential properties will not be impacted.

The current public consultation stage of the project seeks feedback on the concept plan and proposed road closure. Implementation would still require a formal road discontinuance process, as per statutory procedure in the *Local Government Act*.

FEEDBACK

Plans are available from Council's Service Centre, at Glen Eira libraries and on Council's website www.gleneira.vic.gov.au/openspace

There are a number of ways to provide feedback, including Council's *Have Your Say* online forum. The forum provides an easy way to view plans, contribute your thoughts and learn about what other people are thinking.

The opportunity to provide feedback is available until Friday 17 April 2015.



FURTHER INFORMATION

For further information, contact Recreation Services on 9524 3333 or email recservices@gleneira.vic.gov.au

CONTACT

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads, Caulfield
PO Box 42, Caulfield South VIC 3162

Telephone: 9524 3333

Facsimile: 9523 0339

Email: mail@gleneira.vic.gov.au

www.gleneira.vic.gov.au



MORE AND BETTER
OPENSOURCE

LOCAL PARK PROPOSAL

Unnamed Road —
Eskdale Road and Fitzgibbon Crescent,
Caulfield North

BENTLEIGH
BENTLEIGH EAST
BRIGHTON EAST
CARNEGIE

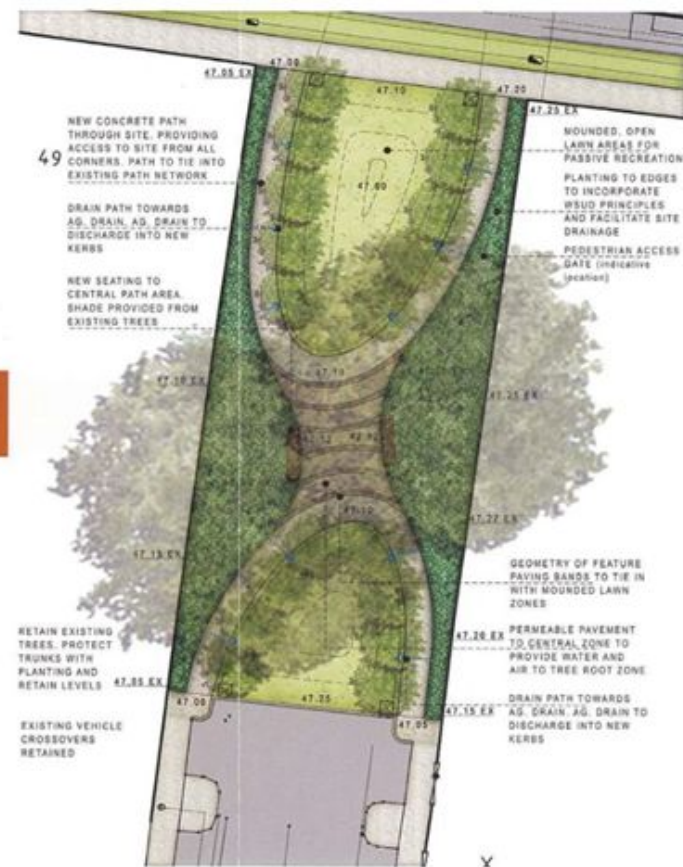
CAULFIELD
ELSTERNWICK
GARDENVALE
GLEN HUNTLY

MCKINNON
MURRUMBIDGA
ORMOND
ST KILDA EAST

A new park is proposed in Caulfield North. The new local park would see the closure of an unnamed road between Eskdale Road and Fitzgibbon Crescent. The project is part of Council's *Open Space Strategy*.

A key feature of the park will be a central seating area, which protects and builds around the compact green environment created by two large established plane trees. Footpaths leading into this area will be surrounded by a combination of low level plantings, which incorporate water sensitive urban design principles, and shaped lawn areas.

LOCAL PARK PROPOSAL — UNNAMED ROAD —
ESKDALE ROAD AND FITZGIBBON CRESCENT, CAULFIELD NORTH



The park will enhance the local area amenity through the addition of natural features to create a walk-friendly neighbourhood and assist with urban heat mitigation. It will also provide residents with easy access to natural space, which positively contributes to health and wellbeing.

Item 9.6**STATE GOVERNMENT
DISCUSSION PAPER - BETTER APARTMENTS****Rocky Camera
Co-ordinator Strategic Planning****1. Proposal**

At the 19 May 2015 Ordinary Council Meeting, Council resolved:

“That a report be prepared on any information in the recently released State Government discussion paper, “Better Apartments” that would have been relevant to item 9.8 of the Ordinary Council Meeting of 28 April 2015, titled “Victoria’s development boom and its effect on new dwelling approvals.”

2. 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.

3. Recommendation

That Council notes:

- a) That there has been a development boom in Victoria, not just in Glen Eira.
- b) Since 2009, Metropolitan Melbourne has experienced successive years of record apartment approvals and development.
- c) Glen Eira’s neutral translation to the State Government’s new residential zones occurred nearly five years after the commencement of the development boom.
- d) The number of apartments being approved and built in Victoria makes up nearly one third of all new dwellings approved across the State – more than at any time in Victoria’s history.
- e) That compared to other middle-ring municipalities, Glen Eira has a relatively low number of apartments approved in buildings of four or more storeys.

4. Background

At the 28 April 2015 Ordinary Council Meeting, Council resolved under Item 9.8 *Victoria’s Development Boom And Its Effect On New Dwelling Approvals:*

“That Council notes:

1.
 - a) *that there has been a development boom in Victoria*
 - b) *that there has been an upward trend in dwellings approved (by Council or by VCAT) in the 15 months before the new zones were introduced and the 15 months after the new zones were introduced*
 - c) *that the new residential zones do not permit any extra development over the arrangements under the former zones and policies but introduce maximum height limits over all residentially-zoned land which did not exist before,*
 - d) *that Grade Separation may make Glen Eira more sought-after for residential development and*
 - e) *that Council has written to the Minister for Planning seeking details on the proposed Government review of the Government’s planning zones.*

Item 9.6 (cont'd)

2. *That Council write to the Planning Minister enclosing Council's letter of December 23 and informing him that we have yet to receive a response to that letter and requesting a response and that Council's letter say that we insist on community consultation occurring prior to any changes".*

5. Better Apartments - A Discussion Paper (Victorian State Government May 2015)

The paper provides an understanding of the population and development changes occurring throughout Melbourne and Victoria. It also provides a comparison of the development pressure being experienced in Glen Eira against other Metropolitan Melbourne Councils.

The paper states:

- *"Medium and higher density residential development will be a key component of this (supporting sustainable growth) as our city changes shape. In Melbourne alone it is estimated that an additional 480,000 apartments will be required to accommodate a projected population of 7.7 million by 2051."*
- *"By 2051, the number of households in greater Melbourne is projected to almost double from 1.59 million in 2011 to 3.11 million."*
- *"The number of apartments being approved and built in Victoria makes up nearly one third of all new dwellings approved across the state – more than at any time in our history."*
- *"Since 2009, Melbourne has experienced successive years of record apartment approvals and development. For the first time there are more apartments being built than houses in Melbourne's growth areas." (Figure 1)*

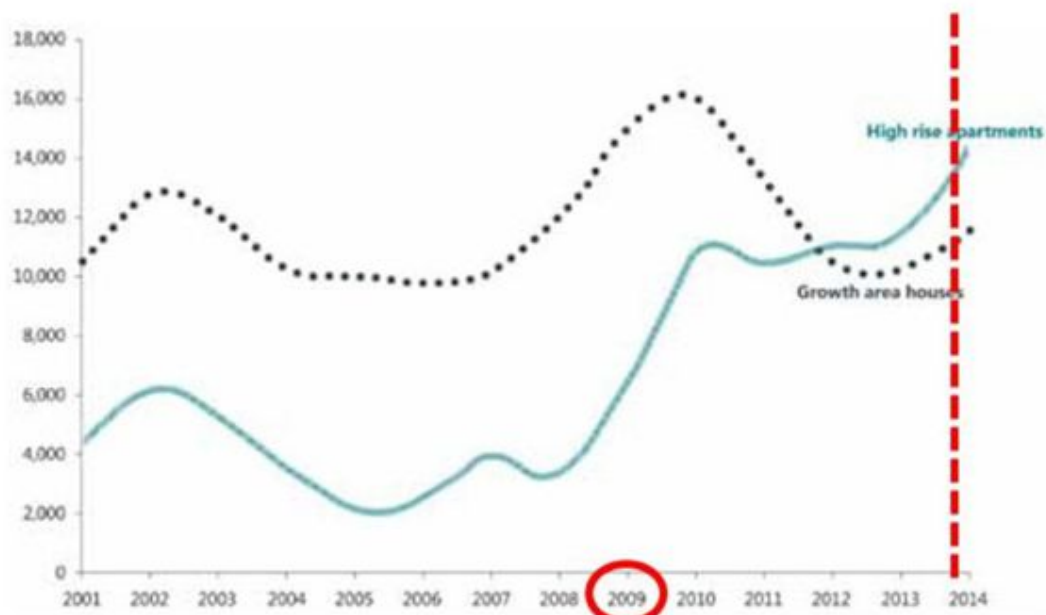


Figure 1: Annual approvals of dwellings by type, Melbourne 2001-2014

(Source: ABS Building approvals, cat.no. 8731.0) Graph taken from Better Apartments- A Discussion Paper (Page 5)

Figure 1 illustrates Melbourne's housing development boom that started in 2009.

Item 9.6 (cont'd)

The vertical dashed line at the end of the graph (Figure 1) shows Glen Eira's neutral translation to the State Government's new residential zones, in August 2013.

- *"In 2001-07 average apartment approvals were around 4,000 annually. By 2010 this had grown to more than 10,000 approvals and by 2014 approvals were over 14,000, making up nearly one third of all housing approvals in Melbourne."*
- *"Large numbers of apartments are being built in areas with established transport infrastructure, services and leisure facilities, consistent with longstanding state and local planning strategies such as Melbourne 2030 that promoted urban consolidation."*

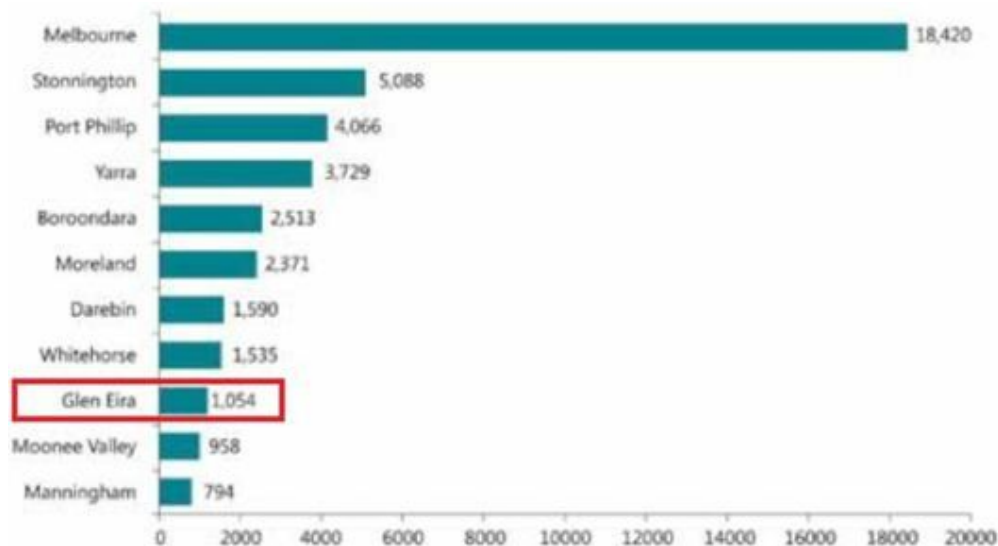


Figure 2: Number of apartments in buildings of four storeys or more approved 2011-2014 inclusive

(Source: ABS Building approvals, cat. No. 8731.0) Graph taken from Better Apartments- A Discussion Paper (Page 10)

Figure 2 shows that Glen Eira is the third lowest.

From 2011-2014 Glen Eira has had a total of 1,054 apartments approved in buildings which were four or more storeys. In comparison Stonnington had a total of 5,088, Port Phillip had 4,066, Yarra had 3,729, Boroondara had 2,513 approvals and Manningham 794.

- *"Increasingly, apartments are being built in the city's middle ring suburbs. This includes areas where before 2010 there were very few apartments such as Preston (where there are now around 1,000 apartments), Doncaster (970 apartments), Coburg (650 apartments) and Box Hill (630 apartments). Industry sources suggest the number of apartments marketed and built in Melbourne's middle ring is set to grow substantially."*

Item 9.6 (cont'd)

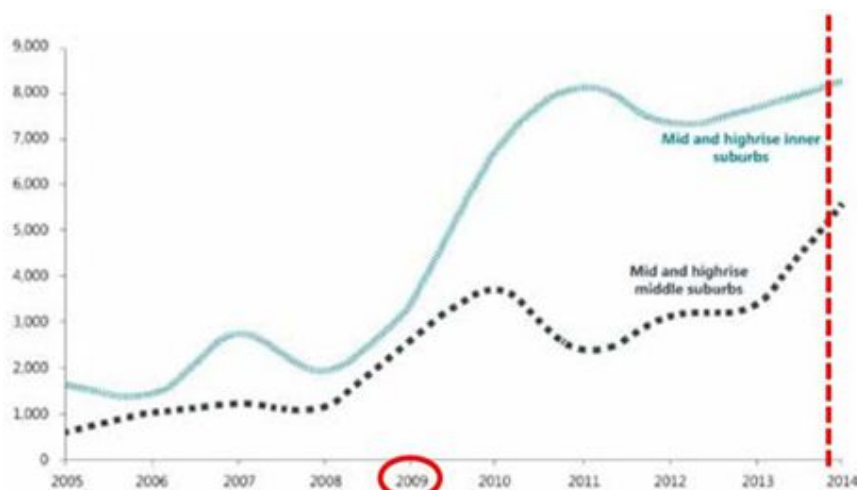


Figure 3: Annual number of building approvals of mid and high rise apartments in inner and middle Melbourne, 2001-14

(Source: ABS Building approvals, cat.no. 8731.0) Graph taken from Better Apartments- A Discussion Paper (Page 11)

Figure 3 is another illustration of the housing development boom that commenced in 2009, in the context of Melbourne's middle-ring suburbs (such as Glen Eira's suburbs).

The vertical dashed line at the end of the graph (Figure 3) shows Glen Eira's neutral translation to the State Government's new residential zones, in August 2013.

- *"As a city it is likely we are undergoing a permanent change in housing preferences equivalent to other cities internationally, where apartment living is much more common. This means that high levels of apartment development is likely to continue. Despite the recent growth in apartment living, Melbourne still has comparatively few apartment blocks relative to other international cities, which reflects the longstanding dominance of detached housing as the city's preferred housing."* (Figure 4)

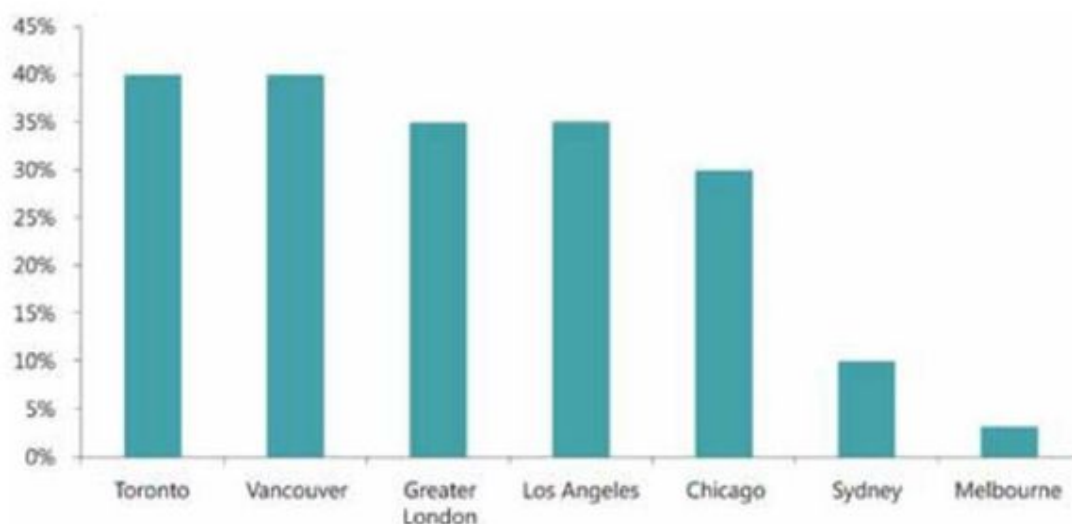


Figure 4: Proportion of dwellings in buildings of four or more storeys

(Source: ABS Census and various 2011-2013) Graph taken from Better Apartments- A Discussion Paper (Page 12)

Item 9.6 (cont'd)

In 2014, Melbourne was named the world's most liveable city for the fourth year in a row (ABC News 19 Aug 2014). The four successive titles have been during Melbourne's housing development boom that started in 2009. Vancouver and Toronto ranked third and fourth respectively, with Sydney ranked seventh.

6. State Government Consultation

Submissions on the discussion paper can be made directly to the State Government at:

www.delwp.vic.gov.au/better-apartments

Further information can be obtained at www.delwp.vic.gov.au/better-apartments.

Crs Hyams/Pilling

That the recommendation in the report be adopted.

The MOTION was put and CARRIED.

Item 9.7**COUNCIL ALLIANCE FOR A
SUSTAINABLE BUILT ENVIRONMENT (CASBE)****Ron Torres**
Director Planning and Transport**1. Community Plan***Theme 3: Town Planning and Development**Theme 7: Sustainable community assets and infrastructure***2. Purpose**

At a meeting of Council's Environment Advisory Committee the following recommendation was made:

"Council consider a report on joining CASBE at a future Council Ordinary meeting."

The Council Alliance for a Sustainable Built Environment (CASBE) is a collection of Victorian Councils who are *"committed to the creation of a more sustainable built environment"*. CASBE is governed by the Municipal Association of Victoria (MAV).

CASBE's main focus is applying ecologically sustainable development principles to the built environment through the statutory planning system.

CASBE currently has 14 Councils that are financial members:

- Darebin City Council
- City of Greater Dandenong
- Hobsons Bay City Council
- Hume City Council
- City of Kingston
- Knox City Council
- Manningham City Council
- Moonee Valley City Council
- Moreland City Council
- City of Port Phillip
- City of Stonnington
- City of Whitehorse
- City of Whittlesea
- City of Yarra

3. Built Environment Sustainability Scorecard (BESS)

The current priority of CASBE is to encourage Councils and developers to use a tool known as the Built Environment Sustainability Scorecard (BESS).

BESS is an assessment tool that assists builders and developers to show how a proposed development demonstrates sustainable design, at the planning permit stage. BESS replaces the existing STEPS and SDS tools that are used by some Victorian Councils such as Moreland and Yarra.

Item 9.7 (cont'd)

BESS assesses energy and water efficiency, thermal comfort, and overall environmental sustainability performance of a new building or alteration. It can assess residential, non-residential and mixed-use developments.

It requires developers to login to the BESS website and answer a series of questions regarding their proposal. At the completion of the assessment, the proposal is given a score and a report is generated to be submitted as part of the planning application.

Information required to be able to answer the questions include:

- Town planning drawings, elevations, section drawings, materials palette
- Knowledge of the major construction materials
- Thermal performance modelling
- Understanding of the building context (built form surrounding the site)
- Anticipated minimum energy efficiency rating of major appliances for heating, cooling and hot water
- Anticipated minimum water efficiency rating of taps, toilets and fittings
- On-site renewable energy devices and rainwater tank details.

The BESS website states that an assessment for a single dwelling or alteration will take approximately 1 hour.

Before becoming a member of CASBE, Council is required to enter into a Memorandum of Understanding with the MAV. The cost of membership to CASBE is \$6,000 per year. In addition, the subscription fee for the BESS tool is \$7,500 per year.

4. Sustainable Design Advocacy and Promotion

Glen Eira City Council encourages anyone proposing future building works (commercial and residential) to consider designing their building to higher standards than the minimum six star rating required in Victoria by the State Government.

A comprehensive information booklet titled "Incorporating sustainable design practices into your home or buildings" is available to the community (Attachment 1). It covers Building Layout, Building Material, Energy Efficient and Renewable Energy, Water Efficiency and Stormwater Management, Transport, and Waste Management.

Since 2013, Council has advocated for Environmentally Sustainable Design to be implemented on a state-wide basis (see examples of letters in Attachment 2). The recently released State Government discussion paper "Better Apartments" (discussed below) could result in a framework that achieves this.

As part of its community education program Council runs a range of workshops and educational activities to assist community members to improve the sustainability of their homes. For example workshops in 2014 and 2015 have included "Sustainable Houses – keeping your home comfortable all year round", "Solar Power" and "Speed Date a Sustainable Expert"

Item 9.7 (cont'd)**5. Regulatory Framework**Town Planning

There are benefits associated with BESS in encouraging sustainable design outcomes. However BESS, and other sustainable design assessment tools, does not form part of the Victorian Planning Provisions. That is, BESS is not incorporated in the planning scheme and not mandatory for developments. Any imposition of BESS requirements through conditions of permit could easily be challenged at VCAT. VCAT has been critical in the past of Councils applying policies not incorporated in a planning scheme ('under the counter planning policies').

A state-wide approach to sustainable design which forms part of the planning scheme is considered to be a more effective tool to achieve sustainable development outcomes.

A New Apartment Code

The State Government has recently released a discussion paper titled 'Better Apartments'. This discussion paper covers a number of sustainability topics, some of which are included in BESS. *Better Apartments* covers sustainable design items such as daylight, sunlight, natural ventilation, waste management, landscaping and open space, and household energy and resource consumption.

The discussion paper could potentially lead to the replacement of the current State Government multi-dwelling design guidelines (ResCode), and the inclusion of state-wide sustainable design standards in planning schemes.

The Building Code of Australia

Building approval is universally required for all developments. This point alone places building in front of town planning for applying any environmentally sustainable design standards. The Building Code of Australia (BCA) currently sets energy efficiency standards that both residential and commercial developments need to meet. These provisions were reviewed in 2011 and have been increased to require a *6 Star Energy Rating* for new residential buildings and a significant increase in energy efficiency requirements for all new commercial buildings.

6. Recommendation

That Council:

- a) notes this report.
- b) notes that the State Government has released its discussion paper *Better Apartments*, which considers issues relevant to environmentally sustainable design, on a state-wide basis.
- c) does not join the Council Alliance for a Sustainable Built Environment at this stage.
- d) advocates for enhanced sustainability requirements in Planning Schemes, governing all relevant developments and enforceable at VCAT.

Item 9.7 (cont'd)

Crs Sounness/Pilling

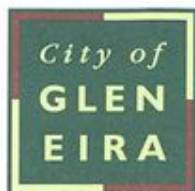
That Council defer this item until a briefing has been provided to Council at an Assembly by Natasha Palich of the MAV regarding the use of purpose built tools in support of CASBE.

The MOTION was put and CARRIED unanimously.

Attachment 1



Attachment 2 – Advocacy Letters



Office of the Mayor

Cr Jamie Hyams

Glen Eira City Council

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

16 January 2013

Hon Mathew Guy, MLC
Minister for Planning
Level 7, 1 Spring Street
MELBOURNE VIC 3000

Dear Minister,

STATE WIDE POLICY ON THE PRINCIPLES OF ENVIRONMENT SUSTAINABLE DESIGN

At the Glen Eira Council meeting on the 18th December 2012, it was resolved to call on the State Government for a 'State wide policy' on the principles of Environmental Sustainable Design (ESD). In order to ensure that a consistent approach is applied by all Councils, it is requested that the State Government considers implementing a state wide planning policy on the principles of ESD. It is also requested that the State Government regulate ESD at the building stage rather than the town planning stage.

There are a number of Councils within the metropolitan area that have tried to implement local planning policies into their planning schemes relating to ESD principles such as Water Sensitive Urban Design (WSUD). Melbourne City Council, Yarra City Council, Port Phillip City Council and Stonnington City Council all started the process to adopt Planning Scheme Amendments that related to local planning policies on WSUD. However, these amendments have been waiting for approval for the last 2 years. Based on our discussions with DPCD officers, it is unclear whether these amendments will in fact ever be approved.

As you are aware, the Victorian Competition and Efficiency Commission (VCEC) released a report in 2010 titled '*Local Government for a Better Victoria: Inquiry into Streamlining Local Government Regulations*'. This report contained numerous recommendations to improve Local Government regulatory frameworks regarding land-use planning, building construction regulations and local government procurement.

A key issue discussed in the report was '*What role for Councils in Sustainable Building Design?*' The VCEC considered that information on sustainability provided by Councils can be an effective way to help raise awareness about the environmental performance of a building. However concerns were raised about some Councils imposing conditions on planning approvals that go beyond the national building standards. It was stated "...that Councils are using the wrong instrument, namely land-use planning regulation, to take on this role." It is noted that VCAT has also often been critical of Councils that have applied non-legislated environmental requirements on development.

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads,
Caulfield, Victoria

PO Box 42 Caulfield South 3162

ABN 65 952 882 314

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Bentleigh • Bentleigh East • Carnegie
Caulfield • Elsternwick • Gardenvale • Glen Huntly
McKinnon • Murrumbidgee • Ormond • St Kilda East

The VCEC considered that *'to ensure there is a clear and consistent set of state-wide building standards relating to the environmental performance of buildings, and to limit the erosion of the benefits of existing harmonized standards...that the Government should clarify that accountability for developing and promulgating such standards resides with the State through the Building Code of Australia (BCA)'. 'The Victorian Government should also clarify that Council's role under land-use planning does not extend beyond voluntary schemes and the provision of information and advice to applicants about the environmental performance of buildings.'*

In 2012 both the Department of Treasury and Finance and yourself (as Minister for Planning) responded to the recommendations outlined in the report by VCEC. It was agreed *"...that greater clarity is required in relation to the role and responsibilities of local government in seeking to improve environmental performance of buildings... the Government does not support Councils imposing building environmental performance standards that impose greater costs on business over and above agreed national standards"*.

Glen Eira City Council agrees with VCEC that Councils can play an important role in raising awareness about the environmental performance of a building. Glen Eira Council will shortly be releasing an information pamphlet designed to inform and encourage sustainable design practices for houses and commercial buildings.

Glen Eira Council also agrees that accountability for developing and promulgating ESD standards resides with the State through the Building Code of Australia (BCA). Building approval is universally required for all developments. This point alone places the building permit process in front of town planning for applying any ESD standards. The Building Code of Australia (BCA) currently sets energy efficiency standards that both residential and commercial developments need to meet. These provisions were reviewed in 2011 and have been increased to require a 6 Star *Energy Rating* for new residential buildings and a significant increase in energy efficiency requirements for all new commercial buildings.

Thank you for your consideration on this important matter.

Yours sincerely,



CR JAMIE HYAMS
MAYOR



Office of the Mayor Cr Jim Magee

Glen Eira City Council

80 MCGs of parklands
enough footpaths to reach Sydney
enough drains to reach Mildura
enough roads to reach South Australia
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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

17 March 2015

The Hon. Richard Wynne MP
Minister for Planning
1 Spring Street
MELBOURNE VIC 3000

Dear Minister

I am writing to congratulate you on your recent appointment as Minister and to let you know that Council is looking forward to working with you.

At its Ordinary Council Meeting of 18 December 2012, Council resolved:

"That Council:

- Advocates to the State Government for a 'State wide policy' on the principles of Environmental Sustainable Design (STEPS/SDS and WSUD).*
- Advises the State Government that any changes to improve ESD principles across the State have optimum effect at the building stage rather than the town planning stage".*

Council would appreciate your response to these matters.

Yours sincerely

CR JIM MAGEE
MAYOR

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads,
Caulfield, Victoria

PO Box 42 Caulfield South 3162

ABN 65 952 882 314

Telephone 03 9524 3333

National Relay Service TTY dial 13 36 77 or

Speak and Listen 1300 555 727 or

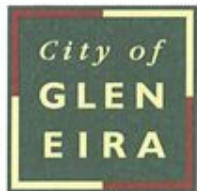
www.iprelay.com.au then enter 03 9524 3333

Facsimile 03 9523 0339

Email mail@gleneira.vic.gov.au

Website www.gleneira.vic.gov.au

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



Office of the Mayor

Cr Jim Magee

Glen Eira City Council

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46,000 street trees
8,500 street lights
45 sportsgrounds
47 playgrounds
and much more

17 March 2015

The Hon Lisa Neville MP
Minister for Environment, Climate Change and Water
Level 17
8 Nicholson Street
East Melbourne VIC 3002

Dear Minister

I am writing to congratulate you on your recent appointment as Minister and to let you know that Council is looking forward to working with you.

