



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**MINUTES**

21 JULY 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**
  - i. Metropolitan Transport Forum, 3 June 2015
- 8. REPORTS FROM COMMITTEES**
  - a. Advisory Committees**
    - i. Environment Advisory Committee, 11 June 2015
    - ii. Arts and Culture Advisory Committee, 29 June 2015
  - b. Records of Assembly**
    - i. 23 June 2015
    - ii. 30 June 2015
    - iii. 7 July 2015
- 9. PRESENTATION OF OFFICER REPORTS**
  - 9.1 Virginia Park – Review Submissions
  - 9.2 23 Bent Street, Bentleigh
  - 9.3 641-685 North Road, Ormond
  - 9.4 75 Mackie Road, Bentleigh East
  - 9.5 333-341 Hawthorn Road, Caulfield
  - 9.6 60 Neerim Road Caulfield East
  - 9.7 VCAT Watch - July 2015
  - 9.8 Domestic Animal Management Plan Review
  - 9.9 Leases to Bentleigh Recreation Tennis Club Inc, Murrumbeena Tennis Club Inc, Wattle Tennis Club Inc, East Bentleigh Sporting and Recreation Club Inc and Murrumbeena Park Bowling Club Inc
  - 9.10 Lease to Caulfield Park Sports Club
  - 9.11 MAV Councillor Development Weekend
  - 9.12 2014-15 Draft Financial Report Appointment of 2 Signatories
  - 9.13 Changes to Delegations from Council to Members of Staff and Delegated Planning Committee



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

12.1 under s89 (2)(d) “contractual” which relates to awarding of the contract for Tender 2015.049 Booran Reserve Construction of New Playground and Associated Works

12.2 under s89 (2)(d) “contractual” which relates awarding of the contract for Tender 2015.033 Business Analyst Consultancy Services

Number of tenders received	11
Number of evaluation criteria tenders assessed against	3
Estimated contract value	\$250,000 pa

12.3 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.004 Lyons Street Reconstruction, Lyons Street, Carnegie.

Number of tenders received	Four (4)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$1,300,000.00

12.4 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.008 Clive Street Drainage Works , Hooper Street & Merrimu Reconstruction, Clive Street, Hopper Street and Merrimu Street, Murrumbena.

Number of tenders received	Four (4)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	More than \$800,000.00

**13. CLOSURE OF MEETING**





**MINUTES of the ORDINARY MEETING OF THE  
GLEN EIRA CITY COUNCIL held on TUESDAY, 21 JULY 2015**

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

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

**1. ACKNOWLEDGEMENT**

On behalf of Council the Mayor read the following acknowledgement.

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

**2. APOLOGIES - Nil**

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

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

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

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



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

Copies of Minutes previously circulated.

**Crs Lipshutz/Okotel**

**That the minutes of the Ordinary Council Meeting held on Tuesday, 30 June 2015 be confirmed, and**

**That the Minutes of the Ordinary Council Meeting held on 16 December 2014 be amended at Agenda Item 9.4 as follows:**

**DELETE the words at Condition 1 (d) and REPLACE with the following words:**

**“(d) Dwelling 13 and 14 at second floor setback a minimum of 6m from the western boundary and absorbed within the remaining building envelope.”**

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

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

A petition signed by 683 signatories was tabled that read as follows:

“We the undersigned call on the Glen Eira City Councillors to abandon Planning Scheme Amendment C126 for the area known as Virginia Park Business Centre, 236-262 East Boundary Road, East Bentleigh. The proposal will have significant and severe impact on the Bentleigh and East Bentleigh Shopping Centres as well as other centres and neighbourhoods in the City of Glen Eira. The Amendment is not strategically justified and insufficient information has been provided to warrant such a significant departure from the Council’s current strategic intent for the Virginia Park Business Centre as an industry and employment hub. Quality employment opportunities should be protected and not lost for essentially just another supermarket development.”

**Crs Delahunty/Hyams**

**That the petition be received and noted.**

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

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

Cr Sounness reported on the Metropolitan Transport Forum held on 3 June 2015.





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

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Minutes – General Meeting  
Wednesday, 3<sup>rd</sup> June 2015

6.00 pm refreshments, meeting starts at 6.15 pm  
Meeting Room, 2<sup>nd</sup> Floor, Melbourne Town Hall

Councillors

**Chair: Cr Tom Melican**

**1. Welcome / Attendance / Apologies**

**Present:**

Cr Tom Melican	City of Banyule
Bailey Byrnes	City of Banyule
John Tanner	City of Brimbank
Paul Hamilton	City of Casey
Cr Oliver Walsh	City of Darebin
Cr Thomas Sounness	City of Glen Eira
Terry Alexandrou	City of Glen Eira
Kent Dodgshun	City of Glen Eira
Patricia Fitzsimons	City of Hobsons Bay
Cr Carl Marsich	City of Hobsons Bay
David Witty	City of Hobsons Bay
Peter Bain	City of Kingston
Sanket Kargathra	City of Maribyrnong
Cr Martin Zakharov	City of Maribyrnong
Richard Smithers	City of Melbourne
Rob Moore	City of Melbourne
James Paterson	City of Monash
Simon Stainsby	City of Moreland
Tom Haysom	City of Stonnington
Jane Waldock	City of Yarra
Craig Rowley	Leadwest
Kevin Peachey	Municipal Association of Victoria
Fahim Zafar	Town and Country Planning Association
David Stosser	Rail Futures
Andrea Macdonald	Urban Interface
Harry Barber	ICLEI
Louis Fouvry	Fouvry Consulting
Kim Dovey	University of Melbourne
Susie Strain	Metropolitan Transport Forum



## **Apologies**

Cr Amanda Stapledon, City of Casey  
Peter Cash, MTF  
Steve Carson, City of Bayside  
Frank Vassilacos, City of Manningham  
Cr Paul McLeish, City of Manningham  
Cr Roberto Colanzi, City of Yarra  
Cr Andrew Bond, City of Port Phillip

Cr. Jackie Fristacky, City of Yarra  
Cr Andrea Surace, City of Mooney Valley  
Steven White, City of Bayside  
Cr Glenn Goodfellow, City of Wyndham  
John Bartels, City of Port Phillip  
Cr Lenka Thompson, City of Moreland

## **2. Minutes of previous meeting, Wednesday 6th May**

MOTION: that the minutes of the previous meeting Wednesday 1<sup>st</sup> April 2015 be accepted

Proposed: Cr Thomas Sounness, City of Glen Eira

Seconded: Cr Martin Zakharov, City of Maribyrnong

Carried

## **3. Presentation: Kim Dovey, Professor of Architecture and Urban Design, University of Melbourne speaking on Intensifying Melbourne: Transit-Oriented Urban Design for Resilient Futures.**

Kim Dovey provided an overview of a recent University report on Intensifying Melbourne, where Melbourne was used as a test site for an ARC Linkage research project 'Intensifying Places'. This project seeks to analyse the potentials for Australian cities through developing visions for transit-oriented futures that can achieve broad community acceptance in a democratic framework. The emphasis was on urban design as a key element to both gain community support and build in sustainability and resilience with high levels of urban amenity, accessibility economic vitality and equity.

The theoretical background drew from 'assemblage' (a cluster of activities with interconnected relationships) and 'resilience' (the complex and unpredictable interactions between parts). This can be translated on the ground into an assembled intersection of density, mix and access.

Melbourne was analysed at three scales, 100km by 100km (metropolis), 10km by 10km (suburb) and 1km by 1km (neighbourhood). The 10km grid occupies the middle ground between the metropolis and neighbourhood, between metropolitan planning and urban design, and is closest to the ideal of a '20 minute city' where most of the desired amenities are accessible within 20 minutes. (This notion has been embodied into PPlanMelbourne). The project analysed three suburban zones for scenarios of potential intensification of land uses and transit connectivity. A key issue emerged of the relationship between development potential and infrastructure investment – in a market-driven development economy what amount of infrastructure investment is needed to generate the desired development?

- North zone – extending from the outer ring road to Thornbury, Coburg to Heidelberg, this zone incorporates Preston market, Latrobe University, Northland mall and Reservoir. A proposed tram and rail scenario would link key activity centres and redevelopment sites within the region and stimulate the considerable development potential



- Southeast zone – an established suburban landscape from Camberwell and Surrey Hills to Oakleigh, and Caulfield to Clayton incorporating Monash and Deakin Universities and Chadstone shopping centre. Again, additional rail and tram better link the area's considerable activity nodes and potentially transform the zone.
- West zone – relatively disadvantaged west of Melbourne from Kensington and Footscray to Sunshine and Moonee Ponds. The primary transit addition to realise the considerable development potential is the rail extension to the airport plus greater tram connections.

In each zone a number of urban design scenarios were proposed at the potential development sites (on the 1km by 1km scale) to demonstrate the development and uplift opportunities created by the greater connectivity enabled by transit investment. The attention to urban design and opportunity enrichment is intended to overcome community resistance and pave the way for further intensification.

Kim also demonstrated a technique to graphically display relative transport choices from a particular site, again using suburban Melbourne as a test site. These are mapped as isochrones – time/space zones of accessibility from any given location, and by using historical data can be shown to have varied considerably over time. They are useful for analysing the mode choices and options from transit-oriented development. The study

- Value and limits of existing travel time data sources
- Power of mapping for insight into transport mode choice
- Allow analysis of designed infrastructural changes to potentially affect mode shift in everyday life

#### **4. MTF Strategic Public Transport Advocacy**

- Strategic directions workshop  
Paul Hamilton reported that the executive has been engaged in a series of strategic direction workshops to develop a realistic and appropriate advocacy objectives. The following themes have been discussed
  - Involving both sides of government
  - Working with key agencies
  - Level crossing removal program
  - For rail, advocacy for continuous upgrade and support transfer into a metro system
  - Buses
  - Better engagement with local government
  - Walking, cycling
  - Freight
 Will work on at the executive meeting and report back to July meeting.
- Commonwealth funding for public transport  
The ALGA congress in Canberra provides an opportunity for councillors to meet with federal MPs; a meeting has been arranged with Arthur Sinodinos.  
Federal Senator Janet Rice has arranged a forum in Melbourne on June 9th on the issue of federal funding for public transport, Let's Get Public Transport Back on Track.