At its Ordinary Council Meeting of Tuesday 3 February 2015, Council resolved:

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

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

Council would appreciate your response to these matters.

Yours sincerely

CR JIM MAGEE
MAYOR

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads,
Caulfield, Victoria

PO Box 42 Caulfield South 3162

ABN 65 952 882 314

Telephone 03 9524 3333

National Relay Service TTY dial 13 36 77 or

Speak and Listen 1300 555 727 or

www.iprelay.com.au then enter 03 9524 3333

Facsimile 03 9523 0339

Email mail@gleneira.vic.gov.au

Website www.gleneira.vic.gov.au

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

Item 9.8**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	470 DANDENONG ROAD, CAULFIELD NORTH
PROPOSAL	CONSTRUCTION OF A THREE STOREY BUILDING
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> • REDUCTION IN THE NUMBER OF CHILDREN FROM 132 TO 127; • MODIFICATION TO THE VEHICLE ACCESS AND CAR PARK LAYOUT; AND • INCREASED SIDE AND REAR SETBACKS.
VCAT DECISION	PERMIT
APPELLANT	TAMOE INVESTMENTS PTY LTD

“It is my view that the planning context applicable to the review site provides strong support for the proposed use.” VCAT Member – Cindy Wilson

- The subject site is located within the General Residential Zone. A number of three storey residential developments are interspersed along Dandenong Road.
- The application was refused on grounds relating to its non-compliance with Council's Child Care Centres Policy due to the proposal's bulk and mass, lack of transition to adjoining properties and unreasonable residential amenity impacts. Council also refused the application on grounds relating to the car park design and layout. VicRoads also objected to the proposal.
- Following the submission of amended plans that improved vehicle access and the car park layout, VicRoads withdrew their objection.
- In determining the application, the Tribunal held that the use of the land as a child care centre was appropriate having regard to access to public transport, proximity to schools and the site's location within a Housing Diversity Area.

Item 9.8 (cont'd)

- Further, the Tribunal held that the built form of the proposal would not unreasonably compromise the residential amenity of adjoining properties, with acoustic treatment to boundary fences satisfactorily limiting noise impacts.
- The Tribunal held that the layout of the car park was acceptable and provided safe access.
- On this basis, the Tribunal overturned Council's decision and directed a planning permit be issued.

ADDRESS	17 ROSELLA STREET, MURRUMBEENA
PROPOSAL	CONSTRUCTION OF SEVEN DWELLINGS
COUNCIL DECISION	REFUSAL (DPC)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	REFUSAL
APPELLANT	PACD PTY LTD

“...the land is a transition site in that it is at the outer edge of a housing diversity area, but adjoins a minimal change area along the west side boundary and the rear boundary. The potentially sensitive rear yards of dwellings on seven lots abut these boundaries. My ultimate finding is the design response is unsatisfactory for a transition site with two transition boundaries, including a long side boundary.” VCAT Member – Geoffrey Code

- The land is located within the General Residential Zone and adjoins the Neighbourhood Residential Zone to the south and west.
- Council previously refused an application for 12 dwellings above a basement car park in 2010. This decision was reaffirmed by the Tribunal.
- Council refused the most recent application on grounds relating to the inappropriate transition to adjoining properties within the Neighbourhood Residential Zone. The application also failed to satisfy a number of ResCode requirements.
- In determining the application, the Tribunal held that the latest proposal only partially responded to the previous Tribunal decision. The Tribunal held that the application was not at a lower scale and density required for a transition site and proposed an unsatisfactory landscape response.
- On that basis, the Tribunal affirmed Council's decision and directed that no planning permit issue.

Item 9.8 (cont'd)

ADDRESS	14-22 WOORAYL STREET, CARNEGIE
PROPOSAL	CONSTRUCTION OF A TWELVE STOREY BUILDING COMPRISING 134 DWELLINGS AND GROUND FLOOR OFFICE SPACE
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> • MODIFICATION TO THE VEHICLE ACCESS AND CAR PARK LAYOUT; • CONSOLIDATION OF SERVICE AREAS AT GROUND FLOOR; AND • MODIFICATION TO THE LAYOUT OF DWELLINGS TO IMPROVE INTERNAL AMENITY.
VCAT DECISION	PERMIT
APPELLANT	CENTRAL ALLIANCE INVESTMENTS NO. 2 PTY LTD

“The building is intended to be visible from all angles. Its Woorayl Street frontage comprises three distinct vertical elements that articulate the façade and reduce the impact of its wide frontages”. VCAT Members – Cindy Wilson & Michael Nelthorpe

- The subject site is located within the Mixed Use Zone and the Carnegie Urban Village.
- The application was refused on grounds relating to its non-compliance with the policy objectives of Council’s Urban Villages Policy due to the proposals bulk and mass, poor internal amenity afforded to dwellings, lack of transition to adjoining properties and unreasonable residential amenity impacts.
- Council also refused the application on grounds relation to the provision of car parking, the car park design/layout and overshadowing impacts to the public reserve.
- In determining the application, the Tribunal did not agree with Council’s policy grounds.
- The Tribunal noted that preferably there would be no shadow cast to the public reserve. However, the Tribunal held the extent of the overshadowing as acceptable.

Item 9.8 (cont'd)

- The Tribunal determined that the proposed on-site provision of car parking is satisfactory and will meet the demand generated by the proposed development. The Tribunal found that the sharing of some of the office spaces with residential visitor use after hours is an appropriate and efficient use of resources. The development proposed 193 on-site car spaces in accordance with the Planning Scheme requirements, however VCAT approved a reduction of six spaces to allow for the relocation of ground floor services.
- On this basis, the Tribunal overturned Council's decision and directed a planning permit be issued.

3. Recommendation

That Council note:

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

Crs Lipshutz/Hyams

That the recommendation in the report be adopted.

The MOTION was put and CARRIED unanimously.

9.08PM Cr Sounness left the Chamber.

VCAT WATCH**NEW APPEALS LODGED*****MAJOR CASES***

COMPULSORY CONFERENCE	FULL HEARING	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
13 July 2015	7 September 2015	P915/2015	1240-1248 Glen Huntly Road, Carnegie	Construction of a six storey building comprising 117 dwellings.	Commercial 1 Zone	Permit (Resolution)	Conditions (Applicant)
24 July 2015	21 September 2015	P1039/2015	150 East Boundary Road & 795-807 Centre Road, Bentleigh East	Construction of a part three and part seven storey building comprising 110 dwellings and 4 shops.	Commercial 1 Zone & General Residential Zone	Refusal (Manager)	Refusal (Applicant)

PLANNING AND ENVIRONMENT LIST

HEARING DATE	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
29 July 2015	P906/2015	3 Bevis Street, Bentleigh East	Construction of two double storey dwellings.	General Residential Zone, Schedule 1	Permit (Manager)	Conditions (Applicant)
29 July 2015	P898/2015	27 Oswald Street, Elsternwick	Modification to an existing permit allowing the construction of two single storey dwellings. The proposed changes are: <ul style="list-style-type: none"> • Increase to the front porch size. 	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)

29 July 2015	P896/2015	20 Brian Street, Bentleigh East	Construction of two double storey dwellings.	Neighbourhood Residential Zone	Permit (Manager)	Conditions (Applicant)
4 August 2015	P968/2015	16 Bendigo Avenue, Bentleigh	Construction of two double storey dwellings.	Neighbourhood Residential Zone	Permit (Manager)	Conditions (Applicant)
10 August 2015	P982/2015	25 St James Avenue, Bentleigh	Construction of two double storey dwellings.	Neighbourhood Residential Zone	Permit (Manager)	Conditions (Applicant)
26 August 2015	P993/2015	441-461 Glen Huntly Road, & 74 Orrong Road, Elsternwick	Extension of time to allow for construction to commence for the existing permit allowing the construction of a six storey building comprising a supermarket and 99 dwellings.	Commercial 1 Zone & Residential Growth Zone	Refusal (Manager)	Refusal (Applicant)
26 August 2015	P1016/2015	629-631 Glen Huntly Road, Caulfield	Construction of a four storey building comprising 15 dwellings.	Commercial 1 Zone	Permit (Resolution)	Conditions (Applicant)
13 October 2015	P889/2015	16-18 Tranmere Avenue, Carnegie	Construction of a four storey building comprising 26 dwellings.	Residential Growth Zone	Refusal (Manager)	Refusal (Applicant)
15 October 2015	P887/2015	21 Dover Street, Caulfield South	Modification to an existing permit allowing a ground and first floor existing to an existing dwelling. The proposed changes are: <ul style="list-style-type: none"> • Increase in the first floor area; • Changes to building materials and roof form. 	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
19 October 2015	P920/2015	130 Murrumbeena Road, Murrumbeena	Construction of a three storey building comprising 16 dwellings.	General Residential Zone, Schedule 1	Refusal (Manager)	Refusal (Applicant)
19 October 2015	P918/2015	3 Ardyne Street, Murrumbeena	Construction of a three storey building comprising 17 dwellings.	General Residential Zone, Schedule 1	Refusal (Manager)	Refusal (Applicant)

21 October 2015	P923/2015	90 Truganini Road, Carnegie	Construction of a three storey building comprising 13 dwellings.	General Residential Zone, Schedule 2	Refusal (DPC)	Refusal (Applicant)
26 October 2015	P967/2015	3 Beatty Crescent, Ormond	Demolition of the existing dwelling and construction of a double storey dwelling.	Neighbourhood Residential Zone	Refusal (Resolution)	Refusal (Applicant)
26 October 2015	P969/2015	4 Beatty Crescent, Ormond	Demolition of the existing dwelling and construction of a double storey dwelling.	Neighbourhood Residential Zone	Refusal (Resolution)	Refusal (Applicant)
30 October 2015	P974/2015	577 Warrigal Road, Bentleigh East	Alterations to the existing dwelling and construction of an additional single storey dwelling at the rear.	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
2 November 2015	P919/2015	7 Packer Street, Murrumbeena	Demolition of the existing dwelling and construction of two double storey dwellings.	Neighbourhood Residential Zone	Refusal (Manager)	Refusal (Applicant)
4 November 2015	P876/2015	817-819 Centre Road, Bentleigh East	Construction of a three storey building comprising 24 dwellings.	General Residential Zone, Schedule 1	NOD (Resolution)	NOD (Objector)
6 November 2015	P980/2015	4 Lilac Street, Bentleigh East	Construction of a three storey building comprising 10 dwellings.	General Residential Zone, Schedule 1	Refusal (Manager)	Refusal (Applicant)
11 November 2015	P1034/2015	2 Newstead Street, Caulfield	Construction of two double storey dwellings.	Neighbourhood Residential Zone	NOD (DPC)	Conditions (Applicant)

Item 9.9**COMPLAINT HANDLING****Enquiries Paul Burke****1. Purpose**

This report responds to a Request for a Report made at the Council Meeting held on 28 April 2015 in the following terms:

“I request a report about Council’s policy and procedures for handling complaints from residents, ratepayers and other stakeholders. The report is not to cover complaints that fall under the Protected Disclosures Act 2012.

The report is to set out the following:

- a) Council’s policies and procedures;*
- b) To what extent Council’s policies and procedures comply with the Victorian Ombudsman’s publication “Councils and Complaints – A good practice guide”, released in February this year, whether any changes are required to bring policy or procedures into full compliance and, if so, what those changes are.*
- c) The number of complaints received by Council in the most recently documented twelve month period;*
- d) The number of these upheld in whole or in part; and*
- e) A brief summary of those complaints that were upheld in whole or in part, and the action subsequently taken in relation to these.”*

2. Discussion

- 2.1 As the Ombudsman Victoria said in her recent report entitled ‘Councils and Complaints – A report on current practice and issues’ and ‘Councils and Complaints – A good practice Guide’, published February 2015;

“....complaints are one of the most valuable sources of data available to councils. They represent free feedback about services and, if used effectively, are a catalyst for service improvement.”

Over the years Glen Eira City Council has used such free feedback to develop practices and processes that have led to significant service improvements that in turn have led to greater community satisfaction with Council. The Council has a recognised positive culture around dealing with complaints and Council’s Service Centre is an award winning industry leader providing residents with a one stop shop to have their matters dealt with quickly and efficiently.

Even where Council is a regulator Council’s approach is one of ‘Reasonable Laws, Reasonably Enforced’.

The progress that Glen Eira City Council has made is perhaps best illustrated by the fact that in recent years State Government Community Satisfaction Surveys Glen Eira was 1st in the State for Customer Service.

Item 9.9 (cont'd)

- 2.2 Managing customer requests and complaints is a priority for Glen Eira City Council. On Council's website it states: "It is our promise to you that we will maintain the highest possible standards of service. If we do not meet these standards we will explain why and try to put things right. For more information about our service standards please visit our Service Charter web page. To lodge a customer request or complaint you may visit our Customer Service Centre, call, email or complete the Make a Request Form to submit an online request. We have a Customer Request System to track, respond and report all customer requests and complaints. You can contact our Customer Service Centre at anytime to be updated about your request. Note that we handle personal information in accordance with privacy laws and will use that information only for the purposes of handling the complaint in accordance with the *Privacy and Data Protection Act 2014*." (A copy of the Service Charter is at Attachment A).
- 2.3 Council's customer request complaint system provides a staged or tiered process, if required. The process can be initiated through the website, the Service Centre or by otherwise contacting Council. Exceptions to this are detailed in clause 5.2 of Council's 'Complaints Handling Policy'. (See Attachment B)
- 2.4 Data from the Customer Request System is regularly analysed as part of Council's service improvement efforts.
- 2.5 In addition to the organisation's systems, Glen Eira City Council also has a Councillor Request system that deals with matters raised directly with a Councillor. This system is administered through the Council Secretariat with draft responses provided to Councillors to allow them to respond directly to their constituents. In cases where Councillors are carbon copied into communications sent to an Officer the matter becomes the subject of the Councillor Request system with any response being provided by Councillor/s. Where multiple Councillors are listed on a communication the response will be from the first named or the Mayor if the Mayor is named. Exceptions to this are detailed in clause 5.2 of Council's 'Complaints Handling Policy'. (See Attachment B)
- 2.6 As part of her review into 'Councils and Complaints' the Ombudsman Victoria asked to meet with Glen Eira's Chief Executive Officer (CEO) because Glen Eira City Council's handling of such matters is viewed favourably. Council also has a close working relationship with the office of the Ombudsman Victoria with any references from her office being handled at CEO and Director level.

3. Detail

- 3.1 Since the publication in February 2015 of the Ombudsman Victoria report entitled 'Councils and Complaints', Council has been reviewing our existing documentation with a view to aligning it with the 'Model local government complaint handling policy' at Appendix 1 in the Ombudsman good practice guide.

Item 9.9 (cont'd)**3.2 In relation to the items listed in the Request for a Report:**

- (a) The reviewed policy is attached. See Attachment B. Additional information is as described in in paragraph 2 above and on Council's web site. The information on Council's website will be subject to change should the reviewed policy be adopted by Council at this Council Meeting.
- (b) No material changes have been necessary. Any changes are principally to presentation by using the Ombudsman template as a guide.
- (c) In the last twelve month period Council's Service Centre received 262,842 telephone calls, 54,870 visits to the Service Centre Counter and 28,771 emails. There are two hundred and ninety three complaints listed through the Service Centre and five hundred and sixty three listed in the Councillor Request System. (see para 2.5)
- (d) Council does not retain aggregate information in this form. The focus is on resolving matters that are raised rather than classifying outcomes into wholly upheld, partly upheld etc.
- (e) As the Ombudsman says in her report: *'Some common types of complaints are bound by legislation, such as infringements, planning and rates. In these cases, councils may have limited discretion as to how they respond to a complaint.'* Council does not retain information in a form that would address part (e).

4. Recommendation

That Council:

- (a) Officially recognise the documents entitled: 'Councils and Complaints – A report on current practice and issues' and 'Councils and Complaints – A good practice Guide', published by the Ombudsman Victoria in February 2015 at Attachments C and D.
- (b) Adopt the reviewed Council policy entitled: 'Complaints Handling Policy' at Attachment B.
- (c) Recognise that the information on Council's website will be subject to some change if Item (b) of the recommendation is adopted.

Item 9.9 (cont'd)

Crs Hyams/Delahunty

That the recommendation in the report be adopted and that officers continue to consult with the Ombudsman on the incorporation into the Complaints Handling Policy of reporting on performance, and report back to Council with their recommendations in relation to this.

9.13PM Cr Sounness returned to the Chamber.

DIVISION

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

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

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

Attachment A

Service charter

This charter:

- is our promise to you that we will maintain the highest possible standards of service when you are receiving service from us; and
- tells you the options in the event that you are not satisfied with our performance.

When you contact us or receive a service from us, you can expect:

- to be treated with dignity and respect;
- personal privacy and confidentiality;
- your contact with us will be handled in a professional manner with courtesy and co-operation;
- we will respond to your request promptly and in adherence to Council policies. If we are unable to assist, we will endeavour to direct you to an organisation or relevant department that may be able to assist;
- we will assist communication by using interpreters if requested, our response to any questions or complaints will be open and accurate;
- all telephone inquiries will be answered promptly during normal business hours;
- if we are unable to answer your verbal query immediately, we will take your contact details and ensure that you obtain a response within the customer service response timelines (available from Customer Service Centre);
- if you write, email or fax to us we will respond to you, in writing, within 10 working days with a complete answer or if that is not possible with an interim reply and a further answer later. Any responses we send will contain a contact name and telephone number;
- all services will be delivered by appropriately trained and qualified staff; and
- access to fair and equitable procedures for dealing with complaints and disputes

Feedback on our performance

- If we do not meet these standards we will explain why and try to put things right.
- If you are dissatisfied with the standard of our service, please raise this with the area concerned and every effort will be made to resolve your concerns immediately.
- If you are still not satisfied please put your concerns in writing to the manager of the area concerned.

Policy ID Number: []

Complaints Handling Policy

Date first adopted:	Version: 1	Status: Adopted
Adopted and amended: N/a	Next review date: June 2019	
Position Title of Responsible Manager/Director:	Director Community Relations	

CONTENTS

Complaints Handling Policy

Page 1 of 7

Glen Eira City Council

1.	TITLE	3
2.	OBJECTIVES.....	3
3.	GUIDING PRINCIPLES.....	3
4.	DEFINITIONS AND ABBREVIATIONS	4
5.	SCOPE.....	4
6.	COMPLAINT HANDLING PROCESS	5
7.	HOW TO MAKE A COMPLAINT TO COUNCIL.....	7
8.	HUMAN RIGHTS CHARTER COMPATIBILITY	7
9.	ASSOCIATED DOCUMENTS	7
10.	REFERENCES/RESOURCES	7

1. TITLE

Complaints Handling

2. OBJECTIVES

- 2.1 To put in place an open and transparent handling process;
- 2.2 to ensure Council staff handle complaints fairly and objectively;
- 2.3 to establish timeframes for resolving complaints;
- 2.4 to ensure that Council's complaints handling system complies with the Victorian Ombudsman's recommendations;
- 2.5 to clarify the roles and responsibilities of Council staff; and
- 2.6 to assist business units to identify how Council can improve its services.

3. GUIDING PRINCIPLES

3.1 Commitment

Council is committed to resolving the complaints it receives. Council's culture recognises people's right to complain and considers complaint handling to be part of its core business of serving the community and improving service delivery.

3.2 Accessibility

People can easily find out how to complain to Council, and Council actively assists them with the complaint handling system.

3.3 Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

3.4 Objectivity and Fairness

Under the complaint handling system, complainants and Council staff are treated with respect and courtesy, and complaints are judged on merit and fact.

3.5 Confidentiality

The complaint handling system protects the personal information of people making a complaint, and Council staff are informed only on a 'need to know' basis and otherwise in accordance with Council's Privacy Policy. Complaints made by people who wish to remain

anonymous will be handled to the extent that it is possible to do so without further contact with the complainant.

3.6 Accountability

Council is accountable, both internally and externally, for its decision-making and complaint handling performance. Council provides explanations and reasons for decisions, and ensures that its decisions are subject to appropriate review processes.

3.7 Continuous Improvement

Council regularly analyses complaint data to find ways to improve how it operates and how it delivers its services. Council then implements these changes.

4. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Complaint	an expression of dissatisfaction with: <ul style="list-style-type: none">• the quality of an action taken, decision made, or service provided by or on behalf of Council; or• a delay or failure in providing a service, taking an action, or making a decision by or on behalf of Council.
Complainant	a person or organisation that makes a complaint.
Complaint handling system	the way complaints are dealt with by Council, including policy and procedures, electronic systems and reporting mechanisms.
Request for service	contact with Council to seek assistance, to access a new service, to seek advice, or to inform or make a report about something for which Council has responsibility.

5. SCOPE

5.1 This policy applies to Councillors and all Council staff. Any person who has been affected by an action, inaction or decision of Council can make a complaint.

5.2 This policy does not apply to the following matters or complaints, which are managed through other processes:

- 5.2.1 requests for service;
- 5.2.2 complaints about allegations of fraud or corrupt conduct;
- 5.2.3 complaints about alleged privacy breaches;
- 5.2.4 complaints about Councillors;

- 5.2.5 complaints about matters for which there is a process of review or appeal or objection prescribed by legislation;
- 5.2.6 complaints that are claims against Council for personal injury or property damage or other loss or damage for which Council maintains a position on the basis of legal advice or precedent; and
- 5.2.7 complaints about Council contractors.

Management of these types of matters and complaints is set out later in this policy.

6. COMPLAINT HANDLING PROCESS

Council's complaint handling process will generally follow the process set out below:

6.1 Receipt of Complaint

Service Centre staff or a Council officer receives a complaint and takes steps to resolve it immediately, where possible. Council will acknowledge all complaints within ten working days of receipt.

6.2 Investigation

Where Service Centre staff, or a Council officer that received the complaint, cannot resolve a complaint, they will refer it to a Council officer, or to a more senior Council officer respectively, for resolution or investigation, as required. Council will aim to resolve all complaints within 28 working days of receipt.

6.3 Internal Review

6.3.1 A complainant has the right to request that the resolution or outcome of their complaint be reviewed where they assert that the resolution or outcome is unfair or unreasonable or does not conform to any Council policy that is relevant to the complaint. A complainant will be advised of their right to request an internal review at the time that they are advised of the resolution or outcome of their complaint.

6.3.2 The relevant business unit manager or relevant director will conduct a review of the complaint. The complainant will be advised by the manager or director in writing of the outcome of the review.

6.3.3 The internal review will be carried out by the relevant manager where that manager has had no involvement with the resolution of the original complaint. Where the relevant manager has been involved in the resolution of the original complaint, the internal review will be carried out by the relevant director or another director, if required.

6.4 External Review

Following the processes set out in clauses 6.2 and 6.3 of this policy, if a complainant is not satisfied with the resolution or outcome of an internal review, they will be advised of any

external avenues through which the complaint may be pursued. The complainant will in all cases be advised that they may contact the Victorian Ombudsman if they are dissatisfied with the process or outcome of a complaint.

6.5 Complaints about Councillors

These should be referred to the Council Secretariat and will be handled in accordance with the Councillor Code of Conduct.

6.6 Complaints about the Chief Executive Officer

Complaints about the conduct of the CEO should be referred to the Council Secretariat and will be handled in accordance with Division 4 of Part 4 of the *Local Government Act 1989*.

6.7 Complaints about Council Contractors

Other than complaints about contractors that fall within clause 6.9.5 of this policy, these should be referred to the relevant business unit. If a complainant is not satisfied with the outcome or resolution of their complaint by a contractor, they should refer it back to the relevant business unit for review.

6.8 Complaints Received by Councillors

These must be referred to the Council Secretariat for referral to the relevant business unit. *"If a councillor receives a complaint about an issue that falls within the council's normal functions, the councillor should refer the complaint to a designated senior council officer. This is generally the Chief Executive Officer or a Director. The complaint should then be handled in accordance with the council's complaint handling policy."* (Page 11, Victorian Ombudsman, Councils and complaints – A good practice guide, February 2015).

6.9 Other Types of Complaints

6.9.1 Requests for service should be referred to the relevant business unit;

6.9.2 Complaints about allegations of fraud or corrupt conduct should be referred to Corporate Counsel and will be handled in accordance with Council's Fraud and Corruption Policy and/or Council's *Protected Disclosure Act 2012* Policy and Procedures, as appropriate;

6.9.3 Complaints about alleged privacy breaches should be referred to Council's Privacy Officer;

6.9.4 Complaints about matters for which there is a process for review or appeal or making an objection prescribed by legislation e.g. planning and building matters and traffic and parking infringements should be referred to the relevant business unit;

6.9.5 Complaints that relate to issues that may result in a claim for loss or damage against Council should be referred to Corporate Counsel;

6.9.6 Complaints about the awarding of tenders and other third party contracts should be referred to Corporate Counsel.

7. HOW TO MAKE A COMPLAINT TO COUNCIL

An individual can make a complaint in the following ways:

- Telephone:** (03) 9524 3333.
- In person:** Glen Eira Town Hall, Corner Glen Eira and Hawthorn Roads, Caulfield
- Office hours:** Monday to Friday: 8 am to 5.30pm and Tuesday: 8am to 7.15pm
- Fax:** (03) 9523 0339
- Email:** mail@gleneira.vic.gov.au
- Website:** By completing and submitting the form “Make a Complaint to Council” available on Council’s website www.gleneira.vic.gov.au
- In writing:** Glen Eira City Council
PO Box 42
Caulfield South VIC 3162

8. HUMAN RIGHTS CHARTER COMPATIBILITY

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

9. ASSOCIATED DOCUMENTS

Councillors’ Code of Conduct
Council’s Fraud and Corruption Policy
Council’s *Protected Disclosure Act 2012* Policy and Procedures
Victorian Ombudsman *Councils and complaints – A Good Practice Guide*, 2015

10. REFERENCES/RESOURCES

Charter of Human Rights and Responsibilities Act 2006
Freedom of Information Act 1982
Local Government Act 1989
Privacy and Data Protection Act 2014
Protected Disclosure Act 2012

Victorian Ombudsman
Level 1 North Tower
459 Collins Street
Melbourne 3000

Phone: 03 9613 6222
Email: ombudvic@ombudsman.vic.gov.au
Website: www.ombudsman.vic.gov.au

ombudsman VICTORIAN

Councils and complaints – A report on current practice
and issues

February 2015

Ordered to be published
Victorian government printer
Session 2014 - 15
P.P. No. 21
Vol 1 of 2

Letter to the Legislative Council and the Legislative Assembly

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973*, I present to Parliament my report into *Councils and complaints – A report on current practice and issues*.



Deborah Glass OBE

Ombudsman

24 February 2015

Contents

Foreword	3
Introduction	4
Background	4
Enquiry and methodology	4
Survey results and consultation findings	6
What is a 'complaint'?	6
Recommendation 1	9
Customer service charters	9
Perception of complaints	9
Complaint handling policies and procedures	10
Recommendation 2	11
Recording basic complaint data effectively	11
Improving complaint reporting and analysis	12
Key performance indicators	13
Handling complaints made directly to councillors	14
Anonymous complaints	15
Managing unreasonable complainant conduct	15
Different approaches to complaints about third party contractors	16
Managing complainants' expectations	17
Recommendation 3	18
Complainants' right to complain to the Victorian Ombudsman	18
Appendices	19
Appendix 1 – Stakeholders consulted	19
Appendix 2 – Self-audit results	20
Appendix 3 – Metropolitan, regional and rural councils	23
Appendix 4 – Councils and complaints – A good practice guide	25

Foreword

Every Victorian has a relationship with his or her local council. Victoria's 79 councils – metropolitan, regional and rural – deal with both people and property, including roads, libraries and parks, and a wide range of issues including planning, parking and waste collection. The work of councils is evident in every street of every town and suburb in Victoria. For many people, their main interaction with government is with their local council, and it is therefore not surprising that complaints about local councils have been one of the highest categories of complaint to the Ombudsman for many years.

This enquiry was launched in 2014 when staff in my office identified that one of the main causes of complaints against local councils was the way those councils dealt with complaints. All too often complaints were seen as a nuisance, or provoked a defensive, bureaucratic or unhelpful response. Yet complaints are one of the most valuable sources of data available to councils. They represent free feedback about services and, if used effectively, are a catalyst for service improvement. Good complaint handling increases confidence in public administration. On the other hand, mishandled complaints can carry a high potential cost – both financial and reputational.

From the other side, councils often approach this office seeking information about their performance in relation to complaint handling and how this performance compares with other councils.

I decided therefore that the office would develop a *Good Practice Guide* – a practical tool to assist councils and improve their complaint handling practices. To ensure that it addressed the particular issues faced by local government, we carried out a survey of all 79 councils and consulted a wide range of people and organisations in the local government sector. From the responses we developed a draft Guide, which we circulated to all councils for comment.

There was not universal agreement about some core issues, in particular about the definition of a complaint. It seemed that those councils were worried that a more inclusive interpretation would result in a higher number of complaints, which would in turn have a negative impact on their reputation. In my view, a narrow definition of complaint misses the point that complaints, whether or not they are justified, are a feedback mechanism about public dissatisfaction. They are not a measure of how good or bad a council is, but of how responsive and transparent it is.

Overall however there was strong support for the Guide, which many councils commented would assist them and add consistency to the way they dealt with complaints. I am grateful for the support provided to my officers by councils during the enquiry, and I anticipate that the *Good Practice Guide* will serve as a useful resource for the local government sector for years to come.

I recommend two changes to legislation that I believe would benefit the public and the sector: to include a definition of complaint, consistent with the national standard¹, and to require councils to have an internal review function in their dealing with complaints. Both have been adopted elsewhere in Australia and the latter has increased accountability and reduced the number of substantiated complaints.

The main aim of the Guide is, of course, for councils to engage better with their public and learn from their complaints. The long-term effect should also be fewer legitimate grievances about councils coming to my office. While only time will tell, I hope that both of these objectives will be met.

Deborah Glass
Ombudsman

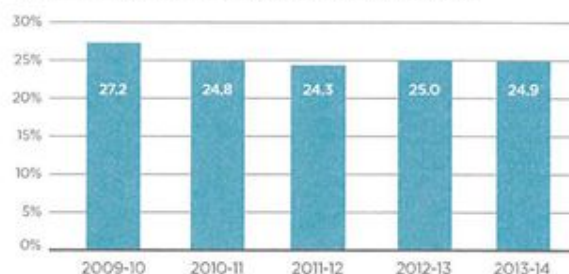
¹ Australian/New Zealand Standard AS/NZS 10002:2014, *Guidelines for complaint management in organizations*.

Introduction

Background

1. Councils play a vital role in the community. Victoria's 79 councils deliver a diverse range of property, economic, human, recreational and cultural services. They maintain infrastructure valued at more than \$40 billion – including roads, public buildings, libraries and parks² – and are also responsible for enforcing state and local laws relating to planning, public health, traffic, parking and animal management.
2. As the tier of government closest to the community, councils are one of the first public sector organisations people turn to when they want something done or they have a complaint. One metropolitan council receives around 650 telephone calls and 200 in person visitors each day³.
3. Given the volume of community contact and the diversity of issues raised, it can be challenging for councils to remain accessible and responsive to their communities. There is a community expectation that councils will deal with complaints about their services quickly and effectively. Having clear policies and processes about how and when a council will handle different types of complaints can assist in managing these expectations.
4. Complaints are a valuable source of data for councils and a catalyst for service improvements. When a person complains, they are telling the council something that can be used to improve its services. When councils create a positive culture around complaints, these benefits can be realised. On the other hand, if councils regard complaints as a nuisance and a distraction from core business, they remain an untapped resource.
5. As shown in Figure 1, since 2009, complaints about councils have consistently made up around 25 per cent of jurisdictional complaints to this office.

Figure 1: Closed complaints about local government received by the Victorian Ombudsman (%)



Source: Victorian Ombudsman 2014 Annual report, page 26.

6. An analysis of these complaints over a three-year period from 2011 to 2014 shows that the most common complaints about local councils relate to:
 - not responding in a timely manner
 - planning
 - rates
 - infringements.

Enquiry and methodology

7. In April 2014, I commenced an own motion enquiry into complaint handling in local government under section 13A of the *Ombudsman Act 1973*. The purpose of this enquiry was to develop a complaint handling guide that is targeted, practical and relevant to all councils, large and small.
8. In June 2014, I notified the CEO of each council, the former Minister for Local Government and a range of stakeholder groups of this enquiry. The former Minister, The Hon Tim Bull MP, responded:

I support your goal of providing additional guidance to the sector regarding complaints handling processes.

Councils are responsible for the delivery of a wide range of services to their constituents and as Minister I strongly support all councils ensuring the concerns of their residents are dealt with in a timely and effective manner.

² <www.dpcd.vic.gov.au/localgovernment/guide-to-local-government/what-councils-do at October 2014>.

³ Knox City Council website <www.knox.vic.gov.au>.

9. This enquiry involved:

- analysing local government complaint data from our case management system between May 2011 to May 2014 to identify trends and common complaint areas
- researching complaint handling theory and practice, as well as local government complaint handling in other jurisdictions
- examining council websites for complaint handling information
- meeting with council staff, councillors, peak bodies, community groups and other stakeholders to further understand the issues around local government complaint handling
- issuing a pilot survey on local government complaint handling to six councils (three metropolitan, one regional and two rural) for their feedback
- surveying the 79 councils on their complaint handling policies, practices and issues
- developing a good practice guide, based on the information obtained during the enquiry, to assist local councils with complaint handling (the *Good Practice Guide* – refer to Appendix 4)
- providing the draft guide to all councils and key stakeholders to obtain their feedback.

10. The purpose of the *Good Practice Guide* is to foster a common standard for complaint handling in councils across Victoria. The guide is based on seven principles of effective complaint handling and addresses aspects of complaint handling unique to local government. The seven principles shown in Figure 2 were developed from the evidence obtained during our enquiry and established complaint handling theories and standards.

Figure 2: Seven principles of effective complaint handling.



Source: Victorian Ombudsman.

11. This report outlines the key results and themes arising from our consultation with councillors, council staff and other stakeholders, including survey responses. It provides the underlying basis for good practice in complaint handling and further illuminates the reasoning behind the content of the *Good Practice Guide*.
12. I am hopeful that as councils adopt the principles in the *Good Practice Guide*, their complaint handling practices will improve and there will be less call on this office to intervene in complaints that should, in the first instance, be effectively resolved by councils. This office can then fulfil its intended role as the 'safety net' for the more complex or contentious complaints that require independent review to resolve.

Survey results and consultation findings

13. All 79 councils responded to our complaint handling survey. Survey responses provided valuable information on sector-wide issues and identified that councils have different approaches to complaint handling. While some of these approaches are working well, others are not.
14. For example, the survey identified that there is variation across Victoria in the types of policies and procedures councils use to support their complaint handling practices:
 - 64 councils have a customer service charter
 - 57 councils have a complaint handling policy
 - 33 councils have an internal review policy for complaints.
15. Four councils have neither a customer service charter nor a complaint handling policy. Seventeen councils also reported that they have a customer service charter, but no complaint handling policy⁴. This is concerning given that service charters generally do not describe complaint handling procedures in detail.
16. Councils were surveyed about their views and approaches to complaint handling in relation to the following three key areas:
 - enabling complaints: how councils receive complaints
 - responding to complaints: how councils manage complaints
 - learning and improving: how councils use complaint data to improve service delivery.
17. This section of the report provides information on survey responses received from councils; statistical information, including survey results by metropolitan, regional and rural council locations (refer to Appendix 3 for details of these councils); councils' comments to me; and the reasons why I considered councils may benefit from guidance.

⁴ Of those councils, one council's charter outlines its complaint handling procedures in detail. Two other councils' charters state in detail how they deal with unreasonable complainant conduct.

What is a 'complaint'?

18. Councils often approach this office seeking information about their performance in relation to complaint handling and how this performance compares with other councils. In order to review performance across the sector, a common understanding of the term 'complaint' is necessary.
19. The Victorian Local Government Act does not require councils to have a process in place for managing administrative complaints. Nor does it provide a definition of the term 'complaint'. We reviewed local government legislation in Australian states and territories and identified that Queensland is the only jurisdiction which provides a legislative definition of complaint⁵.
20. Definitions and interpretations of the term 'complaint' used by Victorian councils in their policies and practices are varied. Fifty-six councils define the term 'complaint'. Four metropolitan councils, four regional councils and 15 rural councils do not define the term.
21. A common definition of complaint councils use is:

An expression of dissatisfaction related to service provision, policy or procedure or behaviour of employee.

However the interpretation of this definition and the exclusions applied to it vary considerably, for example:

 - some definitions did not state that 'a complaint' could include dissatisfaction with third parties acting on behalf of a council.

⁵ Sec 268 of the *Local Government Act 2009* (Qld) states that:
 (1) A local government must adopt a process for resolving administrative action complaints.
 (2) An administrative action complaint is a complaint that -
 (a) is about an administrative action of a local government, including the following, for example -
 (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 (ii) an act, or a failure to do an act;
 (iii) the formulation of a proposal or intention;
 (iv) the making of a recommendation; and
 (b) is made by an affected person.

- three councils did not define the *initial* contact by a member of the public who was dissatisfied, as a complaint. For these councils, it was only when a person expressed dissatisfaction with the council's response to the initial contact, that the matter would be considered a complaint. For example, one council said:

... Even if at the outset ... if the customer expresses dissatisfaction about a matter, the approach should be to consider the matter an enquiry, initially to be dealt with by the relevant [council] work team ... If following a response to an enquiry, the customer continues to express dissatisfaction; the matter will be regarded as a complaint – *a metropolitan council*.

22. Of the 56 definitions of 'complaint' that councils provided:
 - 50 covered dissatisfaction with the council's service provision
 - 29 covered dissatisfaction with the conduct of a council employee
 - 24 covered dissatisfaction with council policies and procedures
 - 11 covered dissatisfaction with council decisions.
23. The distinction between 'complaints' and 'requests for service' also generates difficulties in comparing council responses.
24. Thirty-six councils define a 'request for service'. Twelve metropolitan councils, seven regional councils and 24 rural councils do not define the term.
25. Generally, those councils that defined the term, defined it as a routine request for a service offered by the council, including a service that may have been 'missed' or not provided and there was no prior indication of a council's failure to provide the service.
26. Several councils distinguish a complaint from a request for service, as follows:

[A request for service] is raising a matter for [a] standard service response and [a complaint is] that the service has been sub-standard – *a rural council*

We see a request for service as the first opportunity to rectify an issue. If the request for service is not completed in a timely manner or the quality of the work is poor, then we consider this a complaint. We need to have a chance to fix an issue before it constitutes a complaint – *a metropolitan council*

Requests for Service can generally be managed in a routine/template manner whereas complaints by nature require tailored, case-by-case consideration – *a rural council*.

27. The above definitions of 'request for service' are not consistent with general understandings of what it means to make a complaint. For example, there is no reason why an expression of dissatisfaction that a council has failed or refused to provide a service should be treated or recorded differently from an expression of dissatisfaction about the standard of a service provided. While a council's response to the first contact it receives on an issue that can easily be resolved may differ from its response to a contact where the complainant has repeatedly raised the issue without resolution (i.e. it may require an escalated response), the nature of the contact is essentially the same – it is an expression of dissatisfaction with the council. It therefore should be treated as a complaint.
28. Councils were surveyed about a proposed universal definition of complaint as 'any expression of dissatisfaction with a council'. Forty-three councils said that the definition was too broad and that:

The definition could be changed to clarify dissatisfaction about an action rather than a generalised statement e.g. decision, policy, service experience or how something was handled. The definition should also ensure that expectations are managed as many complaints relate to the complainant not getting the 'answer' they wanted – *a rural council*

A broad definition such as that proposed would mean that nearly any issue raised with council would be a complaint. Given their regulatory nature most people will express or regularly experience dissatisfaction with councils – *a rural council*.

Case study 1: Is a missed bin collection a complaint?

The *Good Practice Guide* includes a case study on missed bin collections. In commenting on the draft guide, one metropolitan council disagreed with categorising missed bin collections as complaints. The council stated that given the high number of collections it conducts (more than 60,000 bin collections per week), 'it would be impossible to have a faultless system' and therefore missed collections should not be considered complaints. I agree that it is unrealistic to expect a council to achieve perfect service, however, I do not consider this is a valid reason for not categorising missed collections as complaints. Despite councils' best efforts, mistakes will be made and bins will be missed. The goal is not to receive zero complaints. The goal is to record instances where a service has not been delivered, and analyse this data to see if improvements can be made.

Source: Victorian Ombudsman.

29. There will always be an element of subjectivity in deciding what constitutes a complaint and what does not, however, it is clear that some councils have adopted an unnecessarily narrow approach to categorisation. For example, one council said that it does not include complaints made by people who are considered unreasonably persistent or to be 'frequent flyers' in its complaint data, as this would lead to unnecessarily skewed figures. While I appreciate the concerns of the council, the preferable approach would be for councils to include all approaches which fall within the definition of 'complaint' within its data. When reporting, councils can explain any disproportionate trends or spikes in the number of complaints received.
30. While I have carefully considered the objections made by some councils to adopting a broad definition of complaint, I remain of the view that the definition of complaint should be centred on a person's dissatisfaction with a council. It should not be guided by a desire to minimise the number of complaints a council receives or by assumptions made about the validity of individual complaints or categories of complaint.
31. The definition of 'complaint' proposed in Recommendation 1 below, which is focussed on a complainant's dissatisfaction, is consistent with the definition provided in the recently released Australian/New Zealand Standard AS/NZS 10002:2014⁶, *Guidelines for complaint management in organizations*:

Expression of dissatisfaction made to or about an organization, related to its products, services, staff or handling of a complaint, where a response is implicitly expected or legally required.
32. Adopting a clear and consistent definition of 'complaint' across the local government sector will allow for meaningful data collection, analysis and service improvement.

⁶ AS/NZS 10002:2014 was approved on behalf of the Council of Standards Australia on 4 September 2014 and was published on 19 October 2014.

Recommendation 1

The Minister for Local Government consider including within the *Local Government Act 1989*, a definition of 'complaint' as follows:

A complaint is an expression of dissatisfaction with:

- the quality of an action taken, decision made, or service provided by a council or its contractor
- a delay or failure in providing a service, taking an action, or making a decision by a council or its contractor.

Response from the Department of Environment, Land, Water and Planning:

No objection in principle regarding the implementation of this recommendation.

Customer service charters

33. It is clear that councils invest time and energy to deliver a high standard of customer service to their communities.
34. Sixty-four councils have a customer service charter, setting out what the community can expect when they contact the council. It is pleasing to see so many councils (81 per cent) publishing their standards for engaging with the community. Such positive commitments are a useful starting point for councils when reviewing and refining their complaint handling systems. For example, one rural council's Customer Service Commitment states:

We value your comments and take your complaints seriously. Whether you wish to compliment us on the quality of our service or make a complaint, your feedback is important to us. Not only does it give us an opportunity to recognise and reward excellent performance by our staff, it also enables us to learn about how we can improve our service to the community.

Perception of complaints

35. Developing a positive organisational culture around complaints sets a foundation for an effective complaint handling system. While most councils are outwardly responsive to complaints and have accessible complaint handling systems, this enquiry identified that there is still some way to go before councils establish a genuinely positive and receptive culture to complaints.
36. Comments from council officers indicate that the perception of complaints as being 'bad' still exists within the sector, even in some councils which have relatively sophisticated complaint handling systems. This was particularly evident during discussions about the definition of a 'complaint' and on reporting of complaints.
37. Council staff indicated:
 - they are inclined to minimise any public mention of complaints
 - generally, the community would consider a high number of complaints as an indicator of poor council performance
 - some reluctance to adopt a broad definition of 'complaint', which appears to be related to a desire by councils to keep reportable numbers of complaints low.
38. There are numerous reasons why people complain and more often than not, complaints are not substantiated. Giving a complainant an opportunity to be heard and providing a detailed explanation of an agency's decision is sufficient to resolve many complaints. While a large number of substantiated complaints are likely to demonstrate systemic deficiencies in service delivery, unsubstantiated complaints, do not.

39. However, information about both substantiated and unsubstantiated complaints can be very useful to councils. Beyond rectifying problems with service delivery, they show areas of concern to the community and areas where the public may benefit from more education, consultation or assistance.
40. For example, complaints about infringements and rates, which involve a financial cost to complainants, comprise a large volume of complaints to this office. Some of these complaints are substantiated, but many are not. Often these complaints are driven by the desire to avoid a financial penalty or a sense of 'unfair' financial burden being placed on an individual, rather than the identification of a specific administrative error on the part of the council. However, themes and patterns in these complaints may reveal areas with respect to rates and infringements, about which the community has limited understanding.

Case study 2: Confusion about rates

A person complained to this office about their rates notice. They stated that 'property prices have gone down over the past five years and this means that rates, which are calculated on the value of the property, should have gone down also - not up'.

The complainant did not understand how rates are calculated, and that their rates amount is calculated on the average change in value for properties across the municipality; and not in relation to the value of their own property. If a council received multiple complaints of this nature, it may indicate the community would benefit from the council reviewing how it communicates information on the calculation of rates.

Source: Victorian Ombudsman.

41. Informing the community about how complaints have led to positive changes can address negative perceptions about the number of complaints a council receives. Councils that are open to receiving complaints and are committed to responding effectively to them are likely to improve their future service delivery.

Complaint handling policies and procedures

42. Having clear and robust policies and procedures for handling complaints, which include an internal review procedure, is critical to ensuring a consistent approach to complaints across a council. These policies and procedures also enable transparency: both the community and council staff will know how complaints will be handled.
43. Some councils responded to the enquiry by advising that they were reviewing their approach to complaint handling, including adopting a complaint handling policy or other policies.
44. Legislative provisions requiring councils to have complaint handling policies in place, such as those which exist in South Australia⁷ and Queensland⁸, would ensure greater transparency and accountability by councils in the handling of complaints. Feedback obtained by this enquiry indicates that legislation such as this has reduced the number of complaints requiring resolution by the Ombudsman's office in South Australia.

Internal review

45. A mechanism for internally reviewing complaint handling decisions not only increases fairness to the complainant, but also improves internal accountability and facilitates continuous improvement of the complaint handling system. It is essential to objectivity, accountability and transparency that internal reviews are conducted by officers who have no previous involvement with the issue.

⁷ Sec 270, *Local Government Act 1999* (SA).

⁸ Sec 269, *Local Government Act 2009* (Qld).

46. The enquiry identified inconsistency across local councils around internal reviews. For example, some councils allow multiple reviews, while other councils only allowed a single review. More concerning however, is that:

- some councils allow officers who were involved in the original complaint or matter to conduct the internal review
- 29 councils, or more than a third, appear to not have any internal review policy.

Case study 3: Internal review

A resident was issued with an infringement notice when a council ranger allegedly found her two dogs roaming outside her property. The complainant wrote to the council seeking a review of the decision to issue the infringement. The council manager who signed the cover letter to the complainant accompanying the infringement notice was also involved in the internal review of the issue of the infringement. It therefore appeared from the documentation that the officer issuing the infringement had also been responsible for the council's internal review.

In response to enquiries by the Victorian Ombudsman, the council advised that the manager who conducted the internal review had not been involved in issuing the infringement, but had only signed the cover letter. The council acknowledged the confusion caused by the manager's signature of the cover letter. The council changed its procedure to ensure that those officers who issue infringement notices and those who conducted internal reviews would be responsible for signing the relevant individual cover letters in the future.

This example demonstrates the importance of both impartiality and *the appearance of impartiality* to the credibility and effectiveness of an internal review process.

Source: Victorian Ombudsman.

Recommendation 2

The Minister for Local Government consider including within the *Local Government Act 1989*, a requirement that councils have a complaint handling policy and procedures, and an internal review function for reviewing council complaint handling decisions.

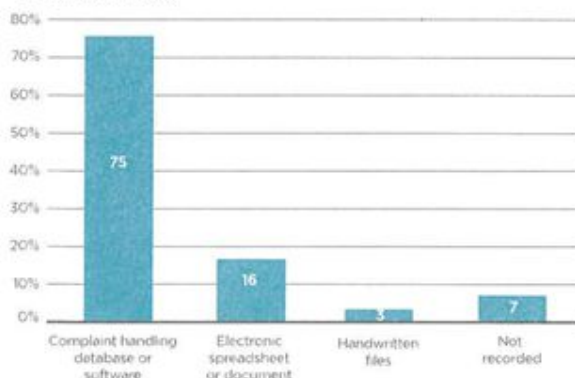
Response from the Department of Environment, Land, Water and Planning:

No objection in principle regarding the implementation of this recommendation.

Recording basic complaint data effectively

47. An area that requires significant improvement is recording and analysis of complaints. Forty-one councils do not record the number of complaints they receive. The reasons for this included:
- council does not discern between a complaint and a request for service
– a rural council
 - low volume of complaints received
– a rural council
 - complaints data is collected in a number of different databases [and] meaningful complaint categories do not exist in the system – a metropolitan council.
48. The methods councils use to record complaints are shown in Figure 3.

Figure 3: Methods councils use to record complaints (%)⁹



Source: Victorian Ombudsman Survey: Complaint handling in local government.

49. Thirty-eight councils reported that they used multiple systems within their council to record complaints.

We do not [have] a system currently that records complaints – *a regional council*

Complaints are recorded through several of Council's [business] units... – *a metropolitan council*

Many complaints are redirected to external contractors – *a metropolitan council*

Many staff do not know how to use the [recording] system, and [because] there are no formal guidelines on how Council would like complaints captured, monitored and processed – *a metropolitan council*.

50. The recording of complaints is an area where councils acknowledge, improvement is required. In order to efficiently and effectively track and analyse complaints, I consider that they should be recorded in a centralised database/recording system.
51. Data and trend analysis to inform service improvements will be more efficient if councils have a common system, across all business units, for categorising and recording complaints.

Improving complaint reporting and analysis

52. Forty-four councils said they analyse complaints to identify issues, trends and make improvements. Councils advised this office:

We use the data from our CARS system, [complaints and requests], to both inform decision making as well as identify ways we can develop a pro-active (rather than a re-active, bandaid fix) approach to customer service – *a rural council*.

... across Council, various business units will consider 'hot topics' or 'common complaints' where appropriate and consider whether there are opportunities to change processes, improve communications, or take other actions to address the underlying issue. This might manifest itself in new or improved Standard Operating Procedures for staff in Council's Call Centre, or changes to template letters in Local Laws, improvements to forms or the deployment of one of Council's Business Analysts to conduct a review of a particular process or activity within a department – *a metropolitan council*.

... Complaints about waste drove the recent selection of collection routes through rollout of new garbage and recycling plan – *a rural council*.

53. Thirty-four councils said they do not analyse complaints, for reasons including:

... Lack of resources limits Council's ability to regularly analyse complaints to any great detail – *a rural council*

Because of the lack of centralised reporting it is very difficult to identify trends unless the investigator recalls similar complaints made previously – *a metropolitan council*.

54. The proportion of councils that analyse complaints is lower among regional and rural councils. The most common reason was the lack of formal reporting systems to facilitate this.

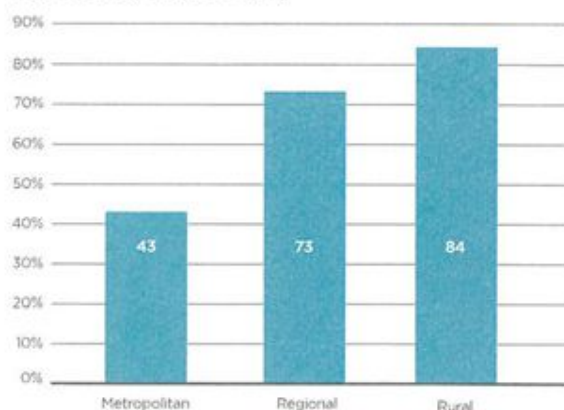
⁹ Percentages add up to 101 due to rounding.

55. Twenty-two councils rated their performance as 'poor' in identifying recurring and systemic issues from complaints and making recommendations for improvement; 34 councils rated themselves as 'satisfactory' in this respect, 19 as 'good' and four as 'excellent'.
56. The Local Government Act sets out the Best Value Principles all councils must adhere to. One principle is that 'Council must achieve continuous improvement in the provision of services for its community'¹⁰. Analysing complaints can assist with this.
57. Even if a council receives a low number of complaints, systemically reviewing and analysing complaints will ensure that no trend or systemic issue is missed.
58. Councils' senior management should regularly receive an analysis of complaint issues and trends, and act on recommendations to improve services.

Key performance indicators

59. In addition to analysing complaint handling data to identify systemic service delivery issues and areas for improvement, well-recorded complaint data can be used to monitor the performance of officers in handling complaints. It is therefore beneficial for councils to adopt key performance indicators in relation to complaint handling.
60. Fifty-two councils, or about two thirds, do not have key performance indicators (KPIs) for their complaint handling function. Figure 4 shows that over 80 per cent of rural councils do not have complaint handling KPIs.

Figure 4: Councils that do not have key performance indicators or other performance measures related to complaint handling (% / councils by location)



Source: Victorian Ombudsman Survey: Complaint handling in local government.

61. Several councils said they would like guidance on developing complaint handling KPIs.
 62. Common KPIs in place for complaint handling included:
 - timeframes for responding to complaints
 - reducing the number of complaints.
- One council stated:
- The Customer Focus Strategy has a KPI to decrease the number of complaints by 5%, 10% and 15% over 3 years – a metropolitan council.
63. While it is encouraging that this council has recognised the importance of complaints and developed a KPI aimed at reducing complaints, having such a KPI may undermine the development of a receptive culture to complaints. It is advisable for KPIs relating to complaints to focus on how well complaints received are handled, rather than on how many complaints are received.

¹⁰ Sec 208B(d), Local Government Act 1989 (Vic).

64. If a KPI focussing on complaint numbers is considered appropriate, a KPI aimed at reducing the number of complaints substantiated (that is reducing the incidence of service delivery issues/errors) is more useful than a KPI aimed at reducing the number of complaints received. The *Good Practice Guide* provides further advice on complaint handling KPIs.
65. Only 15 councils make their complaint data public. Those councils release data in the following ways:
- Quarterly Performance Reports to Council – a metropolitan council
 - A monthly report is available for public viewing upon request – a regional council
 - Under provisions of the Freedom of Information Act – a rural council.
66. Thirty-one councils rated themselves as performing poorly in reporting complaints and outcomes against documented standards. Twenty-nine councils rated their performance as 'satisfactory', 13 as 'good' and six as 'excellent'.
67. By having complaint handling KPIs, councils can measure their effectiveness in handling complaints. Reporting publicly on complaint handling KPIs makes councils accountable to the community for their complaint handling performance.

Handling complaints made directly to councillors

68. Councillors often receive complaints from members of the public. This is a part of their municipal role. Consultations with councils highlighted that this is an area where councils would benefit from guidance.
69. Forty-five councils have a policy for managing complaints made directly to councillors¹¹. Councils rated their policies as 'good' (28 councils), 'satisfactory' (11 councils) or 'excellent' (six councils). No council rated their policy as 'poor'.
70. Common processes for complaints received by councillors include:
- councillor refers complaint to council administration for action
 - council administration reports complaint progress to councillor
 - council administration communicates with the complainant.
71. Thirty-five councils do not have a policy for complaints made to councillors. In the absence of a documented policy or process, councils cannot be assured that such complaints are being handled consistently, objectively and transparently.
72. One rural council highlighted the following difficulties when councillors receive complaints:
- Not all elected representatives are as diligent as others about reporting matters promptly.
 - Also, once they have reported an issue, it is sometimes difficult for them to retain an 'arm's length' approach.
73. One metropolitan council described the differing processes it uses to handle complaints received by councillors and complaints received by council staff:
- Requests or complaints to councillors have a tighter seven day turnaround and are to be dealt with by the appropriate manager. Response times are monitored by EMT [management team] and requests/ complaints cannot be closed until the Councillor is satisfied it has been properly dealt with ... Councillor complaints often get preferential outcomes which other residents do not receive when dealt with by staff within established guidelines and often stretch our resources.
74. In principle, all complainants to the council about council administration should be handled and responded to consistently, regardless of who received the complaint, whether a councillor or a council staff member. It is best for councillors to leave operational issues to the council to manage. This helps to maintain the distinction between the political and operational functions of councils.