#### **5. MAV Report**

Kevin Peachey, transport policy officer, MAV, informed the MTF of coming MAV events on transport topics:



- Local government briefing session from Kevin Devlin, CEO, Level Crossing Removal Authority
- Safety interface agreements to cover where local government roads and paths cross rail tracks
- Council conversation on transport, a set of presentations on council experiences of various aspects of transport

Emerging issues on transport for the MAV are

- Smart Roads reference group work plan
- Speed limit policy
- Road safety strategy
- School crossings supervisor funding is under review, thought to be driven by VicRoads, concern about cost shifting

## 6. Council Information Sharing

- Ride to Work Day  
Further discussion and consideration of Mayors on Bikes as part of Ride to Work Day has led to the plan to invite the Minister of Transport to a bicycle ride during bike week.
- Moreland Cycling Forum  
Simon Stainsby reported a cycling forum in Moreland addressing safety issues in Sydney Road following a fatal cycling accident.

## 7. Regular reports:

- **Treasurer's report**

The Treasurer's report was presented as follows:

1.	Balances at Bank	
	Cheque account	\$4,996.67
	2 month term deposit	\$76,326.90
	Total	\$81,323.57
2.	Subscriptions	
	All 24 members paid	
	11 of 13 associates paid	
3.	Invoices	
	Enotia – website host	\$990.00

**MOTION: that the Treasurer's report be accepted**

**Proposed: Cr. Martin Zakharov**

**Seconded: Cr Oliver Walsh**

**Carried**

## 8. Meeting close.



**8. REPORTS FROM COMMITTEES**

**a. Advisory Committees**

- i. Environment Advisory Committee 11 June 2015
- ii. Arts and Culture Advisory Committee 29 June 2015

**Crs Okotel/Esakoff**

**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. 23 June 2015
- ii. 30 June 2015
- iii. 7 July 2015

**Crs Hyams/Esakoff**

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

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



# ENVIRONMENT ADVISORY COMMITTEE



## Minutes

11 June 2015, 7.00pm

Ogaki Room, Glen Eira Town Hall

<b>Invitees</b>	<p><b>Councillors</b> Cr Thomas Sounness (TS) Cr Karina Okotel (KO)</p> <p><b>Council Staff</b> Peter Waite, Director Assets and Facilities (DAF) Rachel Ollivier, Group Manager Environmental Strategy and Services (GMESS)</p> <p><b>Community Representatives</b> Kathryn Hannan (KH) Julian Donlen (JD) Phil Thompson (PT)</p> <p><b>Apologies</b> Cr Neil Pilling (Chair) (NP) Shane Genziuk (SG)</p>
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1.1. Welcomed Phil Thompson to the Environment Advisory Committee as community representative (environmental professional)

1.2. Declaration of Conflict of Interests

1.2.1. None declared

**2. Confirmation of minutes** Minutes confirmed (moved Cr Okotel, seconded Cr Sounness)

**3. Reports on previous actions and recommendations**

Action or recommendation	Report and discussion	Further Action
<p><u>Vision Super Ethical investment:</u> Committee Chair sending a further letter to Vision Super asking whether Vision Super would develop a transparent ethical investment policy and/or an option for members (March item 3.2)</p>	<p>Council endorsed this recommendation. Letter finalised and sent.</p>	
<p><u>Flood information request from Ogaki:</u> NP to find out what information Ogaki has about flood emergency management that maybe relevant to Glen Eira. (March; Item 6.2.4; carried over).</p>	<p>This action not to be carried over.</p>	<p>JD to circulate similar information received from Obu</p>
<p><u>Eastern Alliance for Greenhouse Action (EAGA)</u> – following the presentation at last meeting which provided an overview of the alliance, officers to circulate EAGA proposed projects for 2015/16.</p>	<p>Committee agreed at March 2015 meeting to consider matter again when Council's ESS is finalised.  Draft advocacy priorities and projects for 2015/16 attached.</p>	
<p><u>Write to the Minister for Environment and Climate Change</u>, to express Council's support for:</p>	<p>Council endorsed this recommendation (2 February 2015).</p>	<p>Completed</p>



Action or recommendation	Report and discussion	Further Action
<ul style="list-style-type: none"> <li>Reduction of waste and increasing recycling, particularly green waste;</li> <li>Reducing greenhouse gas emissions and responding to the risks associated with climate change</li> <li>Efforts to reduce demand for energy by households, businesses and Government departments, such as the Victorian Energy Efficiency Target.</li> <li>Better bike and public transport infrastructure</li> </ul>	Letter finalised and sent (circulated prior to meeting)	
Write to the new Minister for Planning with a similar letter to that previously sent to the Minister supporting Environmentally Sustainable Design	<p>Council endorsed this recommendation (2 February 2015)</p> <p>Letter finalised and sent (circulated prior to meeting)</p>	Completed

#### 4. Regular reports

##### 4.1. ESS Action Plan – progress

- 4.1.1. Next update will for period to end June 2015 and is likely to be available at the September meeting.

##### 4.2. Sustainability Indicators

- 4.2.1. The report for the third quarter 2014-15 was circulated prior to the meeting and discussed.
- 4.2.2. JD asked whether Council could reduce paper use by exploring the purchase of printers (aka multi-function devices) that have the facility to enable log-in before printing at any device (or enabling this in current machines).
- 4.2.3. Action: Officers agreed to check with Council's IT Department to see whether Council's printers have a 'secure printing' feature. If not, does Council plan to procure printers with this feature in the future?**

##### 4.3. Community Education

- 4.3.1. An update on events and participation is included in attachment A.
- 4.3.2. ACTION Next report to include attendance figures.**

#### 5. Other business

##### 5.1. Noisy Myna Birds

- 5.1.1. Cr Sounness proposed that the Environment Advisory Committee request a presentation from the Yarra Indian Myna Action Group.
- 5.1.2. Action: Officers to arrange presentation for next meeting.**

##### 5.2. Budget question regarding LED lights

- 5.2.1. Cr Okotel sought more information on the community submission received during the budget consultation relating to LED lights.



5.2.2. Officers explained that the concern raised in the budget submission is about the colour temperature (whiteness) of the lights and that Officers are intending to consider this issue during the procurement stage for LED lights.

5.2.3. DAF noted that a response to the question might have already been provided through the budget consultation process.

**5.2.4. RECOMMENDATION: if it hasn't done so already, that Council respond to the budget submission noting that LED lights will be considered at the procurement stage of the project (Moved Cr Okotel; Seconded Cr Sounness)**

#### 5.3. Community Environment Forum summary

5.3.1. JD noted the contribution of the community at the Community Environment Forum. He requested that the summary of proceedings be made available on the website as part of the Environmental Sustainability Strategy decision-making process.

5.3.2. Officers explained that community values are usually summarised in strategies and information from consultation is also provided to in more detail in the report to Council when a strategy is considered. This is the approach that is planned in this case.

**5.3.3. ACTION: officers to explore linking to several documents from the website during consultation including the Community Environment Forum results.**

#### 5.4. Flower producing plants

5.4.1. Cr Okotel requested information on the amount of planting of flowering species.

**5.4.2. ACTION: officers to report at next meeting.**

#### 5.5. Bicycle Action Plan

5.5.1. JD noted that the action plan is shortly due to be complete and requested information on whether a new action plan will be developed, timing and any consultation planned.

**5.5.2. ACTION: officers to seek information and report to next meeting.**

### 6. Next Meeting (Chair)

6.1. 10 September 2015 (Thurs)

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



## **Attachment A**

### **SUSTAINABILITY EVENTS UPDATE- MAY 2015**

#### **4.1.1 Community presentations and events since the last meeting included:**

- Party in the Parks at Allnutt Park 15 March 2015 – stall and activities including
  - Council sustainability programs
  - Composting/worm farm/chickens display
  - Recycling Truck on display
  - Roving educational ecologists
  - Recycling integrated into the event
  - Composting toilets
  - Display of mural showing Glen Eira City decorated with “upcycled” materials by local schools.
- Community Composting Trial and Presentation, Valkstone Primary School 2 March 2015
- Community Composting Trial and Presentation, Caulfield South Primary School 11 March 2015
- Raising chooks in a small backyard 18 March 2015
- Transforming your garden with indigenous plants 21 April 2015
- Recycling Tour 7 May 2015
- Display of mural showing Glen Eira City decorated with “upcycled” materials by local schools at Carnegie Library 18 May 2015 – 9 June 2015

#### **4.1.2 Upcoming presentations and events include:**

- Solar hot water and heat pumps 9 June 2015

4.2 As of end May 2015, 637 households were registered for the Neighbourhood Sustainable Gardening Program.

4.3 From August 2013 to the end of May 2015, more than 499 households have participated in the Glen Eira Energy Saving Program. Collectively there were 3,310 energy saving products supplied and installed in homes at no cost. Residents that participated will help to prevent around 3,791 tonnes of greenhouse gas emissions from being released into the atmosphere over the next decade.





**ARTS AND CULTURE ADVISORY COMMITTEE MEETING  
Minutes**

**6.00pm – 7.00pm  
29 June 2015  
Ogaki Room**

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**Purpose:**

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

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**Assembly of Councillors Record**

**Present**

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

\* Cr Esakoff joined the meeting via telephone.

**Matters considered**

1. Party in the Park 2016 – proposal
2. Gallery Program 2016 – proposal
3. Cultural Diversity Week 2016 – proposal
4. Reconciliation Week 2015 - post event report
5. Proposed donation to Art Collection

**The meeting commenced at 6.08pm**



## 1. Party in the Park 2016 – event proposal

The Committee considered the proposed entertainment for the 3 Party in the Park Events for 2016:

Packer Park, Monday 25 January (Australia Day eve)  
Princes Park, Sunday 21 February  
Allnutt Park, Sunday 20 March

### *Packer Park*

The ARC – Antipodean Rock 'N' Roll Collective comprising Darren Middleton (Powderfinger), Mark Wilson (Jet) and Davey Lane (You Am I) were deemed the most appropriate option for the Australia Day themed concert planned for Packer Park.

It was noted that complementary support acts would be put forward at the September Committee Meeting once the headline performer had been contracted. As per previous years, the event will also feature a contestant from 'Sounds of Glen Eira'.

**Recommendation:** The Committee recommends to Council that the ARC – Antipodean Rock 'N' Roll Collective be endorsed for Party in the Park, Packer Park 2016.

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

### *Princes Park*

The on stage performers for Princes Park have been selected for their appeal to younger children and families. The Talent Quest will also be programmed as part of the main stage entertainment.

**Recommendation:** The Committee recommends to Council that the following performers/shows be endorsed for Party in the Park, Princes Park 2016:

Janet McLeod  
Bananas in Pyjamas  
Peanuts

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

**Recommendation:** The Committee recommends to Council that the following roving performers be endorsed for Party in the Park, Princes Park 2016:

Tubby the Robot  
Margarita Enchilada

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



### *Allnutt Park*

The 2016 Allnutt Park event will again incorporate the Pet Expo. On Stage programming for both parts of the Allnutt Park event will be staged to complement each other and staggered so all attendees have an opportunity to experience as much on offer as possible.

**Recommendation:** The Committee recommends to Council that the following performers/acts be endorsed for Party in the Park, Allnutt Park 2016:

Sam Starr  
Hoot & Hootabelle  
Spot

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

**Recommendation:** The Committee recommends to Council that the following performers/acts be endorsed for Party in the Park, Allnutt Park 2016:

The Emu Puppets  
Eesha the Elephant and her Zoo Keeper

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

## **2. Gallery program 2016 – proposal**

Officers tabled to proposed program for the Glen Eira City Council Gallery in 2016. The program features 6 Council-produced exhibitions and 9 Hirer exhibitions:

International Baccalaureate (Hirer)  
Garden themed exhibition – name tbc (Council)  
Glen Eira Artist Society (Hirer)  
Glen Eira Cheltenham Art Group (Hirer)  
'We are Here' (Hirer)  
Storytelling Festival (Council)  
Twenty Melbourne Artists Society (Hirer)  
B'Nai Brith (Hirer)  
Lynette Zeeng (Hirer)  
Collection exhibition (Council)  
Children's project (Council)  
Tyra Hutchens (Hirer)  
'Ten Cubed' Private Collection (Council)  
Hedley Potts (Hirer)  
History & Heritage (Council)  
Alice Bale Art Award (Hirer)

**Recommendation:** The Committee recommends to Council that the proposed 2016 program for the Glen Eira City Council Gallery be endorsed.

Moved: Cr Hyams, Seconded: Cr Lobo



The MOTION was put and CARRIED unanimously.

### **3. Cultural Diversity Week 2016 – event proposal**

The Committee discussed how to best celebrate Cultural Diversity Week in 2016.

It was agreed that the successful 2015 Library activity, 'World Stories', should be continued and developed on for future years.

Cr Hyams pointed out that Cultural Diversity Week would coincide with the Party in the Park, Allnutt Park and suggested that a cultural diversity theme could be incorporated into this event. This could feature some culturally diverse community performers and food vendors and also be part of the broader marketing.

**ACTION:** Officers to incorporate a culturally diverse theme into the 2016 Park Party in the Park, Allnutt Park and promote this event as being part of Cultural Diversity Week.

### **4. Reconciliation Week – post event report**

Council hosted its 3<sup>rd</sup> annual National Reconciliation Week event at Mallanbool Reserve on Sunday 31 May. The event included a Welcome to Country and Smoking Ceremony, an indigenous dance workshop and a guided tour. Approximately 250 people were in attendance which was considered a strong turnout in what were bad weather conditions.

A similar event will be held at Mallanbool Reserve to mark National Reconciliation Week in 2016.

Cr Lobo raised concerns that he had not received an invitation to attend this event. Officers advised that a Current Issue had circulated the week before and that the event had been noted in the Governance Digest.

### **5. Proposed donation to Art Collection**

The Committee considered past employee Jim Badger's offer to donate Harald Vike's painting 'Portrait of Peter Purves Smith' to Council's Art Collection.

The painting is oil on board, 45 x 36cm.

It was noted that works chosen for Council's Art Collection must adhere to one or more of four specified themes and that Harald Vike's work accords with one of these themes: work of significant Australian artists.

**Recommendation:** The Committee recommends to Council that it accept Jim Badger's donation of 'Portrait of Peter Purves Smith' for the Glen Eira City Council Art Collection.

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



## **6. Other Business**

No other business was raised.

## **7. Next Meeting**

Monday 28 September, 6pm, Ogaki Room

Meeting closed at 6.55pm



**Assembly of Councillors**

**23 June 2015**

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

**Meeting commenced at 6.49PM**

**A. Present**

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

**Apologies**

Cr Jim Magee, Mayor

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

**B. Matters considered.**

(i) Carnegie Swim Centre.

6.57PM the Assembly adjourned to attend the Special Council Meeting.

7.25PM the Assembly resumed in the presence of:

Cr Delahunty, Chair  
Cr Esakoff  
Cr Hyams  
Cr Lipshutz  
Cr Lobo  
Cr Okotel  
Cr Pilling  
Cr Sounness

(ii) Ageing Strategy.

(iii) Council Papers for the 30 June 2015 Council Meeting comprising twenty officer reports together with standing items on the Agenda.

(a) Agenda Item 8(a) – Local Laws Advisory Committee.



- (b) Agenda Item 9.1 - 132 Hawthorn Road, Caulfield North.
- (c) Agenda Item 9.2 - 5-7 Nepean Highway, Elsternwick.
- (d) Agenda Item 9.3 - 233-239 Nepean Highway, Gardenvale.
- (e) Agenda Item 9.4 - 101-113 (Odd) Grange Road, Glen Huntly & 118 Grange Road, Carnegie 2-4 Watson Grove, Glen Huntly.
- (f) Agenda Item 9.5 - New Local Park Proposal – Fitzgibbon Crescent and Eskdale Road, Caulfield North - Road Closure.
- (g) Agenda Item 9.6 - Better Apartments Discussion Paper.
- (h) Agenda Item 9.7 - Council Alliance for a Sustainable Built Environment.

8.24PM the meeting adjourned.

8.36PM the meeting resumed in the presence of:

Cr Delahunty, Chair  
 Cr Esakoff  
 Cr Hyams  
 Cr Lipshutz  
 Cr Lobo  
 Cr Okotel  
 Cr Pilling  
 Cr Sounness

- (i) Agenda Item 9.9 - Complaint Handling.

8.58PM Cr Pilling left the briefing room.

9.00PM Cr Pilling returned to the briefing room.

- (j) Agenda Item 9.10 - Services for Youth (Including Schools TAFE and Local Learning and Employment Networks).
- (k) Agenda Item 9.11 - Rates Notices by email.
- (l) Agenda Item 9.12 - Financial Report May 2015.



- (m) Agenda Item 9.13 - Annual Report Awards.
  - (n) Agenda Item 11.1 – Request for a report – Cr Okotel, light pollution.
  - (o) Agenda Item 11.1- Request for a report – Cr Okotel, information on fences.
  - (p) Agenda Item 11.1 – Request for a report – Cr Sounness, bicycle crash stats.
  - (q) Agenda Item 11.1 – Request for a report – Cr Sounness, flower seller, Caulfield Park.
  - (r) Agenda Item 11.1 – Request for a report – Cr Delahunty, Reconciliation Action Plan.
  - (s) Agenda Item 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.
  - (t) Agenda Item 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.
  - (u) Agenda Item 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.
  - (v) Agenda Item 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.
  - (w) Agenda Item 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.
- (iv) Records of Assembly.
- (a) Cr Esakoff – 9 June 2015, timings.
  - (b) Cr Lobo – 2 June 2015, Minute B(iii)(i).



- (v) General Business raised by Councillors.
  - (a) Cr Hyams – Planning Conference, Virginia Park.
  - (b) Cr Hyams – North Road Ormond, timing of pedestrian crossing lights at the railway crossing boom gates.
  - (c) Cr Hyams – supermarket planning application, Beavis Street, Elsternwick.
  - (d) Cr Hyams – email from the organisers of the Melbourne Jewish Comedy Festival seeking Council sponsorship.
  - (e) Cr Hyams – Carnegie Urban Village planning policy.
  - (f) Cr Okotel – Glen Eira News article on Public Acquisition Overlay. Article on home safety awareness.
  - (g) Cr Okotel – Community Satisfaction Survey.
  - (h) Cr Okotel – North Road Grade separation, sports clubs at EE Gunn Reserve.
  - (i) Cr Okotel – Darebin City Council Special Meeting.
  - (j) Cr Okotel – Murrumbeena Road bike lanes.
  - (k) Cr Okotel - Carnegie Primary School students, possible abduction attempts.
  - (l) Cr Okotel – Kittens car wash, corner Warrigal and North Roads. Has this site been sold?
- (v) General Business by Officers.
  - (a) CEO – Meeting of the ISSMF with Planning Minister Wynne in relation to planning fees. State Government review of the planning zones in the second half of the year.



(vi) General Business by Councillors.

(a) Cr Delahunty – pedestrian crossing Kooyong Road outside Caulfield Hospital.

**Fin 10.40PM**



**Council Pre-Meeting**

**30 June 2015**

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

**Meeting commenced at 6.49PM**

**A. Present**

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

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

**B. Matters considered.**

- (i) Council Papers for 30 June 2015 consisting of twenty Officer reports together with standing items on the Agenda.
  - (a) Agenda Item 7, Reports from Delegates – Cr Sounness.
  - (b) Agenda Item 9.1 - 132 Hawthorn Road, Caulfield North.
  - (c) Agenda Item 9.3 - 233-239 Nepean Highway, Gardenvale.
  - (d) Agenda Item 9.5 - Eskdale Fitzgibbon Road Closure.
  - (e) Agenda Item 9.7 - Council Alliance for a Sustainable Built Environment.
  - (f) Agenda Item 9.9 - Complaint Handling.
  - (g) Agenda Item 11.1 – Request for a Report, Cr Delahunty, Reconciliation Action Plan.