¹¹ Four councils appear to have misread the question as complaints made about councillors or the mayor.

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75. Failure by councils to establish clear policies and procedures for handling complaints made to councillors can result in complainants being treated unfairly, expose the council to criticism and create tension between councillors and council staff.

Anonymous complaints

76. Seventy-three councils allow members of the public to lodge complaints anonymously. The survey responses indicated that most councils handle anonymous complaints similarly to the way they handle other types of complaints.
77. However, some stakeholders raised concerns about the potential for anonymous complaints to be vexatious or misconceived and suggested that councils should only consider these complaints when health or safety issues had been raised.
78. There are many reasons why a person may choose to complain anonymously. While I have considered the concerns raised by the stakeholders, I remain of the view that councils should accept and investigate anonymous complaints, where they have sufficient information do so. It appears that the majority of councils are responding to anonymous complaints in this way.

Managing unreasonable complainant conduct

79. Forty-four councils find 'unreasonable complainant conduct'¹² or contact management¹³ one of the most challenging aspects of complaint handling. During consultations, council staff said it was hard to know when to 'draw the line' and start contact managing a complainant who was behaving unreasonably.

80. Forty-three councils train their staff in managing unreasonable complainant conduct. Thirty-five councils have a policy or other written advice on managing unreasonable complainant conduct or contact managing complainants.

81. Of the councils who have a policy or other written advice:

- five rated it as 'excellent'
- 21 rated it as 'good'
- eight rated it as 'satisfactory'
- one rated it as 'poor'.

82. Unreasonable complainant conduct is a challenging and stressful area for complaint handling staff. Having appropriate policies, training and culture around how unreasonable behaviour from complainants will be handled is an important way councils can support their staff in managing these challenges.

83. The model policy template included in the *Good Practice Guide* includes guidance on unreasonable complainant conduct. The guide also provides advice and links for managing unreasonable complainant conduct and contact management. I acknowledge that this is a significant area of concern for councils. In recent years this and other Australian Ombudsman offices have developed detailed resources aimed at assisting bodies better manage unreasonable complainant conduct. These resources are listed in the bibliography to the *Good Practice Guide*.

¹² 'UCC' or 'unreasonable complainant conduct' is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the parties to a complaint. This may include the organisation or case officer responsible for handling a complaint; the subject of the complaint; the complainant, their family, or friends; or other complainants or service users.

¹³ 'Contact management' involves modifying or limiting the ways in which a complainant is allowed to contact a body, to minimise the impacts and risks posed by their behaviour.

Different approaches to complaints about third party contractors

84. Some of the most basic yet significant council services are provided by third party contractors on behalf of councils. These include:
- waste management: 55 councils
 - road and footpath maintenance and construction: 30 councils
 - tree services, parks and gardens and open spaces maintenance: 23 councils
 - infrastructure and capital works: 15 councils
 - aquatic and leisure services: 13 councils.
85. The most common complaints received by councils – about roads or traffic, rubbish collection and trees– relate to services which are often delivered by contractors. This highlights the importance of councils having effective complaint handling procedures for services provided by third party contractors.
86. Thirty-six councils allow third party contractors to respond directly to complaints made about the services they provide. In some instances, when deciding whether to allow the contractor to respond, councils considered:
- the type of complaint:
... our contractor for recycling bins would respond about a missed bin, but not about the conduct of their staff
– a metropolitan council
 - the contractor being complained about:
Council's Leisure and Aquatic Facilities are managed under contract by [contractor] which has a mature business model. The [contractor] would handle the majority of complaints received about the service they provide on behalf of Council
– a metropolitan council.
87. Two councils, which do not allow contractors to respond to complaints, set out their processes as follows:
- The complaint is made to Council's customer service centre, referred to the Council Officer and then investigated by the Officer and Contractor. If required, a response is provided by Council. Complaints received directly to the contractor are required to be forwarded to council for review and response
– a regional council
- When a complaint is received regarding a third party contractor it is followed up by officers and a response is conveyed to the complainant from Council – a regional council.
88. Fifty-five councils said that when they recorded complaints, they did not specifically identify complaints made about third party contractors, for reasons including:
- Complaint records are based on the issue the customer has with a service or product [and] not by who delivered them
– a metropolitan council
- The current [IT] system configuration does not support this differentiation
– a metropolitan council
- [third party contractor complaints are] ... not recorded in a central place and reporting varies across the business units. The complaints are not consistently differentiated as being against a third party – a metropolitan council
- All complaints [are] handled either by the contractor or Council, once resolved, the information may not always be retained or logged onto a formal register
– a metropolitan council.

89. Of those councils who record complaints made about third party contractors, the number of complaints received ranged from 0 to 2,531 for 2013-14. One metropolitan council reported that they received only two complaints about a third party contractor; another reported that they received over 2,500. This disparity may be explained by councils' different record keeping practices or differing definitions of 'complaint' and may not accurately reflect the number of complaints actually received.

90. Councils retain a level of accountability for their services, irrespective of who delivers those services on the council's behalf. The *Good Practice Guide* provides guidance on overseeing contractors' complaint handling practices. If a council allows a contractor to respond to complaints on its behalf, it needs to be satisfied that the contractor's complaint handling process is adequate. For example, one council described its oversight of contractor complaint handling as follows:

All third party contractors have various key performance complaint indicators built into contract specifications and contractor performance is monitored by Council Contract management staff
– a metropolitan council.

91. If councils permit their contractors to handle complaints directly, there needs to be a mechanism for complainants to escalate their complaints to the council if they remain dissatisfied with the contractor's handling of their complaint.

Managing complainants' expectations

92. Sixty-eight councils regarded managing complainants' expectations as the most challenging aspect of complaint handling. 'The public's lack of understanding of the issue being complained about' was the next most common response, given by 54 councils. Clearly, these two aspects are interrelated – a lack of understanding can drive unrealistic expectations.

We are finding more and more customers want a near instantaneous answer on often what can be quite complex matters, and are unwilling to acknowledge that we may need to undertake various processes/ investigations before we can respond
– a metropolitan council.

93. The *Good Practice Guide* provides tips on managing expectations when dealing with complainants. An effective strategy to assist with managing community expectations is to provide complaint information on council websites and ensuring the information is easy to locate. Twenty-nine councils do not have information about making a complaint on the home page of their website. Nineteen councils said that their policies and/or procedures were not available to the public via their website or upon request.

94. Some common types of complaints are bound by legislation, such as infringements, planning and rates. In these cases, councils may have limited discretion as to how they respond to a complaint. To manage community expectations, councils should publicise what they can and cannot do about these complaints and any other information that will assist complainants to understand the process.

95. For some areas of complaints, standard fact sheets or advice for all councils would be informative for the community and of assistance to councils in managing expectations. Local Government Victoria may be best placed to prepare, or coordinate the preparation of this advice.

96. In all cases, when preparing information for the community, councils need to consider what people need to know and where they can access further information to resolve their issues.

Recommendation 3

That Local Government Victoria develop, or coordinate the development of, standard fact sheets or advice for local councils relating to issues bound by legislation – such as rates, infringements and planning.

Response from the Department of Environment, Land, Water and Planning:

Local Government Victoria will undertake the development of the fact sheets.

Complainants' right to complain to the Victorian Ombudsman

97. Most councils – 65 in total – advise complainants of this office's role as an independent agency of review. Of these councils:
 - 43 provide verbal advice
 - 33 provide advice in their final outcome letters
 - 25 provide advice on their website
 - 19 provide a direct link on their website.
98. All councils should inform complainants of this office's role and the role of other external avenues of review available to them at the conclusion of their complaint.
99. This information should be readily available on councils' websites, as well as in general correspondence to members of the public on matters that may give rise to a complaint. For example, councils should include information about any other avenues through which the complainant can continue to pursue their complaint in all outcome letters following council's internal review.

Figure 5: Example of advice on the role of the Victorian Ombudsman on a council website

What if the matter still cannot be resolved and I wish to escalate it?
If you're not satisfied with the response you may refer the matter to the Manager or the General Manager of the relevant division. Additionally you may refer the matter to the Chief Executive Officer.

What further actions are available to me?
If you are not satisfied with the outcome of your concerns, you have the right to take your complaint to an external agency such as Ombudsman Victoria, by phoning 9613 6222 or toll free on 1800 806 314.

E-mail: ombudvic@ombudsman.vic.gov.au
Web site: www.ombudsman.vic.gov.au

Source: Victorian Ombudsman Survey: Complaint handling in local government.

Appendices

Appendix 1 – Stakeholders consulted

As part of the enquiry, we met with a range of individuals and organisations. These consultations allowed my staff to gain a comprehensive understanding of the issues for local councils in complaint handling and opportunities for improvement.

The individuals and organisations consulted were:

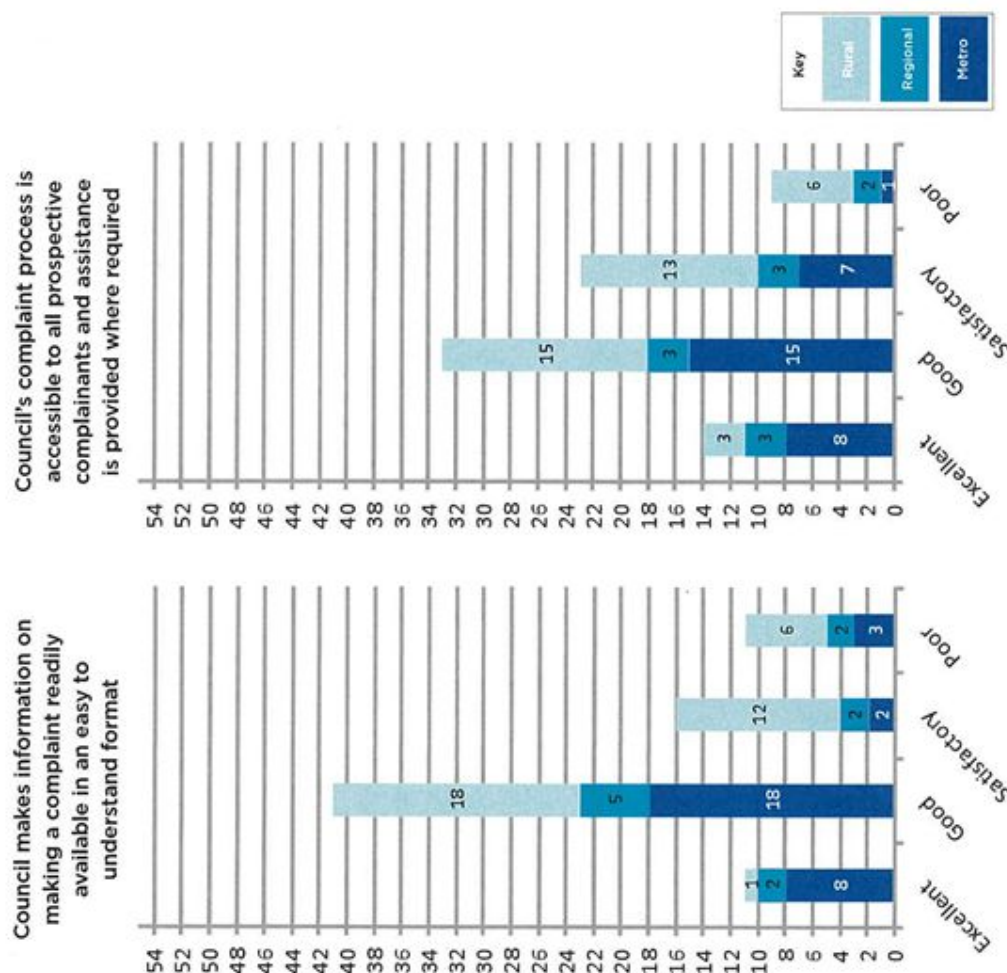
- three community organisations:
 - one community legal organisation
 - one multicultural organisation
 - one ratepayers' association
- three local government peak bodies
- one government department
- one local government regulator
- one dispute resolution body
- four council chief executive officers
- two councillors
- two mayors
- eight councils:
 - five metropolitan councils
 - two regional councils
 - one rural council
- one legal organisation
- two interested individuals:
 - one local government consultant
 - one former council administrator
- staff in the local government areas of the NSW and WA Ombudsman offices.

Appendix 2 – Self-audit results

As part of the survey into complaint handling in local government, councils were asked to rate their compliance with 10 statements, which were modelled on the *Australian Standard: Customer satisfaction – Guidelines for complaints handling in organisations (ISO 10002:2006)*¹⁴.

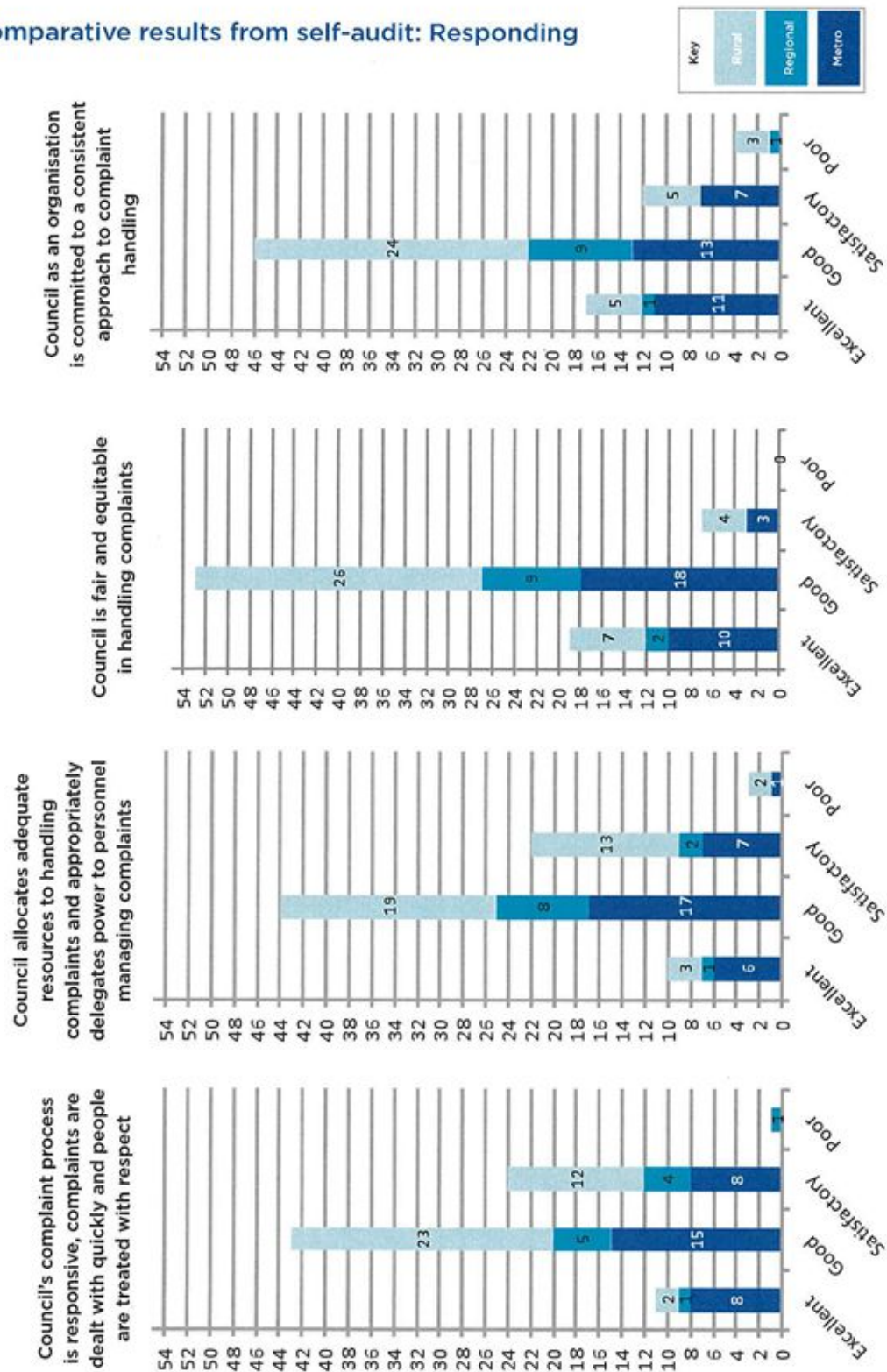
The summary results are shown below. The number of councils responding to each statement is shown, grouped according to metropolitan, regional and rural council locations.

Comparative results from self-audit: Enabling

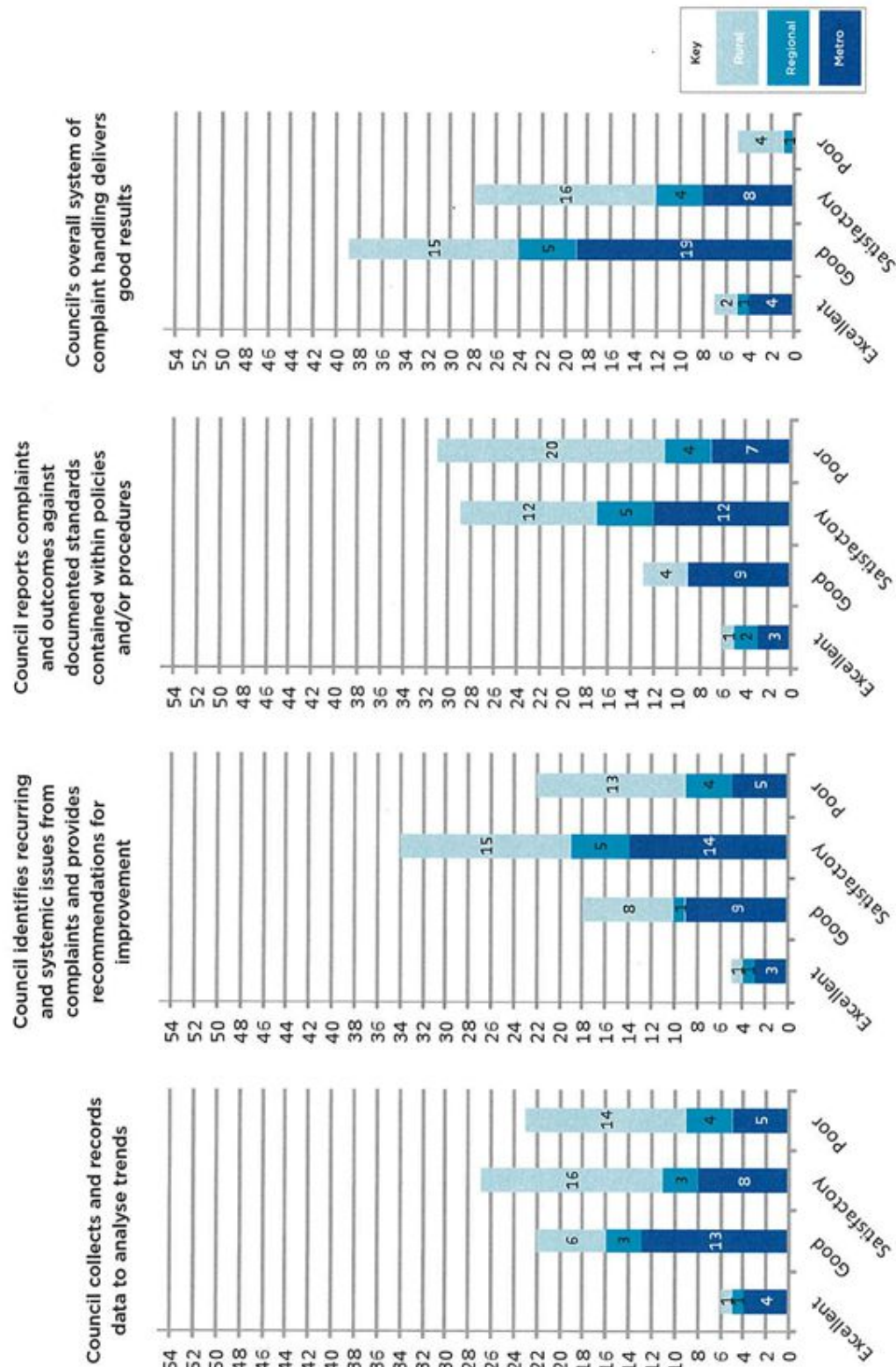


¹⁴ ISO 10002:2006 has now been replaced by AS/NZS 10002:2014, which was approved on behalf of the Council of Standards Australia on 4 September 2014 and published on 19 October 2014.

Comparative results from self-audit: Responding



Comparative results from self-audit: Learning and improving



Appendix 3 – Metropolitan, regional and rural councils

Metropolitan councils (31)	Rural councils (37)
Banyule City Council	Alpine Shire Council
Bayside City Council	Ararat Rural City Council
City of Boroondara	Bass Coast Shire Council
Brimbank City Council	Baw Baw Shire Council
Cardinia Shire Council	Benalla Rural City Council
Casey City Council	Buloke Shire Council
City of Darebin	Shire of Campaspe
Frankston City Council	Central Goldfields Shire Council
Glen Eira City Council	Colac Otway Shire
City of Greater Dandenong	Corangamite Shire Council
Hobsons Bay City Council	East Gippsland Shire
Hume City Council	Gannawarra Shire Council
Kingston City Council	Glenelg Shire Council
Knox City Council	Golden Plains Shire Council
Manningham City Council	Hepburn Shire Council
Maribyrnong City Council	Hindmarsh Shire Council
Maroondah City Council	Indigo Shire Council
City of Melbourne	Loddon Shire Council
Melton City Council	Macedon Ranges Shire Council
Monash City Council	Mansfield Shire Council
Moonee Valley City Council	Mitchell Shire Council
Moreland City Council	Moir Shire Council
Mornington Peninsula Shire Council	Moorabool Shire Council
Nillumbik Shire Council	Mount Alexander Shire Council
City of Port Phillip	Moyne Shire Council
City of Stonnington	Murrindindi Shire Council
Whitehorse City Council	Northern Grampians Shire Council
Whittlesea City Council	Pyrenees Shire Council
Wyndham City Council	Borough of Queenscliffe
Yarra City Council	South Gippsland Shire Council
Yarra Ranges Council	Southern Grampians Shire Council
	Strathbogie Shire Council
	Surf Coast Shire Council
	Towong Shire Council
	Wellington Shire Council
	West Wimmera Shire
	Yarriambiack Shire Council

Regional councils (11)
Ballarat City Council
Greater Bendigo City Council
City of Greater Geelong
Greater Shepparton City Council
Horsham Rural City Council
Latrobe City Council
Mildura Rural City Council
Swan Hill Rural City Council
Wangaratta Rural City Council
Warrnambool City Council
Wodonga City Council

Appendix 4 – Councils and complaints – A good practice guide

The Victorian Ombudsman has published *Councils and complaints – A good practice guide* as a separate volume.

To download an electronic copy, visit the website at <www.ombudsman.vic.gov.au>

To request a hard copy, please contact the Victorian Ombudsman.

Email ombudvic@ombudsman.vic.gov.au

Phone 03 9613 6222

Regional freecall 1800 806 314

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Councils and complaints – A good practice guide

February 2015

Ordered to be published
Victorian government printer
Session 2014 - 15
P.P. No. 21
Vol 2 of 2

Contents

Introduction	2
Purpose of the guide	2
What is a complaint?	4
Complaint handling principles	6
1. Enabling complaints	7
2. Responding to complaints	9
3. Learning and improving	18
Bibliography	21
Appendix 1 – Model local government complaint handling policy	22

Introduction

Councils' activities are diverse and extensive. They maintain significant infrastructure, provide more than 100 different services and enforce various laws for their communities. Community infrastructure maintained by councils in Victoria is estimated to be valued at over \$40 billion and includes roads, bridges, drains, town halls, libraries, recreation facilities, parks and gardens. Services provided by councils are also diverse. They include property, economic, human, recreational and cultural services. Councils also enforce State and local laws relating to such matters as land use planning, environment protection, public health, traffic and parking and animal management¹.

Given the breadth of services councils provide to Victorian communities, it comes as no surprise that they receive a large number of complaints. While complaint handling is a core function of local councils, handling complaints can be a challenge.

Purpose of the guide

This guide has been prepared in consultation with all Victorian councils and key stakeholders. It provides practical and useful advice to assist councils in ensuring that their complaint handling systems² are effective, efficient and promote fairness, integrity, respect for human rights and administrative excellence in the local government sector.

An effective complaint handling system – comprising systematic recording of complaints and outcomes, and analysis of data – can enable councils to improve their services.

This guide is structured around the following three concepts, generally recognised as fundamental to complaint handling:

1. *Enabling complaints* – how councils receive complaints
2. *Responding to complaints* – how councils manage complaints
3. *Learning and improving* – how councils can use complaint data to improve service delivery.

¹ <www.dpcd.vic.gov.au/localgovernment/guide-to-local-government/what-councils-do> at October 2014.

² 'Complaint handling system' is the way complaints are dealt with by a council, including the policy, procedures, practices and any technology, including electronic systems and reporting mechanisms.



Figure 1: Stages of complaint handling

Each council needs to decide how their complaint handling system will work. This guide can be used to assess how current processes, procedures and mechanisms can be improved, or as an aid to develop new systems.

This should be done in line with the following seven key principles for effective complaint handling³, which are outlined in Figure 2.



Figure 2: Principles of effective complaint handling

³ Adapted from the Australian Standard: Customer satisfaction – Guidelines for complaints handling in organizations (ISO 10002:2006, MOD).

A model complaint handling policy template is also included in this guide to assist councils and to promote consistency in complaint handling across the local government sector.

The selective bibliography highlights some of the sources of data used to compile this guide.

The following symbols are used throughout the guide:



Examples of good practice



Traps to avoid



Tips to improve

What is a complaint?

A clear and consistently applied definition is the best way for councils to gather accurate data about the level of community satisfaction with services and to improve service delivery. Accordingly, it is vital that councils define the term.

The Ombudsman's preferred definition of 'complaint' is as follows:

A complaint is an expression of dissatisfaction with:

- *the quality of an action taken, decision made, or service provided by a council or its contractor*
- *a delay or failure in providing a service, taking an action, or making a decision by a council or its contractor.*

Not all complaints meeting this definition will be dealt with via the same process. Some complaints are required to be handled according to statute, such as those concerning infringements and some planning matters. However, these should still be included in a council's complaint handling data and analysis and the core complaint handling principles remain applicable.

Complaints falling outside any specific statutory review scheme should generally be handled in accordance with a council's complaint handling policy.

While this guide is concerned with complaints, it is necessary to understand the difference between a 'complaint' and a 'request for service'.

A request for service is:

Contact with the council to seek assistance, access to a new service, advice or to inform/ make a report about something for which the council has responsibility.

Some common examples of complaints and requests for service are outlined below.

Complaint to be dealt with according to the council's complaint handling policy	Request for service
I put my bin out on time this morning and the truck didn't collect it.	I forgot to put my bin out this morning and missed the collection truck. Can you send someone to collect my bin this afternoon?
The council has said the neighbour's barking dog isn't breaching any noise laws, but I think the council is wrong and they just haven't investigated the situation properly.	My neighbour's dog keeps barking and I can't sleep. Can the council do something about it?
I reported a pothole on Wests Road to the council six weeks ago. I haven't heard anything since and it still hasn't been fixed.	There is a pothole on Wests Road. Can you send someone to fix it?

Source: Victorian Ombudsman.



Complaint vs a service request

A number of councils advised that when residents stated that their bins had not been collected on any given week, this was considered to be a 'request for service' and not a complaint.

Councils generally considered that residents often failed to put their bins out prior to collection, and then contacted the council to falsely report that the collection did not occur. Accordingly, councils record these contacts as requests to provide rubbish collection, not complaints.

This approach raises a number of concerns:

- categorising contacts such as these as requests is often arbitrary and not in accordance with the definition of 'complaint' as provided in council policies
- councils commit to providing services such as rubbish collection, and if that service is not provided, people should have the right to complain
- it assumes that residents are being dishonest about their grievances
- it may indicate that systemic service delivery issues are not being appropriately addressed.

While councils indicate that this and similar issues are handled responsively in individual cases, the classification of these issues is inappropriate for data gathering and analysis and a missed opportunity to improve customer service.

Source: Victorian Ombudsman consultations.

Complaint handling principles

An effective complaint handling system should be based on the following principles.

1. Commitment

The council is committed to resolving complaints. The organisation's culture recognises people's right to complain and considers complaint handling to be part of the core business of serving the community and improving service delivery.