- (h) Agenda Item 11.1 – Request for a Report, Cr Okotel, Fences
- (i) Agenda Item 11.1 – Request for a Report, Cr Sounness, Domestic violence.
- (j) Agenda Item 11.4 – Public Questions.
- (ii) Other Business.
  - (a) 110 – 114 Mimosa Road, Carnegie.
  - (b) Bicycle parking trial.
- (iii) Council Papers for 30 June 2015 consisting of twenty Officer reports together with standing items on the Agenda.
  - (a) Agenda Item 4, Minutes.
  - (b) Agenda Item 9.2 - 5-7 Nepean Highway, Elsternwick.
  - (c) Agenda Item 9.10 - Services for Youth (Including Schools TAFE and Local Learning and Employment Networks)

**Fin 7.30PM**



**Assembly of Councillors**

**7 July 2015**

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

**Meeting commenced at 6.50PM**

**A. Present**

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

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

**Apologies**

Cr Neil Pilling

**B. Matters considered.**

- (i) Building boom in Melbourne.
- (ii) Park benches and memorials.
- (iii) MAV membership subscription.
- (iv) General Business by Councillors.
  - (a) Cr Lipshutz – President of North Caulfield Maccabi Soccer Club has asked if his club can use the inside of the Duncan Mackinnon Athletics track to play matches.
  - (b) Cr Lipshutz – approached in relation to a development in Newington Street. The proponent asking for more information about the refusal.
  - (c) Cr Okotel – Leader newspaper article about splitting house blocks.
  - (d) Cr Okotel – has the Kittens car wash site been sold?
  - (e) Cr Sounness – A meeting that he and Cr Delahunty attended with a resident in relation to a VCAT hearing for 1A Orrong Crescent.



- (f) Cr Hyams – a complaint about forms of address.
- (g) Cr Hyams – East Bentleigh Soccer Club.
- (h) Cr Hyams – State Government, Environment upgrade agreements.
- (i) Cr Hyams – Minister Garret’s comments in relation to the need to review risk issues around the management of trees.
- (j) Cr Hyams – Building social cohesion in diverse communities.
- (k) Cr Delahunty – East Bentleigh Soccer Club.
- (l) Cr Lobo – a resident of Koornang Road, Carnegie will be contacting his Ward Councillors.
- (m) Cr Lobo – invitations from community groups.
- (n) Cr Lobo – East Bentleigh Soccer Club.
- (o) Cr Lobo – A liquor licence application in Mackie Road.
- (p) Cr Lobo – A resident of Denver Street.
- (q) Cr Lobo – A tree in Wright Street and possum droppings.
- (r) Cr Lobo – Bentleigh Traders Association, invitation to Councillors.
- (v) General Business raised by Officers.
  - (a) DCR – advised that works in the Carnegie Library forecourt have commenced.
  - (b) DCR – advised Councillors of an iPad upgrade next Tuesday.

**Fin 8.55PM**



**9. PRESENTATION OF OFFICERS REPORTS**

- 9.1 Virginia Park – Review Submissions
- 9.2 23 Bent Street, Bentleigh
- 9.3 641-685 North Road, Ormond
- 9.4 75 Mackie Road, Bentleigh East
- 9.5 333-341 Hawthorn Road, Caulfield
- 9.6 60 Neerim Road Caulfield East
- 9.7 VCAT Watch - July 2015
- 9.8 Domestic Animal Management Plan Review
- 9.9 Leases to Bentleigh Recreation Tennis Club Inc, Murrumbeena Tennis Club Inc, Wattle Tennis Club Inc, East Bentleigh Sporting and Recreation Club Inc and Murrumbeena Park Bowling Club Inc
- 9.10 Lease to Caulfield Park Sports Club
- 9.11 MAV Councillor Development Weekend
- 9.12 2014-15 Draft Financial Report Appointment of 2 Signatories
- 9.13 Changes to Delegations from Council to Members of Staff and Delegated Planning Committee



**Item 9.1**

**236-262 EAST BOUNDARY ROAD,  
BENTLEIGH EAST  
PLANNING SCHEME AMENDMENT C126  
VIRGINIA PARK ESTATE**

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

**1. Community Plan**

Development and Planning

**2. Details of the Amendment**

The amendment proposes to:

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



**Item 9.1 (cont'd)**

The amendment does not propose a development. It is only a proposal to change the zone on the periphery of the site.

If a development proposal is submitted in the future, it will be subject to a 'development plan' process which will involve community consultation. Any development will need to comply with the long-established building heights and building envelopes for the site.

**3. Recommendation**

That Council:

- a) Notes the 445 submissions received (at the time of writing this report); and
- b) Requests the Minister for Planning to refer Amendment C126 to an Independent Panel to consider submissions.

**4. Background**Amendment C75

Virginia Park Estate was traditionally used for industry and was known as 'Virginia Park Industrial Estate.' Due to changes in the manufacturing sector, the owner of Virginia Park lodged a planning scheme amendment in 2011 (Amendment C75) which sought to rezone the land to both Business 2 and Business 3. This was to allow for the proponent's proposed change from an industrial estate to an 'office park' or 'business centre'.

The purpose of the former Business 2 zone was "*to encourage the development of offices and associated commercial uses*". Whilst 'residential' was allowed in this zone, any future development proposal for residential was subject to the discretion and approval of the Responsible Authority.

The purpose of the former Business 3 zone was "*to encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses*".

Amendment C75 also introduced maximum building heights and building envelopes across the Virginia Park Estate under a Development Plan Overlay (Appendix 1). These building heights and envelopes went through an extensive public consultation and Independent Panel review under Amendment C75.

Reformed Commercial Zones (State Government)

As a consequence of the introduction of reformed State Government commercial zones in 2013, Virginia Park now has a Commercial 1 Zone in the centre and Commercial 2 Zone on the periphery (Appendix 2).



**Item 9.1 (cont'd)**

The original zoning mix of Business 2 and Business 3 resulting from Amendment C75 allowed for offices, bulky goods, and light industrial uses.

When the State Government implemented its new commercial zones, consolidating Business zones to new the Commercial 1 and 2 zones, the Estate immediately gained the potential for retail uses. That is, under the current framework, a supermarket or other large retail store can be established.

With the introduction of reformed commercial zones, the State Government stated:

*“Reformed commercial zones for Victoria have been approved to better respond to present-day requirements.*

*New commercial zones will provide greater flexibility and growth opportunities for Victoria’s commercial and business centres. The new zones respond to changing retail, commercial and housing markets by allowing for a wider range of uses that will support more mixed use employment.”*

Development Plan Overlay (DPO)

The DPO controls future buildings heights and uses.

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

The proposed changes to the DPO reflect the future proposed land uses. The current DPO seeks to achieve ‘office uses’ on the land, in line with the superseded Business 2 and 3 zones. The revised DPO seeks to achieve a mixed use development additionally incorporating both retail and residential land uses, in line with the Commercial 1 zone.

Council must approve a ‘development plan’ before construction can commence. Before deciding to approve a development plan, Council is required to display the development plan for public comment for 28 days.

The ‘development plan’ actually comprises a number of more detailed plans. These are:

- an Integrated Transport Plan;
- a Traffic, Parking and Access Report;
- an Infrastructure Plan;
- an Overall Layout Plan;
- a Site Analysis Plan;
- a Landscape Concept Plan;
- Building Plans; and
- Environmentally Sustainable Development Report.



**Item 9.1 (cont'd)**

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

**5. Public Notice**

The amendment was exhibited from 7 May – 9 June 2015.

It consisted of:

- 678 notices posted to owners and occupiers.  
(A map showing the extent of notices sent is provided in Appendix 5).
- 1 notice in the Caulfield Glen Eira Leader (Appendix 6)
- 1 notice in the Moorabbin Glen Eira Leader (Appendix 7)
- Notice in the Government Gazette; and
- Notice on Council's website.

A total of 445 total submissions have been received at the time of writing this report.

The submissions can be grouped as follows:

- 412 submissions object to the amendment. Of this total 19 were unique, with the remaining 393 objecting submissions using a template.
- 33 submissions support the amendment. Of this total 12 were unique, with the remaining 21 supporting submissions using a template.

The submissions can be summarised as follows:

**Opposing Submissions**

- Rezoning will result in a future overdevelopment of the land;
- Longer working hours will affect residents' amenity;
- Traffic, parking and noise issues;
- Inadequate services in the locality (particularly schools) to cater for this influx in population;
- Lack of public transport –no bus along East Boundary Road;
- Changing character of the suburb and creation of a 'ghetto';
- Concern with future vehicular access onto minor streets (Curtin & Barrington Streets);
- Proposal for 4-10 storeys does not respect the intention of the surrounding Neighbourhood Residential Zone;
- Public Transport Victoria (PTV) opposes the installation of traffic lights at North Avenue;
- PTV requests the provision of bus stop infrastructure;
- VicRoads concerned that the wider area is not being looked at holistically to ensure safety and efficiency of the road network;
- Inadequate open space – A 20 metre wide link plus 5.7% cash contribution is not enough for a development of this size;
- Setback to East Boundary Road should not be reduced;



**Item 9.1 (cont'd)**

- Site could be rezoned to General Residential Zone instead of Commercial to cater for dwellings;
- Lack of strategic justification for the amendment;
- Negative effects of proposed development on nearby shopping centres.

Supporting Submissions

- Aldi & Woolworths supermarkets support the proposed amendment and are looking to develop at the Virginia Park Estate in the future;
- Bapcare and Japara Healthcare (both aged care providers) support the amendment and are looking to develop at Virginia Park Estate in the future;
- The rezoning will provide for increased local employment and housing opportunities;
- The amendment will provide for increased open space and accessibility to existing open space;
- The rezoning will provide for new retail space and services in an area that is currently undersupplied;
- The future use and development of Virginia Park as a result of the amendment have been carefully considered.
- The capabilities of the land and transport network, and the changing commercial, employment and housing needs in this locality support the need for the proposed amendment;
- The delivery of a connected, expanded, activated, high quality open space network in and around the site as a result of the amendment will have significant benefits for both Virginia Park and the broader community in Bentleigh East.

**6. Planning Conference**

A planning conference was chaired by Councillor Pilling and attended by 80 submitters, the proponent and two Council officers.

The key points raised at the conference include:

Submitters

- The proposed amendment will impact on the economic viability of the East Bentleigh, Bentleigh and Carnegie shopping centres. Reports suggest 9.1% impact, traders believe this figure would be closer to 20-25%;
- The amendment will result in increased traffic congestion and car parking issues in the surrounding area;
- The future development will result in too many traffic lights along East Boundary Road;
- The amendment will result in an overdevelopment of the land;
- Lack of public transport to accommodate a development of this size;
- The development will not provide for sufficient open space for the potential workers and residents that will come in to the area;
- Existing infrastructure will not cope with the proposed future development;
- Notification of the amendment was inadequate and unclear;
- Existing schools in the area are already at capacity. Development on this land will exacerbate the problem;
- The amendment lacks strategic justification;
- The amendment does not accord with Council's Municipal Strategic Statement;



**Item 9.1 (cont'd)**

- Future development will result in increased pollution;
- Concern about noise and construction impacts;
- The '20 minute city' concept of Plan Melbourne is not sufficient to support this amendment;
- Most Councils would fight to keep employment land and jobs within their City;
- Council should undertake its own traffic and economic analysis; and
- Council should be asking for greater than 5.7% open space levy.

Proponent

- Change will happen at Virginia Park irrespective of this amendment;
- There has been a shift in type of land uses within Virginia Park over time;
- Virginia Park is currently an employment centre for many people including local residents;
- The question is what change is appropriate;
- The Gillon Group hand delivered 12,000 notices inviting people to two meetings;
- The overall future development on the land will not be 4,000 dwellings. This figure that has been quoted was from an infrastructure report that was based on a maximum;
- The correct figure is approximately 1,250 dwellings;
- The rezoning will provide greater opportunities for a diversity of housing stock;
- Concerns have been made in relation to the economic impacts. Carnegie brought in 2 large supermarkets which in the end has help the centre to thrive;
- The Gillon Group will work with VicRoads and Public Transport Victoria to address their concerns;
- Future development on the land will provide an opportunity to fix the existing issues associated with water flows into Barrington Street;
- The future redevelopment of the Virginia Park Estate will allow an opportunity for people to walk to convenience shops and will supplement the services that already exist.

**7. Assessment**Overdevelopment of the land

Submitters have raised concerns that the proposed rezoning will result in an overdevelopment of the land. The amendment solely seeks a rezoning of the land. No development approvals are sought at this stage. Documents submitted as part of the amendment indicate that a significant residential and commercial development will likely follow if the amendment is ultimately approved. This could include some 4,400 dwellings and 12,000m<sup>2</sup> of retail floor space. These details can only be treated as indicative at this stage.

It is also possible that the larger sized parcel of Commercial 1 area may change the nature of future developments that could be considered on the site including to intensive large commercial or retail use.



**Item 9.1 (cont'd)**

Any future development on the land will be subject to a development plan process which will be advertised to the community. The development plan process will require the submission of, amongst others, detailed architectural drawings. It is during this stage that Council will know the precise details of the proposed development on the land.

It is considered that the development plan process is the appropriate time for Council to make a detailed and informed assessment on future development of the land. The applicant has the ability to challenge a decision on the development plan at VCAT.

Proposed heights don't respect the neighbourhood

Numerous submitters raised concerns with respect the proposed heights not respecting the low scale character of the area. Amendment C75 approved by the Minister for Planning in 2011 introduced maximum building heights across the Virginia Park Estate under the DPO (Appendix 1). No change is sought to the existing heights. Regardless of whether this amendment is ultimately approved or refused, the developer still has the ability to apply to Council for buildings of up to 10 storeys.

Traffic and car parking

Traffic and car parking issues within the surrounding neighbourhood will need to be assessed as part of a future development plan process once the precise details of the proposed development are known. At the development plan process stage both Council and VicRoads will all be in a position to undertake an informed and comprehensive assessment on the likely traffic and car parking implications associated with future development.

Lack of public transport

It is acknowledged that the land is not located within close proximity to a train station or tram route. The proponent has indicated that bus services could be provided along East Boundary Road. Public Transport Victoria (PTV) has not yet provided any commitment to providing a bus route along East Boundary Road. PTV has, however requested that if this amendment is approved, changes to the DPO should be made to include the requirement to provide bus stop infrastructure.

Rezoning the current Commercial 2 area to Commercial 1 would be expected to increase the density of residential development and/or intensity of commercial development that could occur in Virginia Park. Council's Strategic Land Use Framework Plan or Sustainable Transport Strategy prioritise higher densities near transport hubs. Arising from these strategies, *Council has traditionally sought to channel retail, commercial and higher density residential development in locations well serviced by public transport -railway stations, and tram routes which service walkable neighbourhoods.*



**Item 9.1 (cont'd)**Inadequate infrastructure services in the area

Concerns were raised in relation to the existing infrastructure not being able to accommodate the future development on the land. As part of the development plan process, the developer is required to submit an 'Infrastructure Plan' to Council which lists infrastructure items such as roads, traffic management works and drainage. The Infrastructure Plan must be approved by Council.

In addition, the developer will be required through a Section 173 Agreement to pay for all the required infrastructure works that are needed.

Inadequate schools

Local Government is not responsible for the provision of schools throughout Victoria.

Submitters have raised concerns that the local primary and secondary schools in close proximity are at or nearing capacity. Any increase in the population will likely result in a further strain onto existing schools.

This issue is one for Metropolitan Melbourne as its population increases; it is not unique to Glen Eira. The State Government forecasts a population of 7.7 million in Metropolitan Melbourne by the year 2051.

Pollution and Noise issues

Any pollution and noise impacts associated with future development will be required to meet the State Government's Environmental Protection Authority (EPA) requirements.

Economic impacts onto nearby shopping centres

Traders have raised concerns with the potential economic impacts that the future commercial development at Virginia Park will have on nearby shopping centres; in particular at the Bentleigh East centre.

The proponent provided a retail impact assessment report about the likely effects that future development would have on nearby shopping centres. This report concludes that any future commercial development at Virginia Park will not have an unreasonable impact on Glen Eira's nearby commercial centres. However, the supermarket in the Bentleigh East shopping centre provided a "peer review" of the proponent's report. The "peer review" by Essential Economics, disagrees with the proponent's report.

Should the amendment proceed to an independent panel hearing, Council officers intend to obtain independent economic advice from a suitably qualified professional to inform Council's submission on the potential impacts that the future commercial development at Virginia Park will have onto nearby shopping centres within Virginia Park.



**Item 9.1 (cont'd)**Open space

Submitters have argued that Council should be asking for more public open space considering the significant development that could occur on the land.

The amended DPO will require that the developer must make a monetary public open space contribution of 5.7% of the land value at the subdivision stage.

In addition, the amendment requires the developer to provide a 20 metre wide open space link within the Virginia Park Estate to connect Virginia Park Reserve and Marlborough Street Reserve. This link also includes the property at 1 Barrington Street which is owned by the developer. (Appendix 4)

Concern with future vehicular access onto minor streets

As a consequence of the future open space link, a portion of the Virginia Park Estate currently containing a childcare centre will become disconnected from the main Estate.

Setbacks to East Boundary Road should not be reduced

The amendment proposes that the setback to East Boundary Road be reduced to six metres. The current DPO requires an eight metre setback.

The proposed reduction is considered acceptable given that there are examples of buildings along East Boundary Road which are located within 6 metres of the street frontage. A 6 metre wide setback will still allow sufficient landscape opportunities.

Notification of the amendment

Numerous submitters have raised concerns with respect to the lack of public notice given for the amendment.

A total of 678 owners and occupiers were notified of the amendment. Appendix 5 shows the extent of notices sent. This map correlates with the properties that were notified of Amendment C75 in 2010.

A notice was also placed in both the Moorabbin Glen Eira Leader and the Caulfield Glen Eira Leader (see Appendix 6 and 7) and the Government Gazette.

Notification of the amendment complied with the requirements of the Planning and Environment Act 1987.



**Item 9.1 (cont'd)****8. Referral of Submissions to an independent panel**

It is considered appropriate to further test this amendment by referring the submissions to an Independent Panel. All submitters will have the chance to be heard by the Panel.

The Panel process will provide an opportunity to test the opposing conclusions of each economic expert report on the impacts of nearby shopping centres.

Following a panel hearing, the panel will report its findings to Council in the form of a recommendation. Council is not bound by the recommendation.

Following the Panel hearing, Council can decide to:

- adopt the amendment with or without changes based on the panel's recommendations, or
- abandon the amendment.

There is no statutory ability for the proponent to challenge Council's decision.

**9. Planning Scheme Amendment Process**

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

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions. If Council agrees to exhibit an amendment, it does not necessarily follow that Council supports the proposal. Placing an amendment on public exhibition has an element of "testing the water".
2. If there are no submissions Council can 'adopt' or 'abandon' the amendment and forward it to the Minister for approval. It only becomes law if it is formally approved and gazetted.
3. If there are submissions opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitters' request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council.