2. Accessibility

People can easily find out how to complain to the council, and council staff actively assist them with the complaint process.

3. Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny, except where the need for confidentiality prevails.

4. Objectivity and fairness

Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

5. Confidentiality

The complaint handling system protects the personal information of people making a complaint, and council staff are informed only on a 'need to know' basis.

6. Accountability

The council is accountable, both internally and externally, for its decision making and complaint handling performance. It provides explanations and reasons for decisions, and ensures that its decisions are subject to appropriate review processes.

7. Continuous improvement

Council staff regularly analyse complaint data to find ways to improve how the council operates and how its services are delivered. The council then implements these changes.

1. Enabling complaints

Councils committed to effective complaint handling should have complaint processes which reflect the needs, expectations and rights of complainants. How to complain to the council about a service should be well known and easily understood.

1.1 Councils should recognise the value of complaints and have a collective commitment to positively and professionally resolve them.

- Council staff should treat complainants with respect and empathy, support them in making complaints, and not treat them differently because they have made a complaint.
- A positive and receptive culture around complaints should be set by the council executive, developed by managers, and maintained by providing induction and ongoing complaint handling training to staff.
- Councils should not adopt a 'defensive' approach to complaints or be afraid of identifying and addressing mistakes that may have been made.



Making a strong statement of commitment

Council aims to achieve service excellence across all areas, for every customer. We recognise that all members of our community expect us to provide a personalised, responsive service. We work to meet those expectations by:

- listening to you
- making sure our services are easy for you to access and use
- responding appropriately to your needs and
- maintaining a continual focus on improving our service standards.

At all times, we encourage you to offer us feedback on both the services we offer, and the way they are delivered. By telling us what we're doing well, and where you would like to see an improvement, you help us stay connected with the community and continue to meet your needs.

1.2 There should be a consistent approach across the council to handling complaints.

- Councils should develop and implement a complaint handling policy.
- Every person employed by or providing a service on behalf of the council should understand the complaint handling system, and be able to explain how to make a complaint and how it will be handled.



Developing a complaint handling policy

A good complaint handling policy should inform people of:

- how, where, and to whom complaints can be made
- how the complaint will be handled and the steps involved
- the mechanisms for review if the complainant is dissatisfied with the outcome
- key performance indicators, such as response times
- external bodies that may provide assistance or review matters if the complainant remains dissatisfied e.g. Community Legal Centres, Victorian Ombudsman.

An example complaint handling policy template is at **Appendix 1**.

1.3 The complaint handling process and information about common complaints needs to be transparent.

This is achieved by:

- publishing the complaint handling policy online and making it available in hard copy format upon request
- implementing a website search function that retrieves the complaint handling policy and related information when a person types the term 'complain[t]'

- including a prominent link on the council's home page for making a complaint, including information and links to the relevant policy
- providing detailed information online on common complaints and other relevant agencies
- publishing information about topics that are largely governed by legislation (e.g. planning, rates and infringements), clearly stating the roles of the council and other relevant agencies.

1.4 A complaint handling system should be accessible and easy for all people to understand and use.

- Councils should be aware of the key characteristics of their communities (e.g. age, ethnicity, and other special needs) to ensure access to council services and complaint handling processes. Councils should also proactively engage with stakeholder and advocacy groups with clients within these key demographics.
- Support and special arrangements should be provided for people with specific needs, such as interpreter services and translating complaint information into languages other than English. Alternative formats should also be provided upon request.
- Councils should accept complaints by at least the following four methods:
 - by telephone
 - in writing via letter
 - in writing online, either via email or a website form
 - in person.



Making it easy to complain by phone

One council operates a specialised customer service centre, staffed with customer service officers and technical experts. As a result of this approach, calling the council has become the community's preferred method of contact. The centre fields almost 250,000 calls each year, with 86 per cent of these being resolved by the person taking the call.

Source: Victorian Ombudsman consultation with a metropolitan council.



A model approach to accessibility

Some councils demonstrate a clear commitment to making themselves accessible to the community. For example, one council states:

In conducting our business, we will:

- Provide a dedicated Customer Service Line Monday to Friday from 8:30am - 5:00pm
- Provide a dedicated Emergency After Hours Line available from 5:00pm - 8:30am weekdays and 24/7 on weekends
- Provide a dedicated Multilingual Telephone Line which can be accessed by customers who speak a language other than English available Monday to Friday from 8:30am - 5:00pm
- Support communication with customers through the National Relay Service
- Provide Auslan sign language interpreters with prior notice
- Provide information that is accurate, current, and in languages spoken by our community
- Be available for contact by telephone, online, in writing, and in person.

Source: A metropolitan council's customer service document.

2. Responding to complaints

To respond to complaints fairly and objectively, councils need to have transparent processes in place. Setting and adhering to timeframes for resolving complaints is also crucial. Responding effectively requires the council to offer a remedy when a mistake has been made. Councils also need to inform complainants of how they can seek a review of a council decision.

2.1 When receiving complaints, frontline staff should *confirm their understanding of the complaint*, then *assess how best to respond*.

- To demonstrate its commitment to resolving complaints, councils' frontline staff should be trained to take all complaints seriously. This includes accepting and responding to anonymous complaints where there is sufficient information to do so.
- Councils should acknowledge all complaints within 10 business days of receipt.
- When receiving a complaint, frontline staff should:
 - clarify the complaint and the outcome that the complainant is seeking
 - assess the complaint to determine the next steps, such as:
 - how it should be dealt with
 - when it should be dealt with
 - who should respond
 - whether further information or investigation is required.
- If council cannot handle a complaint, or the complaint falls outside the council's responsibilities, staff should have appropriate knowledge to refer the complainant to an agency that can assist.
- If there is any confusion or a dispute about which agency is responsible for a complaint, the council should take steps to reach an agreement with the other agency about who will handle the complaint, rather than leaving it to the complainant to resolve. Council staff should obtain the complainant's permission to share their personal information prior to contact with a third party.



Considerations when assessing complaints

- A complainant should be personally affected by the issue or have authority and a sound reason to complain on another person's behalf.
- A complainant should identify a reasonable and achievable outcome.
- Trivial, vexatious or frivolous matters can still be complaints. However, the response to such complaints should be proportionate to the seriousness of the issue.



Who is responsible for this?

A local resident complained to his council that surface water was not draining from a reserve behind his property, causing damage to his garage. In response, both the council and VicRoads advised the complainant that the matter was not their responsibility, but that of the other agency.

The Victorian Ombudsman investigated the complaint to establish which agency was responsible for maintaining the reserve and the drain located on it. All parties met onsite and agreed to engage an independent surveyor to establish the cause of the damage.

In this case, it would have been preferable for the council to engage with VicRoads to reach an agreement about how the complaint would be handled. Had the council done so, the complaint could have been resolved without escalation to the Ombudsman.

Source: Victorian Ombudsman.



Neighbourhood disputes

Councils often become involved in disputes due to their role in enforcing laws and maintaining infrastructure affecting more than one residence. Neighbourhood disputes can be particularly complex as they often involve multiple issues. The parties may also have a history of conflict and a strong emotional involvement due to the impact of the issues on their home, family, health or quality of life.

When councils receive a complaint regarding a neighbourhood dispute, they need to carefully assess the complaint to clearly identify the issues they are responsible for addressing, such as investigating whether a local law has been breached.

Councils should not dismiss complaints as 'a matter between private individuals' or refer it to another agency for dispute resolution without first ensuring they have examined and dealt with any issues within their remit. Councils should clearly inform the complainant which aspects of the dispute they are able to assist with and provide referrals for any remaining issues.

Sometimes it may not be clear if and when to refer a matter to another agency. To ensure such disputes or complaints are resolved expediently, councils should build relationships with local dispute resolution services, such as the Dispute Settlement Centre of Victoria, to guide any referrals.

Source: Victorian Ombudsman consultations.



That's not my problem!

A resident reported a neighbour's barking dog to her council several times over a period of a year. The resident called the council to complain that the neighbour was failing to keep the dog inside at night, as had been negotiated with the council. The council told her it could do nothing further about the situation and referred her to a dispute resolution service. The dispute resolution service advised the resident that it believed that the complaint was still a matter for council, as under the council's local laws, it could take further action. Ultimately, the dispute resolution service referred the complainant to the Victorian Ombudsman for advice.

There is sometimes more than one forum through which a complaint could be addressed. In this case, the multiple referrals the resident received while she attempted to find the appropriate forum to resolve her dispute could have been avoided if the council had liaised with the dispute resolution service prior to making the initial referral. Ongoing relationships and dialogue between councils and agencies to whom they regularly refer complaints can assist councils and referral agencies to better understand each other's jurisdiction and make the referral process more efficient.

Source: Victorian Ombudsman.



When a councillor receives a complaint

To ensure transparency and fairness, complaints received by councillors should be treated the same way as ones made to council officers.

An integral role of councillors is to be accessible to residents and improve communication between the community and the council. As the public face of the council, councillors often receive complaints from members of the public while undertaking their municipal role. In these cases, it may be unclear what a councillor's role is in handling complaints.

Councils should have transparent and consistent procedures to manage complaints received by councillors. If a councillor receives a complaint about an issue that falls within the council's normal functions⁴, the councillor should refer the complaint to a designated senior council officer. This is generally the Chief Executive Officer or a Director. The complaint should then be handled in accordance with the council's complaint handling policy.

The councillor who initially received the complaint may wish to write to the complainant advising that they have referred the complaint to council staff for response. They may also wish to seek information from the senior officer about the progress of the complaint, however they must not seek to direct or influence the complaint handling process. Council staff may keep councillors up-to-date on the resolution of these complaints.

Once an outcome is reached and council staff have written correspondence reflecting this, a council officer should sign the outcome letter.

This process needs to be conveyed and understood by councillors and council staff. This will ensure that all complainants are treated equally, regardless of who received the complaint.



Complaints about councillors, CEOs and decisions made in council meetings

While the following areas of complaint are not the focus of the guide, it is beneficial for councils to give consideration as to how they will be handled. Processes should be put in place to ensure consistency and transparency.

Complaints about councillors

Complaints about councillors may be handled through different procedures to the ones outlined in this guide. Some councils have publicly available policies outlining how complaints about councillors are addressed. This information and transparency around such processes is likely to be of benefit to complainants, councillors and council staff.

Complaints about the Chief Executive Officer

The complaint process should be publicly available and set out:

- how to make a complaint about the Chief Executive Officer
- the actions mandated in Part 4, Division 4 of the *Local Government Act 1989*
- how the council will respond to the complaint.

Complaints about council decisions

It is also useful for councils to consider how complaints about decisions made at council meetings will be handled. The vast majority of council decisions follow consideration of a report prepared by council staff. In many circumstances, it may be appropriate for complaints about such decisions to be referred to the staff who wrote the report, as they would be best placed to explain the rationale behind the decision or provide further technical advice.

Source: Victorian Ombudsman.

⁴ Complaints about operational matters within the control of council staff.

2.2 Councils should aim to *resolve complaints within 28 days*.

- Complaints should be acknowledged within 10 business days.
- Where possible, complaints should be resolved within 28 days.
- If it is not possible to resolve a complaint within 28 days, the responsible officer should contact the complainant prior to or at this time to provide an update on the case.
- Complaints that are not resolved within 28 days should be subject to review and escalated if necessary to ensure that a resolution is expedited.

2.3 Councils should have a *tiered approach to resolving complaints*.

- Councils should have a four-tiered approach to resolving complaints:
 1. frontline complaint resolution
 2. investigation if required
 3. internal review
 4. access to external review.
- If frontline staff cannot resolve a complaint, it should be referred to an officer for investigation.
- The investigating officer should be of a position appropriate to question other council staff and request relevant documentation.
- The investigating officer is responsible for explaining what the complaint handling process involves, including the expected timeframe for resolution, and keeping the complainant informed while their complaint is investigated.



Managing expectations

Conflict in complaint handling often stems from differing expectations about how a complaint will be handled or the likely outcome.

- Manage expectations from the outset by asking the complainant what they want to achieve. This allows an assessment of whether the complainant's expectations are reasonable and achievable.
- Explain to the complainant how the complaint handling process works, how long it will take, who will deal with their complaint, and the likely outcomes.
- Specify what the council can and cannot do, or will and will not do.
- Identify any causes of conflict over which the council has no control or very limited discretion, such as statutory requirements or practical realities. Ensure that the complainant is aware of these, and explain that the council has little or no right or responsibility to act.
- Where the council cannot meet the complainant's expectations, try to shape realistic ones by explaining what the council can do and providing alternative avenues.

The Victorian Ombudsman's *Managing Unreasonable Complainant Conduct: Practice Manual* provides script ideas for testing and managing expectations.

Source: Victorian Ombudsman's *Good practice guide: Victorian Ombudsman's guide to complaint handling for Victorian public sector agencies*.



How staff can avoid escalating a conflict

- Keep your focus on the issue, not the person.
- Try to influence the complainant to focus on the issue, not their emotions. Ask questions about the facts to move the person from a 'feeling state' to a 'thinking state'.
- Find something to agree with, without necessarily agreeing with the complainant's point of view e.g. 'I agree that \$2,000 is a lot of money to lose'.
- When in doubt, ask questions to clarify your understanding e.g. 'From what you tell me it seems ... is this correct?'
- Don't defend, argue or deny – set aside your personal views and feelings.

Source: Victorian Ombudsman's *Good practice guide: Victorian Ombudsman's guide to complaint handling for Victorian public sector agencies*.

2.4 Councils are required to maintain confidentiality when handling complaints.

- The information councils gather should only be:
 - used to deal with the complaint or to address systemic issues arising from it
 - disclosed in a de-identified format when data is released to the public
 - shared with council staff on a 'need to know' basis.

2.5 To arrive at an *objective* and *fair* outcome, the investigating officer should consider three questions:

1. Do you consider the outcome to be fair and reasonable, not simply whether it meets the minimum standards required by the relevant law and policy?
2. Have you considered any discretion available to you within law and policy in arriving at the outcome?
3. Would it help if you called or met with the complainant to further clarify any issues before you finalise the outcome?



Contacting the complainant before finalising the outcome

One council's planning and enforcement staff call all complainants before the outcome to a complaint is finalised. This is done to manage expectations and ensure that the issues have been addressed. The council reported that this practice has greatly assisted their responsiveness.

Source: Victorian Ombudsman consultation with a metropolitan council.

2.6 Writing the outcome letter.

- Councils should write an outcome letter for all complaints where an investigation has been undertaken.
- A council officer should sign outcome letters about complaints made to the council, regardless of whether the response involved input from a third party, such as an insurer.



Elements of a good outcome letter

- tailored to the complaint by accurately describing the issues
- uses plain English and avoids bureaucratic language, acronyms and jargon
- explains the steps the council took to investigate or resolve the complaint
- sets out the relevant legislation or policies in simple language
- clearly identifies the outcome
- provides reasons for the decision
- acknowledges and apologises for any errors made by the council
- sets out any remedies the council is offering
- is translated into a language other than English where appropriate
- includes the name, signature and telephone number of the council officer who the complainant can contact to discuss the outcome
- advises the complainant of the Victorian Ombudsman and any other relevant review bodies.

Suggested text for referring a complainant to the Victorian Ombudsman in outcome letters:

If you are unhappy with the outcome of this process, you may wish to complain to the Victorian Ombudsman by completing the online complaint form at www.ombudsman.vic.gov.au or by calling (03) 9613 6222 or 1800 806 314 in regional areas.

Source: Adapted from www.ombudsman.vic.gov.au/Complaints.

2.7 Template letters must be *tailored* to each complaint and include the *reasons for the council's decision*.

- It is important that correspondence to complainants adequately responds to the complaint, and is sufficiently detailed about the reasons for the decision.

Correspondence that does not address the complainant's concerns or is in template form often triggers complaints, escalations, or UCC⁵
– *A regional council*

Council has anecdotal evidence that not using form letters has meant that [the number of] follow-up questions to the council have dropped
– *A metropolitan council*

⁵ 'UCC' or 'unreasonable complainant conduct' is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the parties to a complaint. This may include the organisation or case officer responsible for handling a complaint; the subject of the complaint; the complainant, their family, or friends; or other complainants or service users.



Template letters

A resident received an infringement notice from his council for commencing building works without an asset protection permit. The resident wrote to the council, explaining why he believed the infringement should be waived. The council replied with a template letter upholding the original decision to issue the infringement.

The letter included custom fields for basic information, such as the date of the notice, the infringement number and the offence. While there was also a field for 'reasons specific to your application', the council simply restated the local law as it was written in the 'offence' field. No individual points raised by the complainant were addressed.

Despite the letter stating that 'the appeals committee has considered your application and I wish to advise...', the letter was attributed to the 'Local Laws Unit' with no individual's name or contact information provided.

The letter also advised the complainant that if they replied to the letter, the matter would be referred to the Magistrates Court.

This type of response can be deeply frustrating for complainants as they may feel that their concerns have not been given genuine consideration and that the council is not accountable for its decision. This can have the effect of exacerbating a complainant's grievance, where a more detailed and responsive outcome letter, which left the door open for further clarification, may have been sufficient to bring an end to the matter.

Source: Victorian Ombudsman.

2.8 Councils are responsible for complaints about all their services, including those provided by *third party contractors*.

- Councils are ultimately responsible for all complaints about their services, irrespective of whether those services are delivered by the council directly, or by a third party contractor. Where councils allow contractors to respond to complaints on their behalf, it is crucial that they monitor this function and have clear oversight of the contractor's complaint handling process.



Monitoring council service providers

Where a council allows its contractors to handle complaints, it should:

- review and approve the contractor's complaint handling process. Ideally, this process should be consistent with the council's complaint handling policy
- ensure that the council has a robust system to audit the contractor's complaint handling
- require the contractor to collect complaint data (which the council can access), which the council monitors and reports on as part of its broader complaint handling system
- ensure that any systemic issues related to the contractor's performance are identified and promptly addressed with the contractor
- require the contractor to inform complainants that they can have their complaint reviewed by the council if they remain dissatisfied. The contractor should provide contact information for the council officer to whom the complaint should be directed.



Third party contractors

While removing a council-owned tree on behalf of a council, a tree services company damaged land in front of a residential property owned by the complainant.

The complainant contacted the council, requesting reimbursement for the cost of repairing the land. The council referred the matter to the contractor, who offered the complainant an apology and some gift vouchers. Unhappy with this offer, the complainant wrote to the council again to express dissatisfaction with how the contractor had handled his complaint.

In response, the council stated that it 'considers that the dispute is between [the contractor] and yourself' and provided the complainant with the contractor's contact information.

As the contractor had attempted to resolve the complaint and the complainant remained dissatisfied with the outcome, it would have been appropriate for the council to accept the escalated complaint.

Source: Victorian Ombudsman.

2.9 To be *accountable* to their communities, councils should be prepared to admit mistakes and take action to correct them.

- Where the council has made a mistake, options of redress may include:
 - an apology
 - an explanation of why the error occurred and the steps taken to prevent it happening again
 - a reversal of a decision
 - an ex gratia payment or compensation
 - disciplinary action taken against a staff member
 - providing the means of redress requested by the complainant.

2.10 Councils must have a process in place which allows a complainant to seek an internal review of a complaint outcome.

- Councils should document their process for internal reviews.
- A senior officer not previously involved in the matter should conduct the internal review.

2.11 Councils must inform complainants of any external avenues through which they can pursue their complaint if they are dissatisfied with the process or outcome of an internal review.

- Councils should inform complainants that they can contact the Victorian Ombudsman to complain about how the council has handled their complaint.
- There may also be other avenues of external review available to complainants in particular circumstances, such as the Victorian Civil and Administrative Tribunal.
- Review information should be readily available on councils' websites, as well as in general correspondence to members of the public on matters that may give rise to a complaint. For example, councils should include options for further review in all outcome letters following a council's internal review.

2.12 Unreasonable complainant conduct can take up significant council resources, so councils should actively manage any such conduct.

- In order to appropriately support staff and provide fair outcomes for complainants, the council should:
 - have policies and procedures for managing unreasonable complainant conduct
 - train staff to deal with unreasonable complainant conduct, and appropriately debrief and support staff where this conduct is impacting on their wellbeing⁶.

⁶ In recent years my office and other Australian Ombudsman offices have developed detailed resources to help agencies manage unreasonable complainant conduct. These resources are listed in the Bibliography.



Managing unreasonable complainant conduct

If a person is behaving unreasonably during a telephone call, the council officer can manage the situation by:

- naming the behaviour and warning that it is unacceptable
- warning the person that if their behaviour continues, the call will be ended
- following through by ending the conversation if the behaviour continues.

Contact management

- Councils may decide to limit a complainant's contact with the council if they persist in behaving unreasonably, such as by requiring that a person only communicate with the council in writing.
- Councils need to include procedures for contact management in their complaint handling or unreasonable complainant conduct policies.
- The council should provide the complainant with the reasons for restricting their contact.
- Only the Chief Executive Officer should decide that the council will no longer correspond with a person on a specific matter.
- Generally, the decision to cease contact with a member of the public should be specific to a particular matter, and not a total ban on all correspondence.
- A restriction applied to a person's contact with the council should be reviewed every 12 months to consider whether it is appropriate to retain the restriction.

Source: Victorian Ombudsman and NSW Ombudsman <www.ombo.nsw.gov.au/__data/assets/pdf_file/0004/3568/GL_Unreasonable-Complainant-Conduct-Manual-2012_LR.pdf>

<www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government/managing-unreasonable-complainant-conduct-a-model-policy-and-procedure>.

3. Learning and improving

The key to learning from complaints is taking a systematic approach to recording complaints and their outcomes. Complaints need to be recorded in sufficient detail to enable the council to analyse complaint data. By reporting what councils have done with the complaints they receive, councils demonstrate to the wider community their commitment to improving services.

3.1 The term 'complaint' should be defined and used *consistently* across council.

- Councils should adopt a consistent definition of 'complaint', which should be published in the relevant policies and on council websites.
- This definition should be used when gathering, analysing and reporting on complaint data and should be applied consistently across the council.

3.2 Complaint information should be systematically recorded to support *transparency and continuous improvement*.

- By recording complaints, councils can identify mistakes, service failures or areas of community dissatisfaction and improve service delivery.
- Councils should have a system by which complaints are categorised, recorded and tracked. Regardless of which business unit handles a complaint, it should be recorded in a common complaint database⁷.
- Council staff who are responsible for recording complaints should be trained on how to use the complaint database.



Good record keeping for complaints

The following information should be recorded for every complaint:

- the complainant's details
- how the complaint was received
- a description of the complaint
- the complainant's desired outcome (if known)
- the council officer responsible for handling the complaint
- any action taken, including contact with the complainant, response times and the outcome
- any recommendations for improvement, and who is responsible for implementing them.

Source: Victorian Ombudsman's *Good practice guide: Victorian Ombudsman's guide to complaint handling for Victorian public sector agencies*.

⁷ 'Complaint database' is a council's official method of recording complaints; for example, using tailor-made complaint handling software, an electronic spreadsheet, customer relationship management system or the council's electronic document management software. If the council has a customer relationship management system that adequately categorises complaints and allows for data on complaints to be extracted for data analysis, it does not necessarily need a separate complaint database.



Complaint databases

Councils do not need sophisticated systems to collect complaint data. A council's size and available resources may determine the system used. For councils with limited resources or for small municipalities, an electronic spreadsheet may be sufficient. Larger metropolitan councils may consider using specialised complaint handling software or integrating complaint handling data collection into their mainstream customer service system.

Different councils manage their complaints data using different types of complaint databases:

- one council, which received one complaint per 1,000 residents in 2013-14, uses an electronic spreadsheet as a complaint register
- another council, which received two complaints per 1,000 residents in 2013-14, also uses an electronic spreadsheet, which is kept confidential, to record and track actions on complaints
- a further council, which received three complaints per 1,000 residents in 2013-14, uses a customer service tracking system. Complaints are given a reference number and sent electronically to a responsible staff member for action. Business unit staff log and track complaints made directly to them in writing or by telephone, and any actions staff take on complaints are recorded in the system.

Whatever database a council uses, it needs to maintain confidentiality of the information it contains. Access to the database should be restricted on a 'need to know' basis.

3.3 Councils should commit to *continuous improvement* by analysing complaints.

- Councils should analyse complaints quarterly to identify systemic issues, prevent repeated mistakes, and monitor the performance of third party contractors.
- Senior management should be provided with a quarterly analysis of complaints, and act on any recommendations for reducing complaints and improving services.
- Ideally, one staff member or a designated team should be responsible for ensuring that complaint data from across the council is collected and managed appropriately.
- Care should be taken when interpreting complaint data, because, for example:
 - while response times may indicate that the complaint process is working, it may not show how satisfied complainants are with the process
 - an increase in complaints triggered by a change in the complaint handling policy may be an indicator of an effective policy, not a drop in service.

3.4 Councils should demonstrate *accountability* by publishing details of their complaint handling performance.

- Councils should adopt key performance indicators against which they can measure their complaint handling performance.



Measuring your performance

Useful key performance indicators to consider adopting include:

- complaint outcomes e.g. upheld, partially upheld, or not upheld
- meeting timeframes, such as the time taken to resolve matters
- any service changes resulting from complaints
- the number of complaint outcomes altered following internal review
- customer satisfaction with the complaint handling system
- the number of complaints escalated to the Victorian Ombudsman where the council's decision was overturned or altered, or changes to a council policy or procedure were proposed.



Training for complaint handlers

Complaint handlers can be trained in a range of areas to develop and improve their skills, including:

- case and time management
- communication and building rapport
- problem solving
- investigating complaints
- understanding Victoria's *Charter of Human Rights and Responsibilities Act 2006*
- conflict of interest
- exercising discretion
- managing unreasonable complainant conduct
- writing in plain English
- stress management.

- Councils should publish their actual performance against key performance indicators in their annual reports, and include any service improvements made as a result of complaints received.
- Council staff should also report to Council annually on their complaint handling performance (or more frequently if analysis identifies issues that should be brought to the council's attention).
- Councils should review their complaint handling systems every four years, including their procedures and key performance indicators.

3.5 Councils committed to *continuous improvement* should regularly train staff responsible for handling complaints.

- All council staff who receive, record, investigate or respond to complaints should receive regular and relevant complaint handling training.

Bibliography

The following references were valuable sources for much of the information in this guide. They are recommended reading for those with responsibility for complaint handling.

Local Government Customer Service Group, *Customer complaints: Guidelines for local authorities*, Department of the Environment, Heritage and Local Government, Ireland, 2005.

NSW Ombudsman, *Complaints management in councils*, New South Wales Department of Local Government, 2009.

NSW Ombudsman, *Managing unreasonable complainant conduct – a model policy and procedure*, 2012, <www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government/managing-unreasonable-complainant-conduct-a-model-policy-and-procedure>.

NSW Ombudsman, *Managing unreasonable complainant conduct: Practice manual, 2nd ed.*, 2012, <www.ombo.nsw.gov.au/__data/assets/pdf_file/0004/3568/GL_Unreasonable-Complainant-Conduct-Manual-2012_LR.pdf>.

Ombudsman South Australia, *Valuing Complaints: An audit of complaint handling in South Australian councils*, 2011.

Ombudsman Western Australia, *2009–10 Survey of complaint handling practices in the Western Australian State and Local Government sectors*, 2010.

Scottish Public Services Ombudsman, *The local authority model complaints handling procedure*, 2012.

Standards Australia, *Customer satisfaction – Guidelines for complaints handling in organizations (ISO 10002:2006, MOD)*, Standards Australia Limited, Sydney, 2006.

Standards Australia, *Guidelines for complaint management in organizations (AS/NZS 10002:2014)*, Standards Australia Limited, Sydney, 2014.

Victorian Ombudsman, *Good practice guide: Victorian Ombudsman's guide to complaint handling for Victorian public sector agencies*, 2007.

Appendix 1 – Model local government complaint handling policy

[This model policy is intended as a guide only. Councils are encouraged to tailor it to suit their individual circumstances and to consider the Ombudsman's 'Councils and complaints – A good practice guide' when drafting their policy]

How to use this document

Standard wording is in roman type. It is recommended that this text goes into the council's policy as written.

Suggested wording is in italics. Councils may need to tailor this text to suit their individual circumstances.