The Panel may make a recommendation to:

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



**Item 9.1 (cont'd)**

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

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

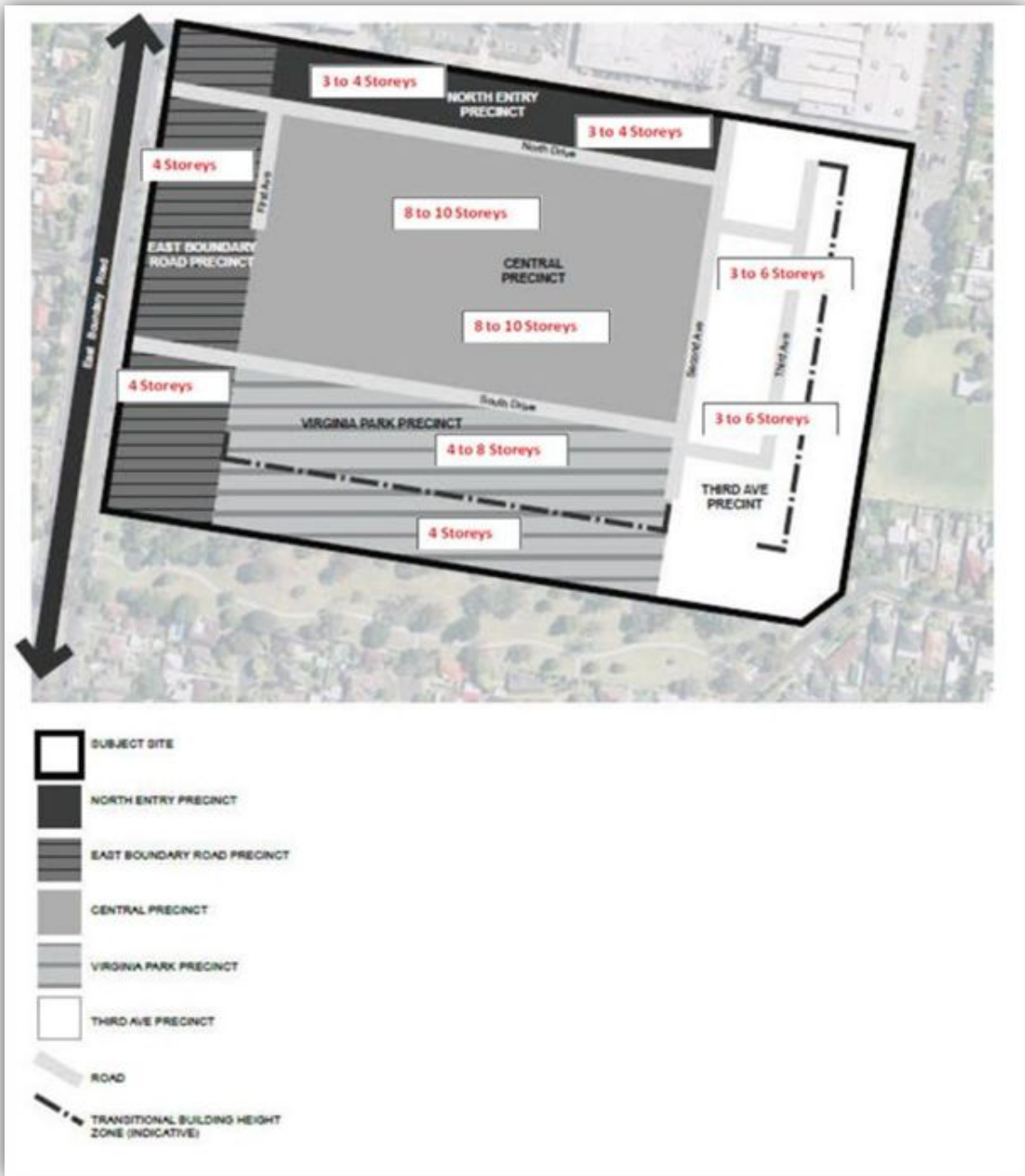
**Crs Hyams/Lobo****That Council;**

- a) **abandons Planning Scheme Amendment C126;**
- b) **affirms the strategic intent of Planning Scheme Amendment C75 in 2011. Amendment C75 enabled a transition from an Industrial Estate to a Business Centre with Office as the primary use, and Retail and Residential as ancillary uses.**
- c) **acknowledges the Plan Melbourne 'Initiatives':**
  - **"Reduce the cost of living by increasing housing supply near services and public transport**
  - **Deliver housing close to jobs and transport**
  - **Accommodate the majority of new dwellings in established areas within walking distance of the public transport network."**

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



Appendix 1 – Existing Height controls approved during the Amendment C75 process



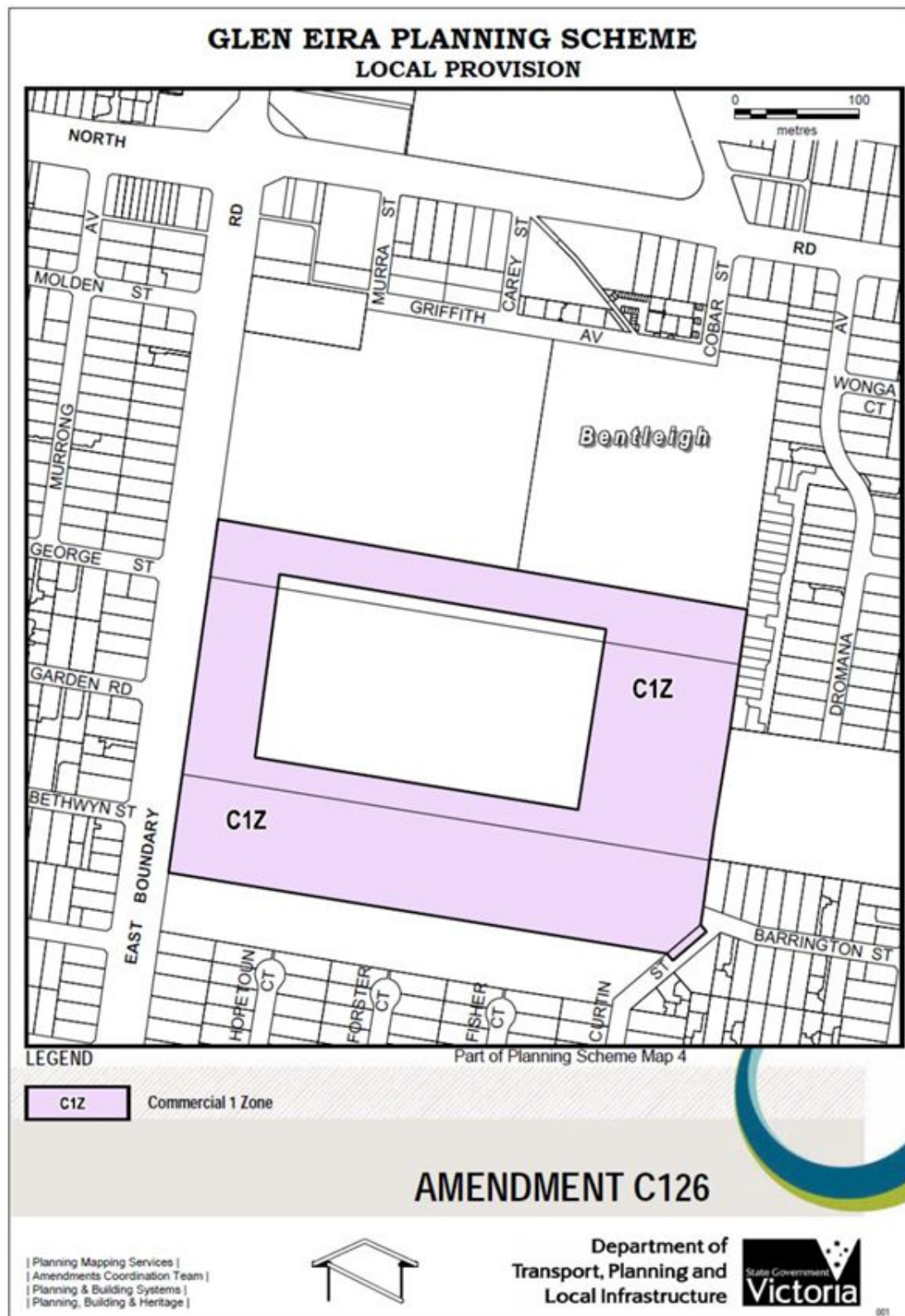


**Appendix 2 – Current Zoning Map**



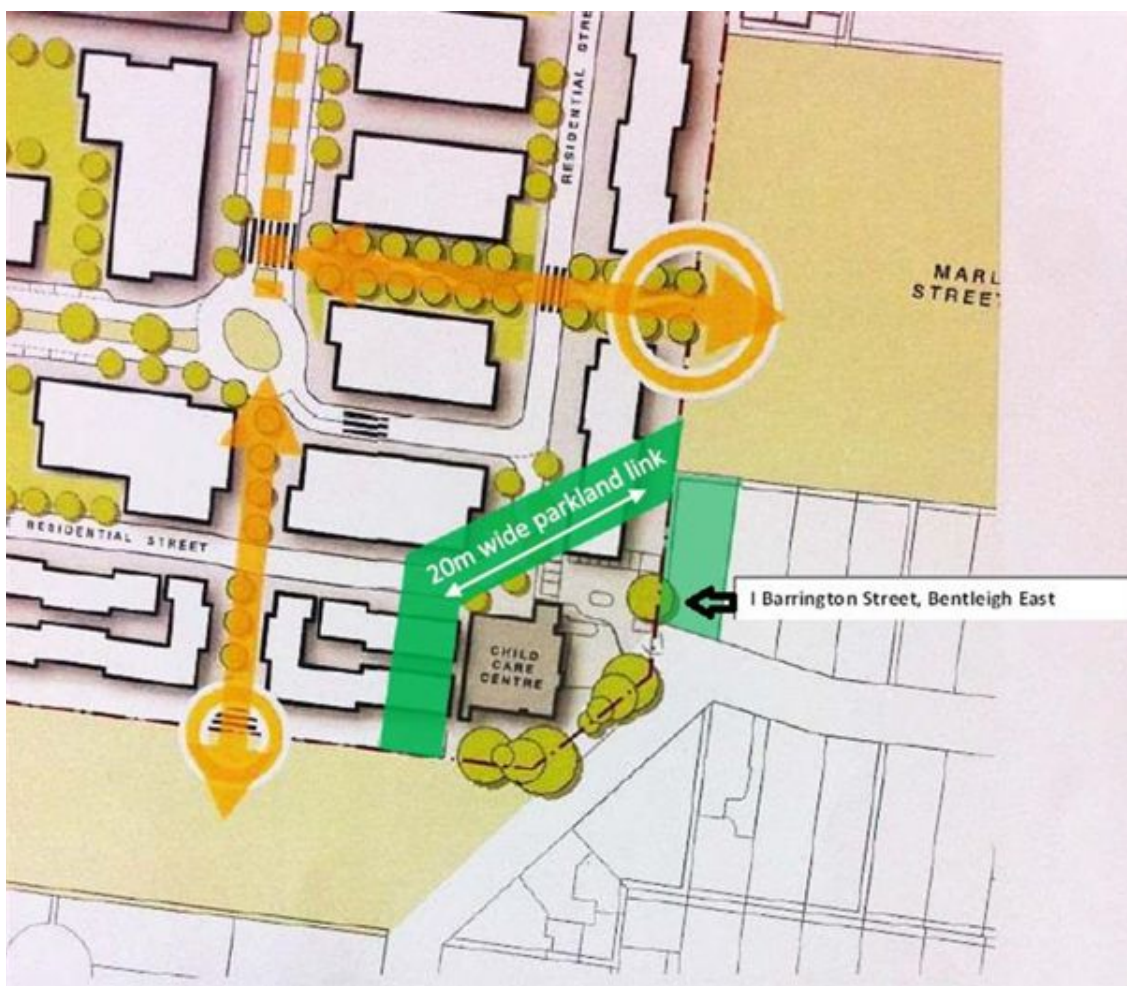


## Appendix 3 – Proposed Zoning Map





Appendix 4 – Open Space Links



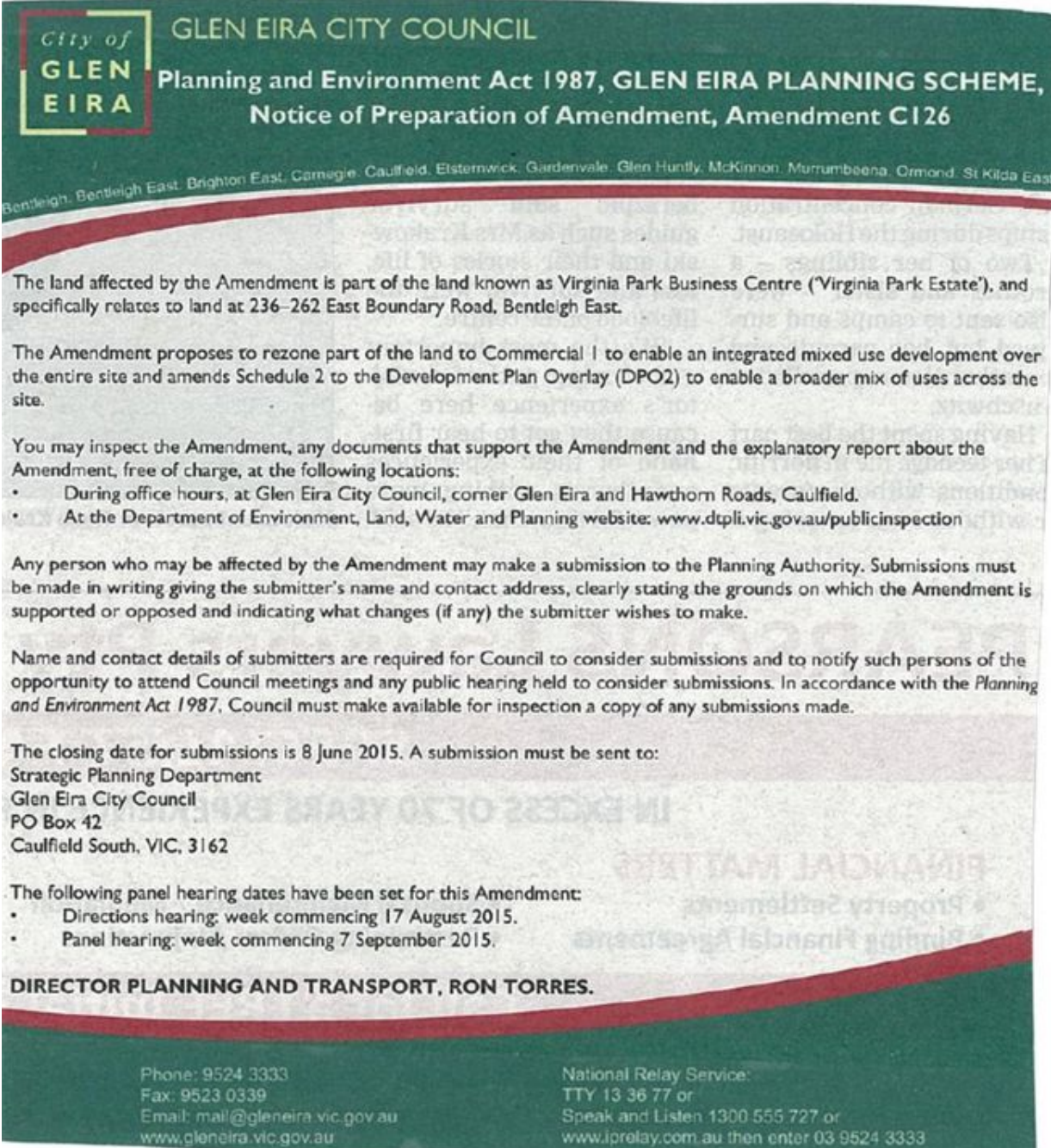


**Appendix 5 – Properties notified during the exhibition of Amendment C126**





## Appendix 6 – Public Notice in the Caulfield Glen Eira Leader – 5 May 2015 page 6



**City of GLEN EIRA** **GLEN EIRA CITY COUNCIL**  
**Planning and Environment Act 1987, GLEN EIRA PLANNING SCHEME,**  
**Notice of Preparation of Amendment, Amendment C126**

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

The land affected by the Amendment is part of the land known as Virginia Park Business Centre ('Virginia Park Estate'), and specifically relates to land at 236–262 East Boundary Road, Bentleigh East.

The Amendment proposes to rezone part of the land to Commercial 1 to enable an integrated mixed use development over the entire site and amends Schedule 2 to the Development Plan Overlay (DPO2) to enable a broader mix of uses across the site.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations:

- During office hours, at Glen Eira City Council, corner Glen Eira and Hawthorn Roads, Caulfield.
- At the Department of Environment, Land, Water and Planning website: [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment may make a submission to the Planning Authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the *Planning and Environment Act 1987*, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is 8 June 2015. A submission must be sent to:

Strategic Planning Department  
Glen Eira City Council  
PO Box 42  
Caulfield South, VIC, 3162

The following panel hearing dates have been set for this Amendment:

- Directions hearing: week commencing 17 August 2015.
- Panel hearing: week commencing 7 September 2015.

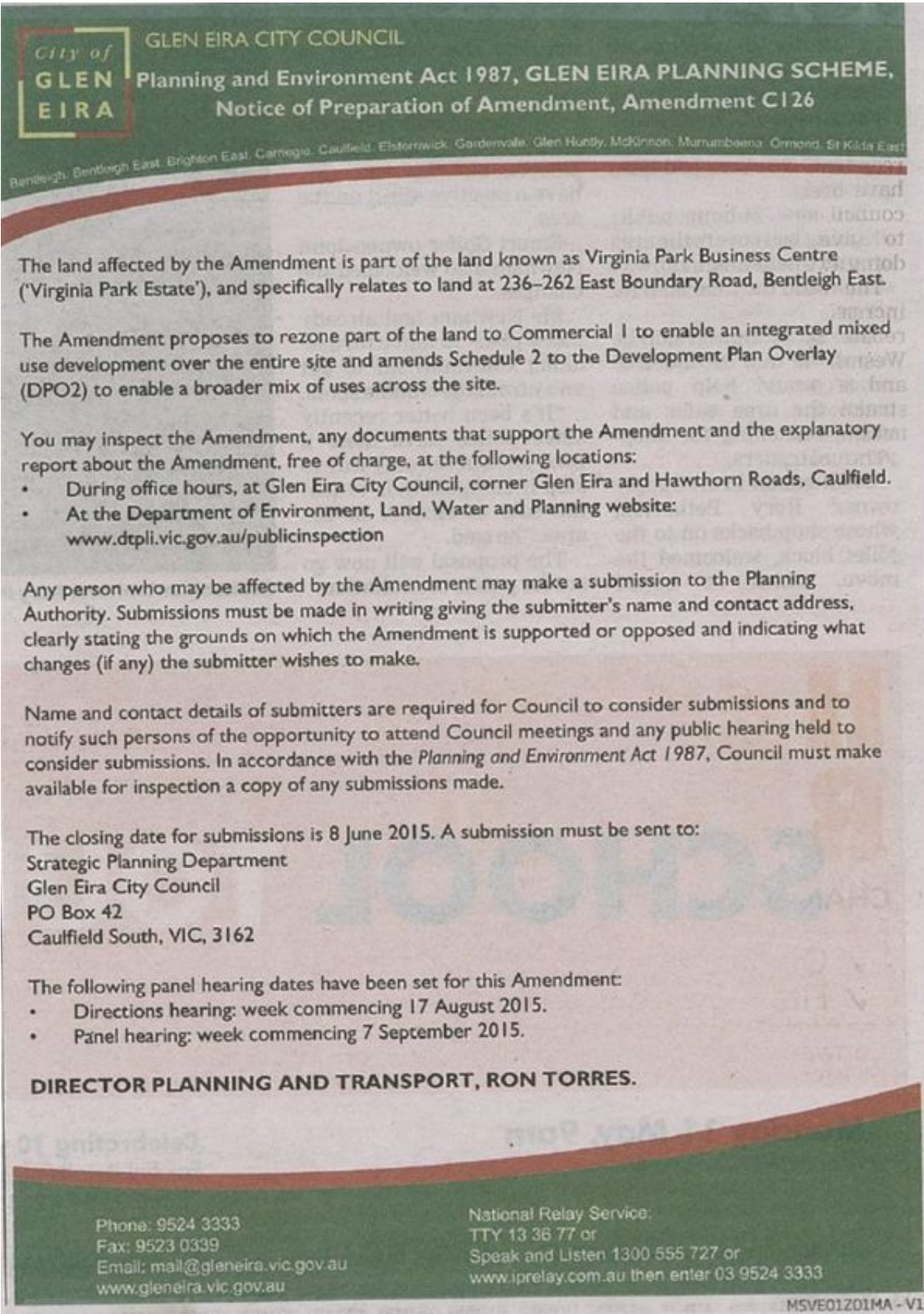
**DIRECTOR PLANNING AND TRANSPORT, RON TORRES.**