[Tips and instructions for drafting the policy are in blue italics and brackets]

Name of council	
Title and version number	
Record number	
Effective date	
Responsible officer	
Date of Human Rights Charter review	
Date of approval	
Review date	<i>[Review complaint handling system every four years, including procedures and key performance indicators]</i>
Relevant legislation	<i>Charter of Human Rights and Responsibilities Act 2006 Freedom of Information Act 1982 Information Privacy Act 2000 Local Government Act 1989 Protected Disclosure Act 2012</i>
Related policies	<i>[Insert all related policies, for example:</i> <ul style="list-style-type: none"> <i>• customer service policy/charter</i> <i>• protected disclosure policy</i> <i>• councillor code of conduct</i> <i>• employee code of conduct</i> <i>• infringements policy, etc.]</i>

Introduction

[In the introduction, councils can:

- *state that members of the public have the right to complain*
- *include statements about the council's commitment to complaint handling and creating a culture that encourages feedback and complaints*
- *affirm that the council will learn from complaints to improve its services*
- *note any factors or demographics specific to the council which are relevant to complaint handling]*

This policy includes... *[summarise what is in this document]*

Objectives

This policy aims to:

- *put in place an open and transparent complaint handling system*
- *specify the key performance indicators to which we will hold ourselves accountable*
- *establish our timeframes for resolving complaints*
- *clarify the roles and responsibilities of council staff*
- *ensure staff handle complaints fairly and objectively*
- *set out how staff record and analyse complaint data to identify where we can improve our services.*

Guiding principles

This policy is based on seven principles, as outlined in the Victorian Ombudsman's *Councils and complaints – A good practice guide*.

1. Commitment

We are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.

2. Accessibility

People can easily find out how to complain to us, and we actively assist them with the complaint process.

3. Transparency

The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and fairness

Under the complaint handling system, complainants and staff are treated with respect and courtesy, and complaints are judged on merit and fact.

5. Confidentiality

The complaint handling system protects the personal information of people making a complaint, and council staff are informed only on a 'need to know' basis.

6. Accountability

We are accountable, both internally and externally, for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

7. Continuous improvement

We regularly analyse complaint data to find ways to improve how we operate and how we deliver our services. We then implement these changes.

Scope

This policy applies to all council staff. It also applies to third party contractors carrying out services on the council's behalf.

Definitions

complaint: an expression of dissatisfaction with –

- the quality of an action taken, decision made, or service provided by a council or its contractor
- a delay or failure in providing a service, taking an action, or making a decision by a council or its contractor

[Define any other key terms that your council uses, including those closely related to 'complaint', such as 'request for service' or 'feedback']

Roles and responsibilities of council staff and contractors

Frontline staff

Managers and directors

Chief Executive Officer

Third party contractors

[For each party, enter a general description of their role and responsibilities within the complaint handling system]

How to make a complaint

A person can make a complaint in a number of ways.

Mail: *[Insert name of council and postal address]*

Telephone: *[Insert telephone number]*

Email: *[Insert email address]*

In person: *[Insert locations]*

Fax: *[Insert fax number]*

Internet: *[Insert web address. If you have an online feedback form, include instructions on how to access it from the home page]*

Accessibility

Anyone who has been affected by an action or inaction of council can make a complaint.

[Detail the processes/services the council has in place to assist people with specific needs to make a complaint.]

We accept and respond to anonymous complaints, provided we have received enough information to do so.

Complaint handling procedure

Overview

The council takes a four-tiered approach to complaint handling, as follows:

1. frontline resolution: frontline staff receive the complaint and resolve it immediately, if possible
2. investigation, if required: if frontline staff cannot resolve the complaint, they will refer it to a council officer for investigation
3. internal review: if the complainant is not satisfied with the outcome of the investigation, they can request an internal review
4. access to external review: if the complainant is not satisfied with the process or outcome of the internal review, we inform them of any external avenues through which they can pursue their complaint.

Procedures

[Tailor this section to your individual procedures]

Frontline resolution

- We will acknowledge all complaints within 10 business days of receipt.
- Frontline staff will receive the complaint.
- Frontline staff will clarify the complaint and the outcome the complainant is seeking.
- Frontline staff will assess the complaint to determine how it should be dealt with. *[Consider including the criteria upon which complaints will be assessed]*
- If the council is not the right organisation to respond to the complaint, frontline staff will refer the complainant to an organisation that can help.

Investigation

- If frontline staff cannot resolve the complaint, it will be assigned to a council officer for investigation.
- The officer handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.
- Complaint handling staff will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.
- Complaints that are not resolved within 28 days will be subject to review and escalated if necessary to ensure that a resolution is expedited.

-
- The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer.
 - Where possible, the officer handling the complaint will contact the complainant via telephone to discuss the outcome of their complaint prior to sending the outcome letter.

Internal review

[Identify the staff member/s who are responsible for internal reviews – they must always be a senior staff member not involved in the original decision/action/investigation]

[Detail internal review process and timeframes]

A written outcome letter signed by the senior officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

Where available, the outcome letter will advise the complainant of any avenues of external review available in relation to the matter.

Complaints received by councillors

When a councillor receives a complaint from a member of the public, he or she will refer it to *[Insert council staff member: minimum manager level]*.

Council staff will then respond to the complaint in accordance with this policy.

A council officer may sign the outcome letter.

Complaints about contractors

Council retains a level of responsibility for services carried out by contractors on its behalf.

[Consider whether you will allow contractors to respond to complaints directly.]

When deciding, consider whether you have (or can put in place) appropriate oversight mechanisms for any complaint handling carried out by contractors.

If contractors handle complaints, provide details of any oversight mechanisms and other requirements the contractor will be subject to]

If a complainant is not satisfied with the outcome of the complaint, he or she can ask the council to review the decision.

All outcome letters written by contractors in relation to complaints will include the name and contact details of a council staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

Complaints about specific matters – alternative procedures

Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the *[Insert name of policy for handling protected disclosures]*.

Complaints about councillors

Complaints about councillors will be dealt with in accordance with *[Insert name of policy for handling complaints about councillors]*.

Complaints about the Chief Executive Officer

[Insert process for handling complaints about the Chief Executive Officer, including:

- *how to make a complaint about the Chief Executive Officer*
- *the actions mandated in Part 4, Division 4 of the Local Government Act 1989*
- *how the council will respond to the complaint]*

Remedies

Where we have found that we have made an error, we will take steps to redress the situation. Possible remedies include, but are not limited to... *[list the remedies and who is authorised to offer them]*

- *an explanation of why the error occurred and the steps taken to prevent it happening again*
- *a reversal of a decision*
- *an ex gratia payment or compensation*
- *disciplinary action taken against a staff member*
- *providing the means of redress requested by the complainant.*

Where we identify an error, we will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

Privacy and confidentiality

When gathering information to respond to a complaint, we will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with council staff on a need to know basis.

Recording complaints

All complaints are recorded in our [complaint database].

[Insert process for recording complaints]

We analyse our complaint data and provide [annual / more frequent] reports to Council on how we can reduce complaints and improve services. Senior management is responsible for acting on the recommendations in these reports.

We record the following information for each complaint:

- *the complainant's details*
- *how the complaint was received*
- *a description of the complaint*
- *the complainant's desired outcome (if known)*
- *the council officer responsible for handling the complaint*
- *any action taken, including contact with the complainant, response times and the outcome*
- *any recommendations for improvement, and who is responsible for implementing them.*

Any queries regarding the recording of complaints should be directed to [insert name of responsible officer].

Reporting on performance

To measure our performance, we have the following key performance indicators:

[Insert KPIs associated with complaint handling. These KPIs may be related to:

- complaints upheld, partially upheld, not upheld*
- performance against timelines set by council i.e. average time to respond*
- number of changes made to services as a result of complaints*
- number of complaint outcomes overturned on internal review*
- customer satisfaction with the complaint handling system*
- complaints escalated to the Victorian Ombudsman's office where council's original decision has been overturned and/or proposals for action have been made by the Ombudsman]*

We will report against our complaint handling key performance indicators:

- annually at council meetings*
- annually, in our annual report, where we will also detail any service improvements made as a result of complaints received.*

Unreasonable complainant conduct

[The New South Wales Ombudsman's Unreasonable complainant conduct model policy includes guidance for managing unreasonable complainant conduct, which councils can tailor to their individual circumstances <www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government/managing-unreasonable-complainant-conduct-a-model-policy-and-procedure>]

Item 9.10**SERVICES FOR YOUTH (INCLUDING SCHOOLS
TAFE AND LOCAL LEARNING AND
EMPLOYMENT NETWORKS)****Enquiries: Paul Burke
Director Community Relations****1. Purpose**

At the 19 May 2015 Ordinary Council Meeting, Council resolved:

"That Council provide a further report regarding what actions Council could take to encourage local businesses to provide work placements for at risk youth."

2. Corporate Goal

Theme 1: *To maintain high quality service standards and deliver universal services that supports the community, particularly the needs of families, youth, senior citizens and people with a disability.*

3. Background

The report at Agenda Item 9.22 of the 19 May 2015 Council Meeting is at Attachment A.

'At risk youth' is a broad term that generally relates to any young person aged between 12 – 25 years who is at risk of some sort of poor life outcome. The definition of 'at risk' can vary depending on the context and can relate to a young person's actions, behaviours, situation or community setting.

In terms of education and employment outcomes, 'at risk youth' largely relates to young people experiencing some form of disadvantage when compared to the mainstream education and employment pathways.

This could encompass a range of different cohorts such as:

- Young people in alternative education
- Young people with disabilities or learning difficulties
- Early school leavers
- Young people from low socio-economic areas
- Homeless young people
- Young people exiting the youth justice system

Dependant on their situation, any of these at risk young people may be seeking a work placement as part of their chosen education and employment pathway. Due to the complex needs of at risk youth such placements are aided and facilitated by organisations with specialist skills who are funded for this purpose.

Item 9.10 (cont'd)**4. Work placements**

A work placement is a planned opportunity that enables a young person to experience working for a business or industry to develop their employability skills or to satisfy competency requirement as part of their study. This could take the form of work experience, student placement, traineeship, internship or structured workplace learning.

There are many different organisations and programs that operate across Glen Eira to support young people to find and maintain work placements.

Secondary School Careers/Pathways Counsellors:

Many secondary schools require students, generally from Years 9 and 10, to undertake short-term industry placements, to broaden their experience and understanding of the world of work. Careers counsellors may also assist students in sourcing structured workplace learning placements as part of VCAL or VET requirements.

Workplace Learning Coordinators:

Coordinators work with secondary schools, LLENs(Local Learning Employment Networks), Vocational Education and Training (VET) providers, Learn Local organisations, community education providers and local employers to coordinate work placements for school-based apprenticeships and traineeships, structured workplace learning and work experience

Beyond the School Gates:

Beyond the School Gates partners with different organisations to provide work experience for young people with disabilities and learning differences in supportive, commercial environments.

TAFE and university student placements:

Student placements are often prescribed as part of a course program or are required for professional accreditation in a student's fields of study. Universities and TAFEs usually have a career or employment team who assist students in sourcing and managing placement opportunities with employers.

Jobactive Organisations:

The newly announced Jobactive Organisations (replacing Job Services Australia) will be supporting local businesses to take on young job seekers by providing access to wage subsidies and job specific training. While this is not technically classified as a work placement, it is another organisation that will be approaching businesses to support young people with some of the largest potential risk factors.

At risk young people can seek to access a work placement through any of these programs as well as through a range of other means. Depending on the definition of 'at risk', some programs may have more connection to a particular cohort than others, i.e., all participants with Beyond the School Gates will have some sort of disability or learning difficulty, whereas the diversity of students seeking placements through TAFE or university makes it harder to know the level of risk associated with each student.

Item 9.10 (cont'd)**5. Encouraging local business**

Because of the highly specialised nature of the work, most of the programs that offer work placements have a funded position that supports at risk young people to source placement opportunities with industries and local business.

Each individual at risk youth has their own unique needs in terms of support and assistance and as each program has different requirements for work placements and offer different levels of support it is not practical for Council to encourage local business as a whole or in part to take on 'work placements' for at risk youth. This is best left to the providers who are funded to undertake this specialist work.

Rather than promoting multiple individual programs or organisations, the Victorian Government has funded the Local Learning and Employment Networks (LLENs) to create strategic, sustainable partnerships and develop regional networks that improve education and employment outcomes for young people.

The Bayside Glen Eira Kingston Local Learning and Employment Network (BGK LLEN) supports a range of groups and organisations including education and training providers, business and industry, community agencies as well as parent and family members.

The BGK LLEN has worked closely with local governments to identify gaps for young people in education and employment pathways and worked collaboratively with all their stakeholders to better resource existing programs and pilot new ones.

LLENs also have a particular focus on young people at risk of disengaging, or who have already disengaged, from education and training and are not in meaningful employment. As the 19 May 2015 report says: *The recent State Government budget allocated funding of \$32 million over four years to fund the Local Learning Employment Networks (LLENs). LLENs support young people, 10 – 19 years old by improving their participation, engagement and attainment of education and employment outcomes. This support is provided locally through the Bayside Glen Eira Kingston (BGK) LLEN.*

While LLENs no longer receive Federal funding, they have been refunded through State Government and will continue to be the strategic leaders for education and employment outcomes for young people in the Glen Eira region.

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

That Council continue to work collaboratively with the relevant agencies to support positive education and employment outcomes for all young people in Glen Eira.

Crs Okotel/Lobo

That this matter be deferred to a future Ordinary Council Meeting and that Youth Connect be invited to a Council briefing meeting to discuss the applied learning awards and other local initiatives to support at risk youth prior to this matter being determined by Council.

AMENDMENT

Crs Esakoff/Delahunty

That all words after the words; 'be deferred to', be deleted and replaced with the words; 'an Assembly'.

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

Item 9.22**COUNCIL'S SUPPORT OF YOUTH CONNECT**

Enquiries: Paul Burke
Director Community Relations

1. Purpose

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

"Report on ways Council could support Youth Connect through, amongst other things, proving work placements or encouraging local businesses to provide work places for at risk youth. In compiling this report, Council Officers should discuss these issues with Youth Connect. This report should be provided for the next Ordinary Council Meeting."

2. Corporate Goal

Theme 1: *To maintain high quality service standards and deliver universal services that supports the community, particularly the needs of families, youth, senior citizens and people with a disability.*

3. Background

Glen Eira City Council supports the health and wellbeing of young people within the municipality by providing both direct service delivery through its Youth Services, which includes extensive referrals to specialist services, and through providing regional coordination and support for local youth agencies, organisations and education providers. Council does not duplicate services provided by other levels of government or other organisations.

Council's Youth Services delivers a range of school and community based programs that help build the resilience of young people by providing them with the skills and knowledge to deal with issues around wellbeing. In past 12 months Youth Services has delivered 270 sessions to over 5000 young people.

Council's Youth Services also provides the Youth Information Centre as a central point of contact for young people and their families to find information and gain referrals to specialised youth agencies and services. Last year the Youth Information Centre dealt with over 2000 contacts that connected young people to mental health services, alternative education providers and emergency accommodation providers.

Council's Youth Services work with a range of organisations to ensure that all young people in Glen Eira are able to access quality services and effectively navigate the youth sector.

Item 9.22 (cont'd)**4. Youth Employment, Training and Pathway Providers**

Youth Connect is one of the many youth service providers that partially operate in the municipality of Glen Eira. They offer programs that support young people to manage pathways through to secondary education, further learning and employment.

Youth Connect's PACTS (Parents As Career Transition Support) Program and Youth Connections programs have had their funding withdrawn by the Federal Government in 2015. The Federal Government have also reduced their funding to Local Learning Employment Networks (LLENs)

Whilst Youth Connect delivers a range of programs to young people in Glen Eira, they were only contracted by the Federal Government to deliver the Youth Connections program to the Stonnington, Port Phillip and Yarra Council areas.

Council's Youth Service is not in a position to replace the funding reductions by the Federal Government that Youth Connect are experiencing.

The recent State Government budget allocated funding of \$32 million over four years to fund the Local Learning Employment Networks (LLENs). LLENs support young people, 10 – 19 years old by improving their participation, engagement and attainment of education and employment outcomes. This support is provided locally through the Bayside Glen Eira Kingston (BGK) LLEN.

5. The Bayside Glen Eira Kingston Youth Network

One of the primary ways in which Council's Youth Services works with local youth agencies, including Youth Connect, is through the Bayside Glen Eira Kingston Youth Network (BGKYN), a partnership with the Youth Services of Bayside City Council and Kingston City Council.

The BGKYN is funded and jointly coordinated between the three Councils and aims to improve the quality of youth services available to young people by providing opportunities for agencies to network, share information, promote programs and collaborate. The collaboration allows the Councils to avoid service duplication and avoid cannibalising other youth services to maximise the positive impact we can have on assisting young people at risk.

6. Work placements

Glen Eira City Council has been actively engaged with the education sector since 2002 through the Glen Eira BusEd program – *Linking business and education*.

BusEd links the specialist skills of students to businesses who lack particular skills or who lack the resources to tap into particular skills. The program has provided student placements and has led to students being offered employment opportunities.

Item 9.22 (cont'd)

Students from Monash University, Holmesglen Institute, Swinburne University, and William Angliss Institute studying in areas of website and software development, IT systems, marketing, business, graphic design, event management and other disciplines are regular participants in this program.

The Glen Eira BusEd program has delivered several hundred projects since its inception, it has been a strong community building initiative providing practical outcomes for local business and practical experience for the students.

Glen Eira City Council also currently provides a comprehensive work placement program for students to assist in their education and employment. Placements are available to students currently enrolled in a secondary school, tertiary institute or in a course through a Registered Training Organisation (RTO).

The RTO must have Public Liability Insurance cover for its students while on placement, if not the placement cannot be accepted.

Placements are accepted based on the department's needs and availability eg. Desk space for a student, project requirements and appropriate work for a student to undertake.

Council officers contacted Youth Connect to inform them of the above opportunities and the application process for student placements at Glen Eira City Council.

7. Funding support

Council significantly invests in the development and wellbeing of young people.

Council's Youth Services delivers many universal programs available to all young people in the community. Council's Youth Services does not have the capacity to take on the provision of specialist youth education and employment services, in cash or in-kind, when state and federal funding is withdrawn. Cost shifting continues to be a significant issue for Council, particularly when other spheres of government withdraw or reduce funding for local services.

Council's Youth Services will continue to work with all youth agencies, education providers and government departments to best manage the education and employment outcomes for the young people of Glen Eira.

8. Recommendation

That Council note this report.

Item 9.22 (cont'd)

Crs Okotel/Lipshutz

That Council note this report.

That Council provide a further report regarding what actions Council could take to encourage local businesses to provide work placements for at risk youth.

The MOTION was put and CARRIED unanimously.

PROCEDURAL MOTION

Crs Lipshutz/Delahunty

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

The PROCEDURAL MOTION was put and CARRIED.

Item 9.11**DELIVERY OF RATE NOTICES BY EMAIL**

Peter Swabey
Chief Financial Officer

1. Proposal

At the 9 June 2015 Ordinary Council Meeting, Council resolved:

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.*

2. Responses

(a) (b) and (c)

- *Whether it is feasible to forward Council Rate Notices and Instalment Notices by email;*
- *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.*
- *If yes, how many ratepayers are now being sent rate notices by email.*

In April 2014 Council offered *BPay View* to ratepayers to enable ratepayers to receive their rate and valuation notices electronically. *BPay View* is the access to payment of rates, charges and levies electronically by receiving rate notices through internet banking. Customers are notified via e-mail and can pay their rates directly through *BPay*. Notices are held for 7 years so retrieving them is simple and removes the need for rate office staff to reprint and send misplaced notices. Currently we have approximately 550 ratepayers utilising *BPay View* who are registered with their banking institution.

In the 2015/2016 financial year Council will be offering the option whereby ratepayers can register their details with Council's external printers (Forms Express) to a Council-branded internet site. Once registered, the ratepayer's next rate notice would be forwarded to their nominated e-mail address. This will commence from 1 July 2015. It is expected that several thousand ratepayers may elect to use electronic facilities and that this will grow over time.

Collection, storage and maintenance will be held in Forms Express's data base with appropriate security in place. Nominated Council staff will have access and maintenance rights to the data at all times.

Item 9.11 (cont'd)

(d)

If no to (b) what procedures are required to allow Ratepayers to opt in to receiving Rate Notices and Instalment Notices by email.

Not applicable.

(e)

What further data has or should be captured by allowing Ratepayers to opt in to receive Rate Notices and Instalment Notices by email.

The data that is, or will be captured, to allow ratepayers to opt in to receive Rate Notices and Instalment Notices by email is as follows:

- the ratepayer's name (as it appears on the rate notice);
- the *BPay* number (for ratepayers that opt-in to *BPay View*);
- e-mail address; and
- mobile phone number (this is optional with the Forms Express method).

No further data is required as these internet sites are designed for the purpose of electronic delivery and payment of rate notices. They are not Council owned and cannot be used to obtain additional data.

(f)

Whether a database of ratepayer email addresses will permit Council to use those email addresses for the purposes of notification and community consultation.

To use e-mail addresses for purposes other than rate notice delivery would require approval from the ratepayer (this can be done with the Forms Express options, but not with *BPay View*). This may discourage some ratepayers from registering.

At present, all corporate databases are built for specific purposes of core Local Government business needs, in particular regulatory requirements. For example, the rates and valuation database is about capturing information on properties, more so than capturing specific details on residents (in fact, some properties are held in Company names, not individuals).

In regard to resident communications or community consultation, not all residents are ratepayers. We believe that thousands of Glen Eira properties are not occupied by the ratepayer. Even if all ratepayers had their emails registered with Council, the data base would not represent the community. Using a data base of ratepayers would discriminate in favour of owners and discriminate against tenants.

In addition, not all residents/ratepayers have an e-mail address.

Council instead tends to use specific databases for targeted user communications via e-mail (e.g. Library database; Community Development database; Arts & Culture database).

Residents already have the ability to register to receive Council's Community Consultation E-Newsletter by email.

Item 9.11 (cont'd)**3. Further Information**

In connection with ratepayer/resident data and Community information, Council also has access to the Australian Bureau of Statistics data which has been broken down into Glen Eira boundaries and captures information such as community profile; community atlas; and population forecasts. This can be found on Council's web site under *Connect, Business and Demographics*.

4. Recommendation

That Council notes this report.

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

9.47PM Cr Delahunty left the Chamber.

The MOTION was put and CARRIED unanimously.

Item 9.12

**GLEN EIRA CITY COUNCIL
FINANCIAL REPORT
FOR THE PERIOD ENDING 31 MAY 2015**

**File No:
Enquiries: Peter Swabey
Chief Financial Officer**

1. Proposal

To receive the Financial Report for the period ending 31 May 2015.

2. Corporate Goal***Theme 4: Governance***

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

Key Points

- The positive operating result year to date is higher than was anticipated when the annual budget was set.
- The balance sheet position is sound.
- The cash position is sound.

3. Liquidity

Over the last few years, Council has fully utilised cash reserves by investing heavily in capital works projects. It is forecasted that Council's adjusted liquidity ratio (i.e. the level of current assets the Council has available to meet its current liabilities which are likely to fall due in the next 12 months) will remain above 1. This ratio has been adjusted for residential aged care deposits. This reflects a need for prudence with cash-flows (refer to page 17).

4. Contents**Page**

▪ Executive Summary.....	1
▪ Financial Strategy.....	4
▪ Assurance Map.....	9
▪ Income Statement.....	11
▪ Balance Sheet	12
▪ Income Statement by Functions/Activities.....	13
▪ Performance Graphs.....	14
▪ Capital Works Program.....	20
▪ Debtors Report.....	22
▪ Financial Ratios (<i>Performance Indicators</i>).....	23

5. Recommendation

That the report be received and noted.

Item 9.12 (cont'd)

Crs Lipshutz/Sounness

That the recommendation in the report be adopted.

9.49PM Cr Delahunty returned to the Chamber.

The MOTION was put and CARRIED unanimously.

Glen Eira City Council Financial Report
Executive Summary
for the period ending 31 May 2015

(a) Current Month Budget Result

At the end of May 2015, the performance against budget from ordinary activities showed a positive variance of \$6.7M due to higher than anticipated revenue of \$4.22M and savings in operating expenditure of \$2.48M (refer to page 14 for details of the variances).

(b) Current Month Forecast Result

The forecast result expected for the financial year is an operating surplus of \$14.75M compared with the original adopted 2014-15 Annual Budget of \$10.2M.

Please note that any surplus from day-to-day operations is used to accelerate capital works projects. Annual budget to forecast movements to date show an increase in operating revenue of \$4.04M, decrease in operating expenditure of \$1.11M and a net unfavourable variance in non-operational activities \$607K.

(c) Open Space Contributions

Contributions

Council receives public open space levies under the *Subdivision Act*. Council will continue to spend far more on additional and improved public open space than Council receives in levies.

On 25 November 2014, Council considered and adopted the Report of the Independent Panel and adopted Amendment C120. Council requested the Minister of Planning approve Amendment C120. This has been approved and Council has achieved the new uniform levy rate of 5.7% (Amendment C120).

Open Space Reserve

The balance of the Open Space Reserve as at 31 May 2015 is as follows:

Description	Previous Month	Current Month
Opening Balance as at 1 July 2014	\$2,482,802	\$2,482,802
Open Space Contributions received to date	\$3,095,022	\$3,256,122
Open Space Capital Expenditure	(\$1,857,598)	(\$2,079,390)
Closing Balance	\$3,720,226	\$3,659,534

Please note the majority of the Open Space Reserve funds are earmarked to be spent on the development of Booran Reserve (formerly Glen Huntly Reservoir).

Glen Eira City Council Financial Report
Executive Summary
for the period ending 31 May 2015

(d) Superannuation – Defined Benefits Scheme

Shortfall

During the 2011–12 financial year, Council was advised that it had to make an additional contribution to Vision Super to meet obligations in relation to members of the Defined Benefit Plan (\$7.12m).

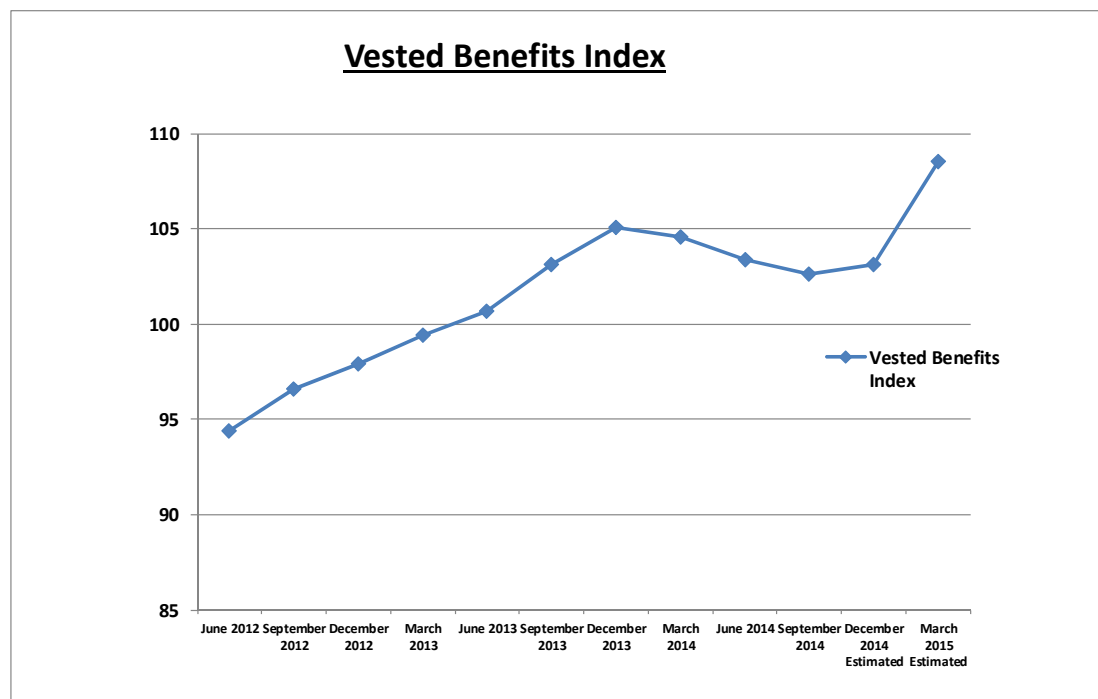
Council decided to pay the call over three financial years so as not to disrupt our capital works program. During the 2012–13 and 2013–14 financial years, Council paid \$2.4m each year towards its share of the shortfall.

The remaining balance of \$2.74m was paid during May 2015. The funds to make the final payment for the Defined Benefits shortfall were provided for in Council's 2014-15 adopted Annual Budget and Strategic Resource Plan.

Council has made provision in the Strategic Resource Plan of a total of \$2.5m over two years, 2016-17 and 2017-18, in the event of a future call.

Vested Benefits Index ('VBI')

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day. For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. Below is the estimated VBI since 30 June 2012:



Glen Eira City Council Financial Report
Executive Summary
for the period ending 31 May 2015

(e) Forecast adjustments for May 2015

Income from ordinary activities increase of \$293K

The favorable expenditure forecast movement is mainly due to:

- **Grants favourable variance of \$264K** mainly due to higher than anticipated grants received for Immunisation \$107K, Aged Care \$59K and Long Day Care \$36K.

Expenditure from ordinary activities decrease of \$404K

The favorable expenditure forecast movement is mainly due to:

- **Employee Costs favourable variance of \$591K** mainly due to the timing of staff recruitment and capitalisation of salaries.

(f) Capital Works Program

As at the end of May 2015, total capital works expenditure in 2014-15 is expected to be \$40.65M, represented by:

- New capital projects as per the *2014-15 Annual Budget* \$29.79M
- Capital works funding \$424K
- Carry forward expenditure from the 2013-14 financial year \$7.98M
- Forecast increase year to date \$2.47M.

Capital Works Forecast Adjustments for May 2015 relate to:

- Increase of \$217K to accommodate the total project cost for Open Space Initiatives at Gisborne/ Archibald Street/Riddell Parade Intersection (refer to council minutes item 12.1-14/10/14).
- Increase of \$80K for installation of the generator at the Town Hall due to reconfiguration of the Town Hall power room to ensure compliance with industrial standards.

FINANCIAL STRATEGY

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils based on analysis of the trends in some key financial indicators. At the Glen Eira Council Audit Committee meeting in August 2012, the Auditor-General stated that the financial indicators were just indicators rather than absolutes.

The following 3 pages explain and present the financial sustainability risks for Councils in 2013-14.

Risk assessment criteria for financial sustainability indicators




Risk	Underlying result	Liquidity	Indebtedness	Self-financing	Capital replacement	Renewal gap
High	Negative 10% or less Insufficient revenue is being generated to fund operations and asset renewal.	Equal to or less than 1.0 Insufficient current assets to cover liabilities.	More than 60% Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 10% Insufficient cash from operations to fund new assets and asset renewal.	Equal to or less than 1.0 Spending on capital works has not kept pace with consumption of assets.	Equal to or less than 0.5 Spending on existing assets has not kept pace with consumption of these assets.
Medium	Negative 10% to zero A risk of long-term run-down to cash reserves and inability to fund asset renewals.	1.0–1.5 Need for caution with cash flow, as issues could arise with meeting obligations as they fall due.	40–60% Some concern over the ability to repay debt from own-source revenue.	10–20% May not be generating sufficient cash from operations to fund new assets.	1.0–1.5 May indicate spending on asset renewal is insufficient.	0.5–1.0 May indicate insufficient spending on renewal of existing assets.
Low	More than zero Generating surpluses consistently.	More than 1.5 No immediate issues with repaying short-term liabilities as they fall due.	40% or less No concern over the ability to repay debt from own-source revenue.	20% or more Generating enough cash from operations to fund assets.	More than 1.5 Low risk of insufficient spending on asset renewal.	More than 1.0 Low risk of insufficient spending on asset base.

Source: Victorian Auditor-General's Office.

FINANCIAL STRATEGY (continued)

The overall financial sustainability risk assessment is calculated using the ratings determined for each indicator.




Overall financial sustainability risk assessment

	High risk of short-term and immediate sustainability concerns indicated by either: <ul style="list-style-type: none">• red underlying result indicator or• red liquidity indicator.
	Medium risk of longer-term sustainability concerns indicated by either: <ul style="list-style-type: none">• red self-financing indicator or• red indebtedness indicator or• red capital replacement indicator or• red renewal gap indicator.
	Low risk of financial sustainability concerns—there are no high-risk indicators.

Source: Victorian Auditor-General’s Office.

A trend analysis uses actual figures for the previous five years and a trend analysis using forecast figures for the following three years. The sustainability indicators are colour coded in line with the risk assessment criteria. The legend is used in presenting the results of our assessments.

Legend for financial sustainability tables

	Downward trend
	No substantial trend
	Upward trend

Source: Victorian Auditor-General’s Office.

FINANCIAL STRATEGY (continued)

Financial sustainability risk assessment results 2013–14

Inner metropolitan councils	Average Underlying result (%)	Liquidity	Indebtedness (%)	Self-financing (%)	Capital replacement	Renewal gap	Sustainability assessment
Banyule City Council	3.59	4.09	56.67	16.61	2.12	1.52	●
Bayside City Council	9.79	2.20	12.37	28.90	1.53	0.97	●
Boroondara City Council	8.68	1.76	33.66	23.58	2.09	1.76	●
Darebin City Council	3.58	1.64	1.24	17.63	1.17	1.08	●
Glen Eira City Council	8.38	1.38	17.97	23.53	2.23	1.77	●
Hobsons Bay City Council	5.62	0.99	0.88	24.61	1.50	1.33	●
Kingston City Council	7.85	1.68	14.00	24.32	1.71	1.45	●
Maribyrnong City Council	4.27	2.62	4.53	25.48	1.26	1.41	●
Maroondah City Council	2.61	1.61	1.65	25.00	1.53	1.03	●
Melbourne City Council	3.19	1.33	0.85	24.50	1.74	1.14	●
Monash City Council	-1.30	1.54	7.92	10.62	1.15	0.86	●
Moonee Valley City Council	3.02	1.61	6.99	16.66	1.25	0.87	●
Moreland City Council	4.39	1.49	35.74	14.90	1.55	0.96	●
Port Phillip City Council	0.24	1.59	2.52	7.89	1.37	0.73	●
Stonnington City Council	10.60	2.10	11.09	28.21	1.88	1.50	●
Whitehorse City Council	4.55	2.13	5.70	19.99	1.67	1.23	●
Yarra City Council	4.76	1.07	24.05	16.28	1.37	1.16	●
Category average	4.93	1.81	13.99	20.51	1.60	1.22	●
Category risk assessment	Low	Low	Low	Low	Low	Low	Low

Source: Victorian Auditor-General's Office.

Glen Eira City Council was assessed as having a low sustainability risk in 2013-14.

FINANCIAL STRATEGY (continued)

Monthly Report Relative to Financial Strategy

		Objective	2014-2015 Annual Budget as at 30 June 2015	2014-2015 Forecast	Comment
a.	One of a Council's most important functions is to renew community infrastructure. This involves not only maintaining assets but renewing and improving assets (e.g. enlarging drains, providing for all abilities and genders in community facilities, providing for all-year-round recreation at GESAC). Inner metro Councils need to be spending significantly more than depreciation if they are to achieve this.	New Works: Depreciation x 125% = \$24.08m	\$30.21m	\$32.67m	Council adopted a capital works program of \$38.21m (includes \$30.21m of new works and carry forwards from 2013-14 of \$8m). The forecast of \$32.67m excludes carry forwards from the 2013-14 financial year.
b.	Councils must make surpluses on their recurrent operations in order to have more money for capital expenditure.	Operating Surplus to be achieved.	Surplus \$10.2m	Surplus \$14.75m	Council's operating forecast has increased due to better than anticipated income and savings in expenditure items.
c.	Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate. <ul style="list-style-type: none">Average Rates and ChargesPensioner Rate Rebate	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,474 \$270	No Change	Average rates and charges are well below the average of inner metropolitan Councils (\$247 per assessment less than the average of inner metropolitan Councils). This means that Council charges \$15.2m p.a. less than inner metropolitan municipalities and has \$15.2m p.a. less for upgrading or providing facilities and services. In addition the Council provides one of the highest pensioner rebates in Victoria.*
d.	Operating costs per property should be kept as low as possible in order to generate both operating surpluses and lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$1,871	No Change	In terms of operational expenditure (excluding depreciation), Glen Eira ranks as spending \$197 less per assessment (\$12.1m) than the average for the Inner Metropolitan grouping.*
e.	Interest on the money borrowed to build GESAC should be paid for by GESAC. <ul style="list-style-type: none">% of GESAC interest costs paid for by GESAC (before depreciation).	100%	100%	100%	Community participation in GESAC has been ahead of expectations.
f.	Liquidity should be managed so as to cover all obligations as and when they fall due.	Adjusted Liquidity Ratio should be 1.0 or greater.	1.11	1.58	At this point, Council's liquidity ratio is forecast at 1.58.

* Based on audited financial results from 2013-14.

FINANCIAL STRATEGY (continued)

Monthly Report Relative to Auditor General's Indicators































The Auditor General's indicators are set out on his website ("*Local Government: Results of the 2013-14 Audits*"). This includes the definitions of the indicators, the three categories of risk and the results for all Councils as at 30 June.

	Indicator	Actual 30-Jun-14	Budget 30-Jun-15	Forecast 30-Jun-15	Comment
a.	Adjusted Liquidity Ratio	1.38	1.11	1.58	Glen Eira's adjusted liquidity ratio is expected to remain between 1.0 and 1.6 in order to maximise renewal of community facilities.
b.	Underlying (<i>Operating</i>) Result	8.38%	6.05%	6.84%	A positive result indicates an operating surplus.
c.	Indebtedness	17.97%	29.74%	29.48%	Relates to Council's level on non-current liabilities (<i>substantially borrowings</i>) as a percentage of own-source revenue. This is expected to decrease over time.
d.	Self-Financing	23.53%	20.86%	23.89%	Measures the ability to replace assets using cash generated by Council's operations.
e.	Capital Replacement	2.23	2.17	2.45	A measure greater than 1.0 indicates a rate of spending higher than depreciation. Glen Eira has the highest average of all inner metropolitan Councils. Expect this figure to remain as a low risk.
f.	Renewal Gap	1.77	1.67	1.84	Measures the rate of spending on existing assets. Glen Eira has the highest average of all inner metropolitan Councils. Expect this figure to remain as a low risk.
g.	Sustainability Assessment	Green	Green	Green	Low risk (<i>best available classification</i>).

ASSURANCE MAP

The assurance map considers the key risks to Council in achieving its objectives and performance expectations, and the assurance activities which have been conducted over the operation of controls that apply to those risks. The Assurance Map is indicative of the type of activity in place to provide Council Management with comfort that the control environment is operating as intended. A formal review of strategic risks is undertaken annually by Executive. The risks have been identified, assessed and ranked in order of risk exposure to Council. The assurance map will be updated after every formal review and when assurance activities are proposed or undertaken.

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. Legislation or Standards – Changes generally	E							Food Safety (2011/12) Statutory Planning (2013/14)
2. Legislation or Standards – Cost shifting	E							
3. Funding – Shortfalls	H							
4. Contracts – consultant errors	H							Tendering (2013/14) Contract Management (2013/14)
5. Insurance – failure to comply with policy	H							
6. Contracts – indemnities beyond insurance coverage	H							Contract Management (2013/14)
7. Contractors - insurances	H							Contract Management (2013/14)
8. Contractors – Council liability for the actions of contractors	H							Contract Management (2013/14) Parks & Open Space Maintenance (2014/15)
9. IT – security compromised	H							IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14)
10. Advice – incorrect advice provided	H							Statutory Planning (2013/14)

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
11. Infrastructure – serious deficiency	H							Asset Management (2013/14) Parks & Open Space Maintenance (2014/15) Land and Building Revaluation biennial (ongoing)
12. Contracts – wrong authority / process	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
13. Road Management Act / Plan – failure to comply	H							
14. Clayton Landfill – tightening of requirements and fines	H							Clayton Landfill Review (2014/15)
15. Contract Agreements /Partnerships inappropriate relationships entered into	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
16. Clayton Landfill – permanent site closure	H							Clayton Landfill Review (2014/15)
17. Health & Safety – safe & healthy workplace not maintained	H							SafetyMAP recertification (2013/14) OH&S Review (2015/16)
18. Embezzlement	H							Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing)
19. Public Liability General	M							
20. Power exercised inconsistent with delegation	M							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing) Fraud review (2013/14) Financial Controls (2014/15)

* Reviews performed are ad-hoc and Council may or may not be included in selected sampling

Level of coverage provided where not all aspects of the risk may have been addressed by assurance activity.



Please note that the External Audit process is designed to enable the A-G to express an opinion on the annual financial report. The external audit is not a comprehensive audit of all systems and processes and is not designed to uncover all deficiencies, breaches and irregularities in those systems and processes.

Glen Eira City Council
Income Statement
for period ending 31 May 2015



	2014-15 Year to Date Actual	2014-15 Year to Date Budget	2014-15 Year to Date Variance	2014-15 Year to Date Variance	2014-15 Last Month Forecast	2014-15 Current Month Forecast	2014-15 Current Month Forecast Movement	2014-15 Annual Budget	2014-15 Budget Forecast Variance	2014-15 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
REVENUES										
Revenue from Ordinary Activities										
General Rates	76,720	76,613	107	0.1%	76,705	76,720	15	76,613	107	0.1%
Supplementary Rates	405	367	38	10.3%	497	438	(59)	400	38	9.5%
Waste and Recycling Charges	13,633	13,639	(6)	(0.0%)	13,757	13,733	(24)	13,728	5	0.0%
Investment Income	1,429	967	461	47.7%	1,475	1,517	42	1,055	461	43.7%
Grants	20,621	19,636	985	5.0%	21,703	21,967	264	21,152	815	3.9%
User Charges and Other Fees	21,915	21,652	263	1.2%	23,682	23,727	45	23,477	250	1.1%
Statutory Fees and Fines	4,339	4,142	198	4.8%	4,692	4,724	32	4,526	198	4.4%
Other Revenue	5,586	3,406	2,180	64.0%	5,906	5,883	(22)	3,716	2,168	58.3%
Total Revenue from Ordinary Activities	144,648	140,424	4,224	3.01%	148,416	148,709	293	144,668	4,041	2.8%
EXPENSES										
Expenses from Ordinary Activities										
Employee Costs	57,907	59,384	1,477	2.5%	62,600	62,010	591	63,428	1,419	2.2%
Training	396	662	266	40.2%	504	482	22	739	257	34.8%
Agency	946	1,247	301	24.1%	1,131	1,100	31	1,363	263	19.3%
Materials and Consumables	4,558	5,352	794	14.8%	5,551	5,461	91	5,912	451	7.6%
Contractor Payments	23,872	22,953	(918)	(4.0%)	26,546	26,579	(33)	25,255	(1,324)	(5.2%)
Maintenance	4,881	4,994	113	2.3%	5,730	5,840	(110)	5,885	45	0.8%
Utility Services	3,143	3,286	143	4.4%	3,675	3,709	(34)	3,611	(97)	(2.7%)
Insurances	756	1,010	253	25.1%	908	842	66	1,095	253	23.1%
Other Expenses	3,453	3,551	98	2.8%	3,843	3,960	(117)	3,982	22	0.6%
Council Donations, Grants and Subsidies	740	871	130	15.0%	904	886	18	892	6	0.6%
Debt Servicing	1,816	1,635	(182)	(11.1%)	2,048	2,168	(120)	1,986	(182)	(9.1%)
Total Expenses from Ordinary Activities	102,468	104,943	2,476	2.4%	113,441	113,037	404	114,151	1,113	1.0%
Net Result for Reporting Period before non operational activities	42,180	35,480	6,699	18.9%	34,975	35,672	697	30,517	5,154	16.9%
NON OPERATIONAL ACTIVITIES										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	1,266	440	826	187.5%	1,259	1,306	47	481	826	171.9%
Written Down Value of Assets Sold/Disposed including Cost of Sales	1,910	1,403	(507)	(36.1%)	1,993	2,038	(45)	1,531	(507)	(33.1%)
Depreciation and Amortisation	18,585	17,659	(926)	(5.2%)	20,050	20,190	(141)	19,264	(926)	(4.8%)
Net Result for Reporting Period	22,952	16,859	6,092	36.1%	14,192	14,751	559	10,203	4,548	44.6%

Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.

Glen Eira City Council
Balance Sheet
for period ending 31 May 2015



	Actuals 2013-14	Annual Budget 2014-15	Annual Forecast 2014-15	Year to Date Actual 2014-15	Previous Month's Actuals 2014-15
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
ASSETS					
Current Assets					
Cash and Cash Equivalents	38,869	25,793	38,100	41,310	38,989
Trade and Other Receivables	8,707	8,650	8,707	17,964	28,839
Prepayments	472	631	472	442	145
Total Current Assets	48,048	35,075	47,279	59,716	67,973
Non-Current Assets					
Property, Infrastructure, Plant and Equipment	1,690,329	1,349,980	1,708,538	1,698,878	1,697,253
Intangible Assets	794	1,083	794	729	731
Investments in Associates	2,040	3,191	2,040	2,040	2,040
Financial Assets	5	5	5	5	5
Total Non-Current Assets	1,693,168	1,354,259	1,711,377	1,701,652	1,700,029
TOTAL ASSETS	1,741,217	1,389,334	1,758,656	1,761,369	1,768,002
LIABILITIES					
Current Liabilities					
Trade and Other Payables	11,459	11,318	11,459	4,217	9,720
Trust Funds	22,909	22,369	22,909	27,219	23,101
Provisions	12,141	11,287	12,141	12,170	12,135
Interest-Bearing Liabilities	1,158	1,156	1,158	782	893
Superannuation — defined benefits call	2,561	-	-	2,609	2,609
Total Current Liabilities	50,228	46,130	47,667	46,997	48,457
Non-Current Liabilities					
Provisions	708	707	708	816	816
Interest-Bearing Liabilities	21,271	21,205	20,271	20,583	20,583
Total Non-Current Liabilities	21,979	21,912	20,979	21,400	21,400
TOTAL LIABILITIES	72,207	68,042	68,646	68,397	69,857
NET ASSETS	1,669,009	1,321,292	1,690,010	1,692,972	1,698,145
Represented by:					
EQUITY					
Accumulated Surplus	865,313	508,982	886,314	888,263	893,422
Reserves	803,696	812,309	803,696	804,709	804,724
TOTAL EQUITY	1,669,009	1,321,292	1,690,010	1,692,972	1,698,145

Glen Eira City Council

Income Statement by functional activities of the municipality for period ending 31 May 2015

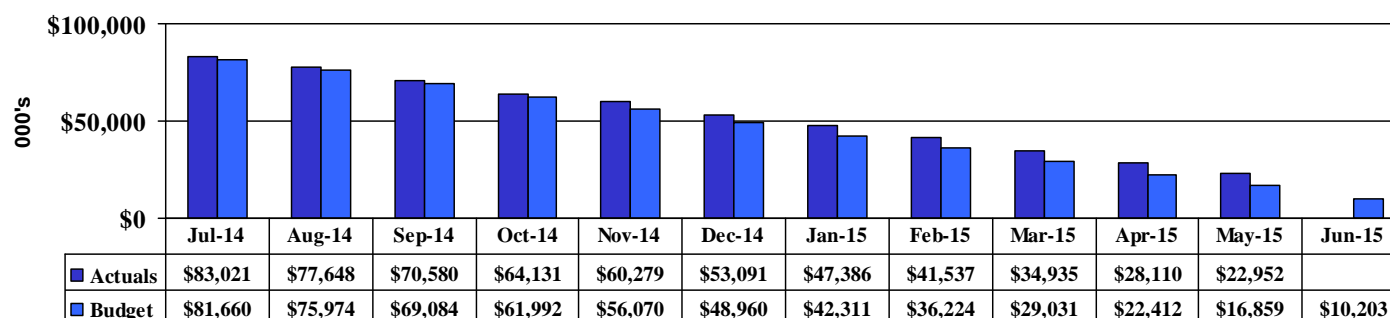


Functional activities	2014-15 Year to Date Revenue	2014-15 Year to Date Expenses	2014-15 Change in Net Assets	2014-15 Annual Forecast	2014-15 Annual Budget	2014-15 Budget Forecast Variance
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Rates	77,125	-	77,125	77,158	77,013	145
Roads, Drains and Building Maintenance	1,266	(11,565)	(10,299)	(11,000)	(11,026)	25
Sustainability	14,509	(11,989)	2,520	1,497	1,555	(58)
Planning and Community Safety	6,955	(9,596)	(2,641)	(3,006)	(3,388)	381
Park Services	44	(8,152)	(8,108)	(9,068)	(8,552)	(516)
Recreation	683	(1,987)	(1,304)	(1,447)	(1,707)	261
Libraries	982	(3,759)	(2,777)	(3,148)	(3,479)	332
Community Care	7,465	(8,105)	(640)	(726)	(1,033)	306
Family and Community Services	5,120	(8,610)	(3,490)	(4,121)	(4,487)	365
Cultural Services	98	(1,019)	(921)	(1,016)	(965)	(51)
Debt Servicing	-	(1,795)	(1,795)	(2,145)	(1,962)	(183)
Residential Aged Care	10,607	(12,417)	(1,811)	(1,999)	(2,193)	193
Proceeds, Depreciation/Amortisation, Written Down Value	1,266	(20,495)	(19,228)	(20,921)	(20,314)	(607)
Customer Service and Council Governance	2	(4,412)	(4,410)	(4,989)	(5,762)	773
Community Information	3	(1,026)	(1,024)	(1,322)	(1,572)	250
Corporate Counsel	5	(1,362)	(1,357)	(1,496)	(1,691)	196
Business Development	27	(489)	(462)	(545)	(599)	54
Financial Services	5,089	(7,887)	(2,798)	(3,724)	(5,136)	1,412
Capital Subsidies	327	-	327	329	363	(34)
Public Open Space Levies	3,256	-	3,256	3,439	2,200	1,239
Glen Eira Sports and Aquatic Centre (GESAC)	11,086	(8,296)	2,790	3,003	2,937	66
Net Result for the Reporting Period	145,914	(122,963)	22,952	14,751	10,203	4,548
Brackets denote net cost to Council						

Glen Eira City Council

Financial Performance

Cumulative for the period ending 31 May 2015



■ Actuals

■ Budget

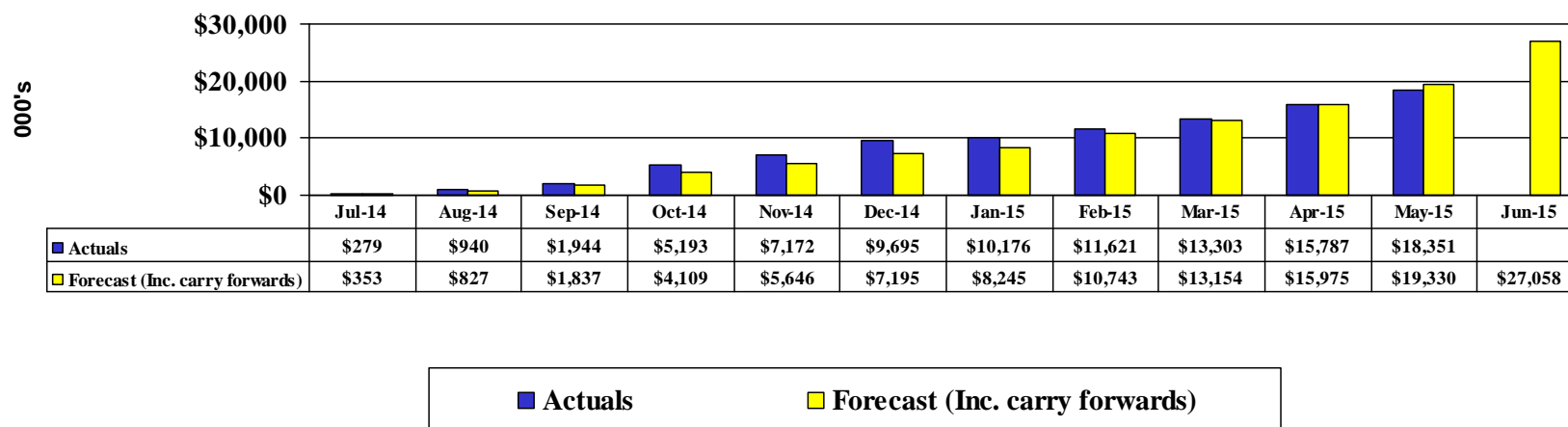
The May 2015 year to date financial performance was \$6.09M better than the year to date budget mainly due to:

- Better than anticipated income received for Other Revenue \$2.18M (including carbon tax refund of \$876K and higher than budgeted Open Space Contributions \$1.24M), Government Grants \$985K, User Charges and Other Fees \$263K, Statutory Fees and Fines \$198K and Supplementary and General Rates \$145K.
- Higher than expected Interest on Investments \$461K.
- Favourable variances in expenditure items including: Employee Costs \$1.48M, Materials and Consumables \$794K, Agency \$301K, Training \$266K, Insurances \$253K, Utility Services \$143K, Council Donations, Grants and Subsidies \$130K, Maintenance \$113K and Other Expenses \$98K.
- Unfavourable variance in Contractor Payments \$918K and Debt Servicing Costs \$182K.



Glen Eira City Council

Capital Expenditure *(excluding Major Projects)* for the period ending 31 May 2015

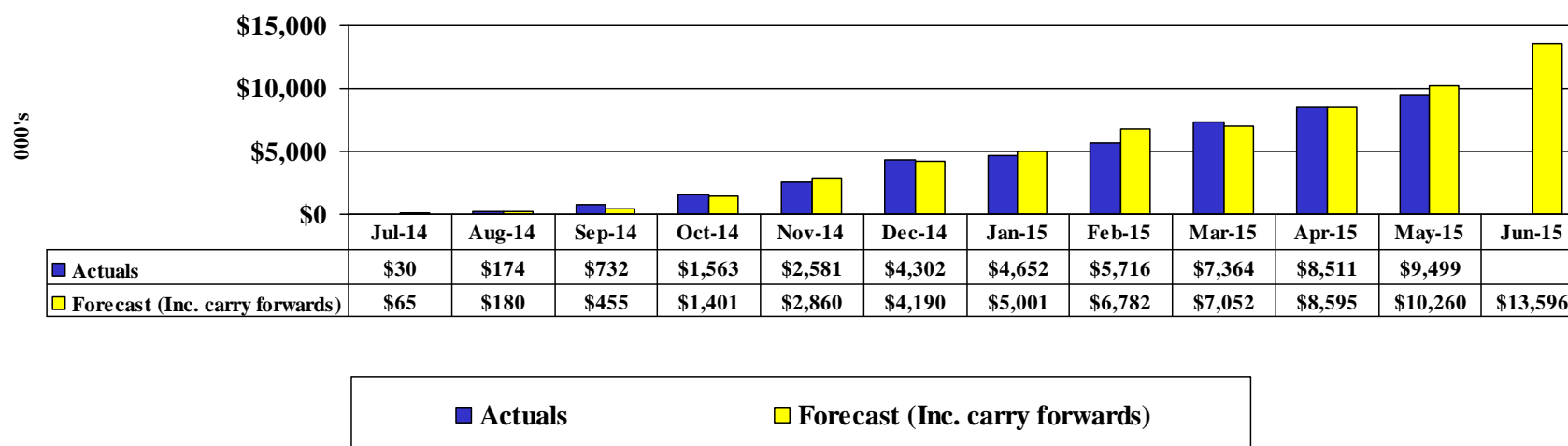


Council's capital expenditure excluding major projects is behind forecast by \$979K mainly due to the later than anticipated expenditure on Information Systems \$440K, Building Improvements \$366K, Shopping Centre Car Park Improvements \$274K, Drought Tolerant Grass \$186K and Road Rehabilitation \$176K. Offsetting this is earlier than anticipated expenditure on Drainage Improvements \$535K.

Glen Eira City Council

Capital Expenditure *(Major Projects)*

for the period ending 31 May 2015

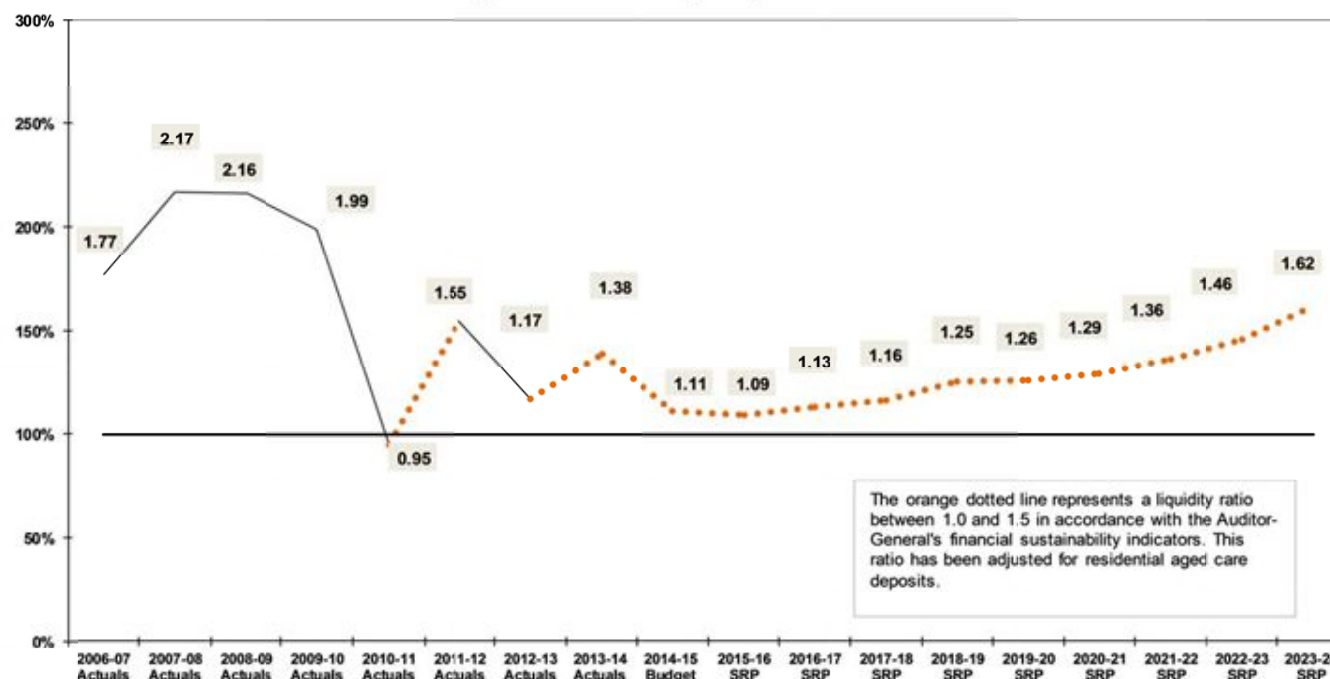


Council's capital expenditure for major projects is behind forecast by \$761K.

Glen Eira City Council

Liquidity Management

Adjusted Working Capital Ratio

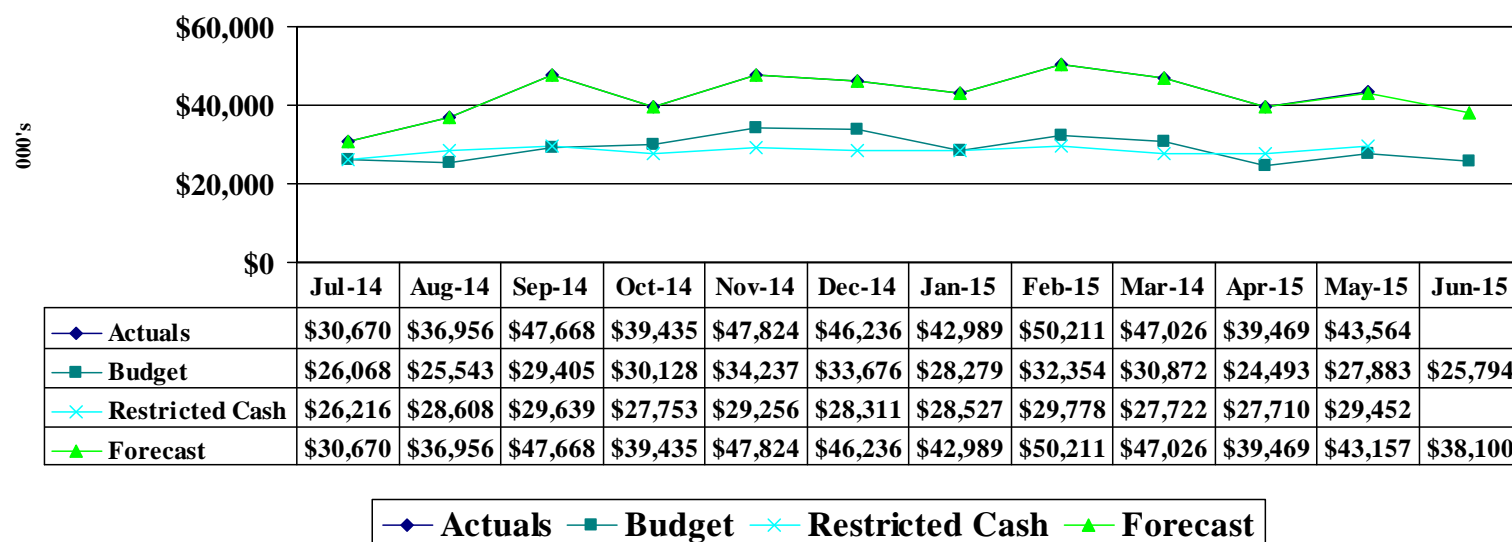


Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves. Council has fully borrowed \$25m to fund the construction of the Glen Eira Sports and Aquatic Centre (GESAC). Council will continue to have a large investment in capital works projects. The adjusted working capital ratio above expresses the level of current assets the Council has available to meet its current liabilities. This ratio has been adjusted for residential aged care deposits. Council's long-term forecast has the adjusted liquidity ratio remaining around 1 or 100% for the remainder of this Council term and into the next. This means careful monitoring of the cash flow position to ensure current liabilities are adequately covered and that unanticipated or unbudgeted capital or operating expenses are avoided. As at end of May 2015, the Adjusted Working Capital Ratio is 1.94.

Glen Eira City Council

Cash Balances

For the period ending 31 May 2015

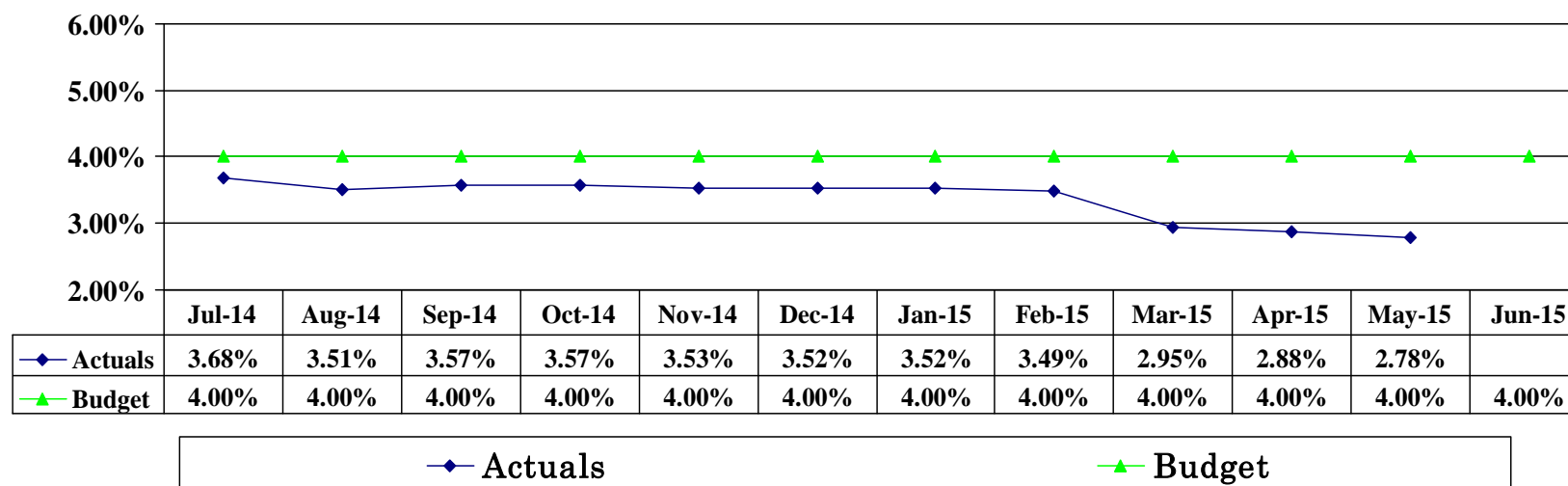


Council's year to date cash balance of \$43.56M is higher than budget for the current month. Council's forecast position to June 2015 of \$38.1M has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 31 May 2015 include: Residential Aged Care Deposits of \$20.21M, Trust Funds and Deposits \$3.51M (including asset protection permits), Open Space Reserve \$3.66M and Fire Services Property Levy \$2.08M.

Glen Eira City Council

Actual Interest Rate vs Budget Interest Rate for the period ending 31 May 2015



Council achieved a slightly lower return of 2.78% against the budget of 4.00%.

Description	2014-15 Carry Forwards from 2013- 14	2014-15 Adopted Annual Capital Budget	2014-15 Capital Grant Funding	2014-15 Budget Plus 2013-14 Carry Forward	2014-15 YTD Work In Progress	2014-15 YTD Forecast	2014-15 YTD Variance	2014-15 Annual Forecast Projected end of June 2015 expenditure	2014-15 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
CAPITAL WORKS: MUST DO									
INFORMATION SYSTEMS	708,000	887,900	-	1,595,900	1,153,273	1,593,000	(439,727)	1,595,900	-
VEHICLE REPLACEMENT	-	1,698,000	-	1,698,000	1,548,561	1,629,758	(81,197)	1,638,000	(60,000)
ROAD REHABILITATION-CAPITAL	-	3,553,000	-	3,553,000	1,619,985	1,796,000	(176,015)	3,553,000	-
DRAINAGE IMPROVEMENTS	-	3,500,000	-	3,500,000	2,777,579	2,243,000	534,579	3,500,000	-
LOCAL ROAD RESURFACING	-	1,150,000	-	1,150,000	1,253,150	1,150,000	103,150	1,150,000	-
FOOTPATH REPLACEMENT	-	1,725,000	-	1,725,000	1,395,361	1,272,500	122,861	1,725,000	-
KERB AND CHANNEL REPLACEMENT PROGRAM	-	160,000	-	160,000	85,215	93,800	(8,585)	160,000	-
RIGHT OF WAY RENEWAL PROGRAM	-	240,000	-	240,000	262,886	240,000	22,886	240,000	-
TRAFFIC SIGNAL RENEWAL PROGRAM	-	250,000	-	250,000	82,793	200,000	(117,207)	250,000	-
LATM REPLACEMENT	-	221,000	-	221,000	18,471	147,000	(128,529)	221,000	-
CAR PARK REHABILITATION	46,000	305,000	-	351,000	297,954	130,000	167,954	366,000	15,000
ROADS TO RECOVERY	-	-	288,000	288,000	288,026	-	288,026	288,000	-
TOTAL MUST DO	754,000	13,689,900	288,000	14,731,900	10,783,254	10,495,058	288,196	14,686,900	(45,000)
CAPITAL WORKS: ROLLING ANNUAL									
HEATING, VENTILATION AND COOLING SYSTEMS RENEWAL PROGRAM	-	25,000	-	25,000	24,203	30,980	(6,777)	30,980	5,980
BUILDING IMPROVEMENTS	-	567,000	-	567,000	399,241	497,050	(97,809)	557,000	(10,000)
BATHROOM RENEWAL	-	40,000	-	40,000	42,385	40,000	2,385	40,000	-
KITCHEN UPGRADES	-	24,000	-	24,000	69,326	65,000	4,326	65,000	41,000
PLANT RENEWAL	-	22,000	-	22,000	20,020	22,000	(1,980)	22,000	-
ROOF REPLACEMENT	19,000	130,000	-	149,000	68,804	111,000	(42,196)	149,000	-
SHOPPING CENTRE CARPARK IMPROVEMENTS	119,000	550,000	-	669,000	268,702	543,000	(274,298)	669,000	-
TRAFFIC ENGINEERING	22,000	926,000	-	948,000	735,531	698,000	37,531	948,000	-
LIBRARY BOOKS	-	725,334	61,123	786,457	748,728	700,347	48,381	786,457	-
BUILDING PAINTING PROGRAM	-	123,000	-	123,000	66,695	77,000	(10,305)	77,000	(46,000)
RECREATION	159,413	250,000	-	409,413	163,187	240,000	(76,813)	409,413	-
POOL REFURBISHMENT	-	150,000	-	150,000	139,338	178,000	(38,662)	185,000	35,000
BICYCLE STRATEGY	97,000	150,000	-	247,000	60,859	150,000	(89,141)	247,000	-
UPGRADE AND REPLACE AGED PARK FURNITURE	-	444,500	-	444,500	291,163	259,500	31,663	444,500	-
SPORTS GROUND LIGHTING	-	192,000	-	192,000	141,977	192,000	(50,023)	192,000	-
DROUGHT TOLERANT GRASS	-	500,000	-	500,000	314,057	500,000	(185,943)	500,000	-
SAHDE SAILS	-	60,000	-	60,000	69,699	60,000	9,699	60,000	-
PARK PATHWAY LIGHTING	-	30,000	-	30,000	1,895	30,000	(28,105)	30,000	-
SMALL PARK LANDSCAPING	-	195,000	-	195,000	201,511	195,000	6,511	195,000	-
TOTAL ROLLING ANNUAL	416,413	5,103,834	61,123	5,581,370	3,827,321	4,588,877	(761,556)	5,407,350	25,980

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Glen Eira City Council
Capital Works Program Expenditure
for period ending 31 May 2015 (continued)



Description	2014-15 Carry Forwards from 2013- 14	2014-15 Adopted Annual Capital Budget	2014-15 Capital Grant Funding	2014-15 Budget Plus 2013-14 Carry Forward	2014-15 YTD Work In Progress	2014-15 YTD Forecast	2014-15 YTD Variance	2014-15 Annual Forecast Projected end of June 2015 expenditure	2014-15 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
CAPITAL WORKS- MAJOR PROJECTS									
PAVILION UPGRADE (CENTENARY PARK)	600,000	1,350,000	50,000	2,000,000	1,314,255	1,310,000	4,255	2,000,000	-
PAVILION UPGRADE (DUNCAN MACKINNON)	4,972,893	1,900,000	-	6,872,893	5,358,354	5,533,104	(174,750)	6,872,893	-
CENTENARY PARK CAR PARK CONSTRUCTION	-	575,000	25,000	600,000	115,793	400,000	(284,207)	600,000	-
OPEN SPACE INITIATIVES	-	1,120,000	-	1,120,000	1,310,122	1,076,000	234,122	1,337,000	217,000
ELSTERNWICK PLAZA LANDSCAPE IMPROVEMENTS	236,220	350,000	-	586,220	71,726	250,000	(178,274)	586,220	-
BOORAN RESERVE COMMUNITY CONSULTATION AND MASTER PLAN DEVELOPMENT	-	200,000	-	200,000	1,328,598	1,690,000	(361,402)	2,200,000	2,000,000
	5,809,113	5,495,000	75,000	11,379,113	9,498,848	10,259,104	(760,256)	13,596,113	2,217,000
SHORT TERM PROJECTS									
FURNITURE & FITTINGS	-	50,000	-	50,000	22,860	-	22,860	50,000	-
INFORMATION SYSTEMS	8,000	249,560	-	257,560	163,491	132,500	30,991	257,560	-
HEATING, VENTILATION AND COOLING SYSTEMS RENEWAL PROGRAM	-	250,000	-	250,000	94,623	156,250	(61,627)	250,000	-
BUILDING IMPROVEMENTS	65,000	902,000	-	967,000	565,535	931,375	(365,840)	1,116,000	149,000
UPGRADE AUDIO & VISUAL EQUIPMENT	-	19,688	-	19,688	21,873	19,688	2,185	19,688	-
REFURBISHMENT OF ILUs	67,000	100,000	-	167,000	152,072	167,000	(14,928)	167,000	-
CONTRACT MANAGEMENT SOFTWARE	8,000	-	-	8,000	-	8,000	(8,000)	8,000	-
SECURITY AND CCTV	-	40,000	-	40,000	-	40,000	(40,000)	40,000	-
FURNITURE, FITTINGS & EQUIPMENT - ADASS	-	-	-	-	34,567	33,045	1,522	33,045	39,045
GREENWASTE BIN ROLLOUT	-	827,000	-	827,000	687,584	827,000	(139,416)	827,000	-
LIBRARY FAST TRACK CUSTOMER SERVICE	-	615,661	-	615,661	545,335	535,661	9,674	615,661	-
CAULFIELD PARK CONSERVATORY	68,000	-	-	68,000	79,599	-	79,599	68,000	-
RECREATION	203,000	884,000	-	1,087,000	710,691	663,000	47,691	968,000	(119,000)
GESAC FURNITURE & EQUIPMENT	583,000	903,320	-	1,486,320	150,514	169,000	(18,486)	1,594,320	108,000
PARKS MINOR CAPITAL WORKS	-	275,000	-	275,000	88,147	103,500	(15,353)	288,500	13,500
PUBLIC HALL FURNITURE	-	10,400	-	10,400	8,250	10,400	(2,150)	10,400	-
PLINTH CURBING	-	80,000	-	80,000	103,028	80,000	23,028	80,000	-
BIN ENCLOSURES	-	17,000	-	17,000	18,923	17,000	1,923	17,000	-
RESIDENTIAL AGED CARE & STORAGE IMPROVEMENTS	-	246,000	-	246,000	276,302	246,000	30,302	246,000	-
FURNITURE AND EQUIPMENT - MCH OFFICES	-	27,100	-	27,100	14,790	27,100	(12,310)	27,100	-
LOADING BAYS GLEN WORKS	-	-	-	-	1,976	80,000	(78,024)	80,000	80,000
TOTAL SHORT TERM PROJECTS	1,062,000	5,496,729	-	6,498,729	3,740,160	4,246,519	(506,359)	6,763,274	264,545
TOTAL CAPITAL WORKS EXPENDITURE	7,981,526	29,785,463	424,123	38,191,112	27,849,583	29,589,558	(1,739,975)	40,453,637	2,462,525

2014-15 Capital Works Reconciliation
for period ending 31 May 2015

Capital Works Carried Forwards from the 2013-14 financial year	\$ 7,981,526
Annual Budget 2014-15	\$ 29,785,463
Capital Grant Funding 2014-15	\$ 424,123
Total 2014-15 Annual Budget including Capital Grants and Carried Forward Projects	\$ 38,191,112

Monthly Forecast Movements:

Jul 2014	33,045	Oct 2014	2,000,000	Jan 2015	143,000	Apr 2015	62,000
Aug 2014	-	Nov 2014	38,980	Feb 2015	(111,500)	May 2015	217,000
Sep 2014	-	Dec 2014	-	Mar 2015	80,000	Jun 2015	-
Closing Capital Balance							40,653,637

OUTSTANDING (NON-RATE) DEBTOR REPORT (\$'000)

Debtors	Current 0-30 days	31-60 days	61-90 days	90 + days	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
General Debtors							
Finance & Valuations	39	4	-	-	43	-	43
Buildings and Facilities	34	4	-	2	40	1	40
Planning & Transport	103	5	-	10	118	3	116
Community Relations	102	35	4	2	143	1	143
Arts & Cultural Services	-	-	-	-	-	-	-
Recreation	139	14	-	-	153	-	153
Community Services	6	18	-	-	24	-	24
Child Care Centres	77	3	-	3	83	1	82
Residential Aged Care	180	33	10	13	236	3	233
Home and Community Care	98	12	4	-	114	-	114
Assets and Facilities	2	3	-	-	5	-	5
General Debtors Total	780	131	18	30	959	8	952

Other Debtors	Current 0-3 months	4-6 months	7-12 Months	12 Months +	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
Parking Infringements - Council	566	110	83	23	782	78	704
Parking Infringements - PERIN	101	-	70	1,163	1,334	1,201	133
Other Debtors Total	668	110	153	1,186	2,116	1,279	837

Total Debtors	1,448	241	171	1,216	3,075	5,082	1,789
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Comments

Residential Aged Care

The majority of the \$13K in 90+ days is under investigation.

Parking Debtors

Council's Parking Debtors for the current period comprise of :

	\$,000
Collection by Council	782
Collection by PERIN Court	1,334
Total Parking Debtors	\$ 2,116

Rate Debtors

Instalment	2014-2015 Opening Balance \$'000	2014-2015 Year to date \$'000
Arrears Brought Forward	4,809	4,809
2014-15 Rates & Garbage Generated	90,671	90,071
2014-15 Fire Services Property Levy	11,242	11,242
Total Rates & Charges	106,722	106,122
Adjustments:		
Glen Eira Pension Rebate	(493)	(520)
State Government Rebate	(1,654)	(1,744)
Fire Services Property Levy Rebate	(398)	(419)
Receipts	-	(90,403)
Interest	-	372
Supplementary Valuations	-	610
Adjustments	-	23
Total Adjustments	(2,545)	(92,081)
Rates & Charges Balance at Month End	103,577	14,041

Glen Eira City Council
Financial Ratios (Performance Indicators)
for period ending 31 May 2015



Financial Ratios (performance indicators)	May 2014-15 (%)	May 2014-15 Ratio	May 2013-14 (%)	May 2013-14 Ratio
(1) Rates/Total Revenue (To identify Council's dependence on non-rate income)				
General & Supplementary Rates	53.32 %	0.53 :1	52.13 %	0.52 :1
Total Revenue				
(The level of Council's reliance on Rate Revenue is determined by assessing rate revenue as a proportion of the Total Revenue of Council)				
(2) Garbage Charge/Total Revenue (To identify Council's dependence on Garbage Charges)				
Garbage Charge	9.42 %	0.09 :1	10.33 %	0.10 :1
Total Revenue				
(3) Interest Received (To identify Council's dependence on Interest Received)				
Interest Received	0.99 %	0.01 :1	1.00 %	0.01 :1
Total Revenue				
(4) Grants & Subsidies/Total Revenue (To identify Council's dependence on Grants & Subsidies)				
Grants & Subsidies	14.26 %	0.14 :1	13.21 %	0.13 :1
Total Revenue				
(5) User Charges & Other Fees/Total Revenue (To identify Council's dependence on User Charges & Other Fees)				
User Charges & Other Fees	15.15 %	0.15 :1	14.80 %	0.15 :1
Total Revenue				
(6) Statutory Fees & Fines/Total Revenue (To identify Council's dependence on Statutory Fees & Fines)				
Statutory Fees & Fines	3.00 %	0.03 :1	3.40 %	0.03 :1
Total Revenue				
(7) Other Revenue/Total Revenue (To identify Council's dependence on Other Revenue)				
Other Revenue	3.86 %	0.04 :1	5.12 %	0.05 :1
Total Revenue				
(8) Accounts Receivable Turnover (days) (To identify the number of days on average it takes for a debtor to pay)				
Average Debtors	33 days	0.33 :1	31 days	0.31 :1
Average Credit Sales				

10. URGENT BUSINESS – NIL**11. ORDINARY BUSINESS****11.1 Requests for reports from Officers****(a) Crs Okotel/Hyams**

That Council provide a report regarding how the provision of information regarding boundary fences could be improved, for example by having information available on Council's website.

The MOTION was put and CARRIED unanimously.

(b) Crs Sounness/Delahunty

That an updated report to item 9.9 “Violence against Women in Glen Eira” of the Ordinary Council Meeting of 22 July 2014 be presented, to include the recent work by the Municipal Association of Victoria in this area and tabling the correspondence received by the family of Nikita Chawla.

The MOTION was put and CARRIED unanimously.

(c) Crs Delahunty/Pilling

That a report be prepared to show the best way for the development of a Reconciliation Action Plan for the City of Glen Eira.

The MOTION was put and CARRIED unanimously.

11.2 Right of reply – Nil.**11.3 Councillor questions – Nil.****11.4 Public questions to Council.**

Mr Nunns of Carlton South submitted two public questions both of which were deemed inappropriate pursuant to Local Law 232 (2) (j) (iii) and (iv).

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 number 2015.040 Provision of Comprehensive Lift Maintenance and Servicing.

Number of tenders received	Three (3)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$255,000 over the life of the contract.

- 12.2** under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.037 – Provision of Grade Separation Project Management and General Property Advice Services.

Number of tenders received	Six (6)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	in excess of \$350,000

- 12.3** under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.038 Provision of Automotive Panel Repair Services

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$390,000 over five (5) years

- 12.4** under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.036 – Property Consultant - Provision of Road Discontinuance and General Property Advice Services as a result of invitations to tender

Number of tenders received	Two (2)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	in excess of \$600,000

- 12.5 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2016.005 Shoobra Road Stage 1 & 2 Drainage works, Elsternwick.**

Number of tenders received	Five (5)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$850,000.00

- 12.6 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.041 – Centenary Park Car Park Redevelopment, Brady Road Bentleigh East**

Number of tenders received	Five (5)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$800,000

- 12.7 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender number 2015.039, Booran Road Reserve, Supply and Installation of two double Automated Toilets**

Number of tenders received	One (1)
Number of evaluation criteria tenders assessed against	One (1)
Estimated contract value	\$400,000

The MOTION was put and CARRIED unanimously.

OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS**Item 12.1****Crs Hyams/Sounness**

- 1. That Council appoints United Lift Services Pty Ltd, A.C.N. 082 447 658 as the contractor under Tender number 2015.040 for the amount of \$43,950.00 per annum (exclusive of GST).**
- 2. That the contract be prepared in accordance with the Conditions of Contract included in the tender with the amendments approved by Corporate Counsel.**
- 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.

Item 12.2**Crs Lipshutz/Pilling**

- 1. That Council appoints the tenderer James Michael Kearney A.B.N. 40 329 233 as a panel contractor in accordance with the Schedule of Rates submitted, subject to him setting up a separate corporate entity to be the Contractor.**
- 2. That Council appoints the tenderer Optimatum Pty Ltd A.C.N. 165 162 274 as the trustee for Amelarth Trust, trading as Optimatum A.B.N. 99 560 226 245 as a panel contractor in accordance with the Schedule of Rates submitted.**
- 3. That the contracts be prepared in accordance with the Conditions of Contract included in the tender.**
- 4. That the contract be executed in an appropriate manner by affixing of the Council Seal.**
- 5. That this resolution be incorporated in the public minutes of this Meeting.**

The MOTION was put and CARRIED unanimously.

Item 12.3**Crs Hyams/Lipshutz**

- 1. That Council appoints Caulfield Motor Body Works Pty Ltd, ACN 067 240 091 as the contractor under Tender number 2015038 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 unanimously.

Item 12.4**Crs Lipshutz/Sounness**

- 1. That Council appoints Rough End of the Pineapple Pty Ltd A.C.N. 006 683 745 as the trustee for the Blackwood Unit Trust, trading as Rough End of the Pineapple Pty Ltd A.B.N. 24 954 212 760 as the contractor under Tender number 2015.036 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, and incorporating Professional Indemnity Insurance cover of \$5 million and Public Liability Insurance cover of \$10 million as approved by Director Assets and Facilities.**
- 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.

Item 12.5**Crs Sounness/Pilling**

- 1. That Council appoints Jaydo Construction Pty Ltd, ACN 062 221 596 as the contractor under Tender number 2016.005 Shoobra Road Stage 1 & 2 Drainage Works for an amount of \$852,353.00 exclusive of GST (\$937,588.30 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 12.6**Crs Lipshutz/Delahunty**

- 1. That WM Loud (Aust) Pty Ltd, ACN 005 711 222 be appointed as the Contractor under tender number 2015.041 for an amount of \$ 889,983.71 inclusive of GST in accordance with the Schedule of Rates submitted.**
- 2. That the Contract is prepared in accordance with the conditions included in the tender.**
- 3. That the Contract be executed in an appropriate manner including by affixing of the Council Seal.**
- 4. That this resolution be incorporated in the public minutes of this Meeting.**

The MOTION was put and CARRIED.

Item 12.7**Crs Pilling/Esakoff**

1. That WC Convenience Management Pty Ltd, trading as WC Innovations, ACN 005 671 830 be appointed as the Contractor under tender number 2015.039 for an amount of \$ 438,275.00 inclusive of GST.
2. That the Contract is prepared in accordance with the conditions included in the tender.
3. That the Contract be executed in an appropriate manner including by affixing of the Council Seal.
4. That this resolution be incorporated in the public minutes of this Meeting.

The MOTION was put and CARRIED unanimously.

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 10.18PM.

CONFIRMED THIS 21 JULY 2015

CHAIRPERSON