Phone: 9524 3333  
Fax: 9523 0339  
Email: [mail@gleneira.vic.gov.au](mailto:mail@gleneira.vic.gov.au)  
[www.gleneira.vic.gov.au](http://www.gleneira.vic.gov.au)

National Relay Service:  
TTY 13 36 77 or  
Speak and Listen 1300 555 727 or  
[www.iprelay.com.au](http://www.iprelay.com.au) then enter 03 9524 3333



## Appendix 7 –Public Notice in the Moorabbin Glen Eira Leader 6 May 2015 page 4



**City of GLEN EIRA** GLEN EIRA CITY COUNCIL  
Planning and Environment Act 1987, GLEN EIRA PLANNING SCHEME,  
Notice of Preparation of Amendment, Amendment C126

Bentleigh, Bentleigh East, Brighton East, Carnegie, Caulfield, Elsternwick, Gardenvale, Glen Hurdy, McKinnon, Murrumbidgee, Ormond, St Kilda East

The land affected by the Amendment is part of the land known as Virginia Park Business Centre ('Virginia Park Estate'), and specifically relates to land at 236–262 East Boundary Road, Bentleigh East.

The Amendment proposes to rezone part of the land to Commercial 1 to enable an integrated mixed use development over the entire site and amends Schedule 2 to the Development Plan Overlay (DPO2) to enable a broader mix of uses across the site.

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**DIRECTOR PLANNING AND TRANSPORT, RON TORRES.**

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[www.gleneira.vic.gov.au](http://www.gleneira.vic.gov.au)

National Relay Service:  
TTY 13 36 77 or  
Speak and Listen 1300 555 727 or  
[www.iprelay.com.au](http://www.iprelay.com.au) then enter 03 9524 3333

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**Item 9.2**

**23 Bent Street BENTLEIGH**  
**APPLICATION NO. GE/PP-27635/2015**

**File No: GE/PP-27635/2015**  
**Enquiries: Karoline Ware**  
**Manager Statutory Planning**



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

<b>PROPOSAL</b>	Construction of a four (4) storey apartment building above basement car park containing thirty-four (34) dwellings
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit subject to conditions for: <ul style="list-style-type: none"> <li>• An increase setbacks from the street frontage and to the north;</li> <li>• Require acoustic treatment to the west for those dwellings abutting the substation;</li> <li>• Minor alterations to the basement; and</li> <li>• Require a car stacker management plan.</li> </ul>
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Neighbourhood character;</li> <li>• Compliance with ResCode;</li> <li>• Vehicle access and maneuverability; and</li> <li>• Post-construction landscaping opportunities</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Urban Village Policy
<b>APPLICANT</b>	Ausco Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Residential Growth Zone</li> </ul>
<b>EXISTING LAND USE</b>	Vacant with a sales office



**Item 9.2 (cont'd)**

<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 10 properties notified</li> <li>• 30 notices sent (owners and occupiers)</li> <li>• 2 signs erected on site</li> <li>• 1 objection received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$1, 153.00

**1. Community Plan**

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision allowing the construction of a four (4) storey apartment building above basement car park containing up to thirty-four (34) dwellings for Application No. GE/PP-27635/2015 in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne
- Rescode

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

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

The key issues influencing the recommendation are as follows:

History of Site

A previous planning permit has been issued for the subject site which allowed for construction of a four-storey building comprising up to 27 dwellings with basement car parking. Plans have been endorsed in accordance with this permit and the permit remains valid.



**Item 9.2 (cont'd)**

This application proposes to increase the number of dwellings by 7 and provides an amended building design.

Policy and Zoning

The site and adjoining properties to the north and south are within the Residential Growth Zone, as are the properties directly across the site to the east on the other side of Bent Street and to the west across the railway line. This zone has a mandatory maximum height limit of 13.5 metres. The overall proposed height is 12.44 metres, compliant with this requirement.

All adjoining sites are located within the Bentleigh Urban Village.

Neighbourhood Character and Streetscape

The subject site is located in the southern end of Bent Street, which contains a mixture of flats (such as at 21 Bent Street, directly to the south), townhouses (such as at 11 and 13 Bent Street), with the majority of the area containing single and double storey detached dwellings. It is noted that there has been a permit issued for 14-18 Bent Street to the south-east of the subject site allowing for a four storey development, which has not yet been acted on but remains valid.

Given the site's history and approvals for four (4) storey developments on adjoining sites have been issued, the proposal is acceptable, particularly given the size of the site at over 1000 square metres, which will allow adequate setbacks from property boundaries at the upper most level.

Additional setbacks from the street are recommended which will improve the streetscape appearance of the proposal.

On-site Impacts

Articulation between levels at ground, first, second and third floor has been provided. In order to further comply with ResCode, further setbacks are recommended at ground, and first floor (Unit G.01 to be setback a minimum of 8.5 metres). The two top levels are already setback from the front property boundary in excess of the requirements at 9 and 11 metres respectively.

The dwellings have been provided with reasonable private open space areas, however, it is considered appropriate a condition ensures all balconies be a minimum of 8 square metres to comply with ResCode.

It is noted that the majority of dwellings have been provided with north, east or west facing private open space, but given the orientation of the block, some will have south facing private open space areas. It is considered appropriate that no more than 20% of the dwellings be provided with south facing private open spaces. This forms a recommended condition of approval.



**Item 9.2 (cont'd)**Impact to Adjoining Properties

The sensitive abuttal is to the north-west of the site (the private open space of the dwelling directly to the north). It is recommended that further setbacks be provided from this area. It is recommended that the balcony associated with a dwelling on the 3<sup>rd</sup> storey be setback a minimum of three (3) metres from the northern property boundary and the top storey at the rear be setback 8.2 metres (in compliance with the State Government standards).

Given there is a Council owned strip of land of approximately 7 metres in width directly to the south of the site, the building will overshadow this area during the equinox, not the double storey block of flats further south.

It is noted that the north-facing balconies have been shown with fixed screening, the majority with screening to a height of 1.7 metres. However, some windows have not been shown as obscure. In order to comply with the requirements, screening measures are recommended.

Units G.06, 1.06 and 2.05 have direct abuttal to the proposed substation on site. As such, it is recommended that these units be acoustically treated or a written statement provided to Council by a suitably qualified acoustic engineer that this is not required.

Parking and Traffic

The proposal provides for a total of 40 car spaces within the basement (34 for residents and 6 visitor spaces), which is in line with the requirements.

Council's Transport Planning Department has reviewed the application. They have recommended the following;

- Modification of the crossover/accessway to be further north on site;
- Bicycle spaces for visitors provided at ground floor;
- The increase in size of Visitor Space 1;
- Further details of dimensions of car stackers/basement dimensions provided.

The above form recommended conditions of approval.

If a permit issues, there will also be a note stipulating that residents will not receive Residential Parking permits.

Landscaping

Council's Landscape Assessment Officer has recommended that three (3) canopy trees be provided in the front setback of the property. Council's Parks Services Department require that the nature strip tree at the front of the site be protected during construction. Council's Parks Services Department also noted that there are several trees sited within the right of way to the south of the subject site. However, it is noted that these appear to be seedlings from a Box Elder sited toward the rear of the fence in line with the ROW. This is an urban wood weed and should be removed.



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

Given the property has direct interface with the railway line to the rear, VicTrack were notified of the application. Subject to conditions relating to the protection of the rail corridor, they did not object to the application. They have recommended that the dwellings be acoustically treated to minimise noise impacts from the railway line.

Management Plan Requirements

A Construction Management Plan (CMP) and A Waste Management Plan (WMP) are required.



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

**ADDRESS: 23 BENT STREET BENTLEIGH**  
**APPLICATION NO: GE/PP-27635/2015**

**1. Proposal**

Construction of a four (4) storey apartment building above basement car park containing thirty-four (34) dwellings.

Features of the proposal include:

- A basement level containing 40 car spaces (34 for residents and 6 for visitors);
- A ground floor containing 10 dwellings with private open space at ground floor level;
- A first floor level containing 10 dwellings with balconies as private open space areas;
- A second floor level containing 8 dwellings with balconies as private open space areas;
- A third floor level containing 6 dwellings with balconies as private open space areas.

**2. Public Notice**

- 10 properties notified
- 30 notices sent (owners and occupiers)
- 2 signs erected on site
- 1 objection received

The objectors' concerns are summarised as follows:

- Overdevelopment (number of dwellings);
- Front setback non-compliance;
- Overlooking;
- Traffic and parking;
- Off-site services impacts (electrical power meter box).

**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*

- Does not object to proposal;
- Adequate number of parking spaces proposed;
- Width of Visitor Carspace 1 should be increased;
- Further information on car stacker/dimensions of basement required.



**Item 9.2 (cont'd)***Landscape Assessment Officer*

- 3 x canopy trees in front setback required.

*Parks Services*

- The tree on the nature strip is displaying good health, form and structure;
- Radial tree protection zones and allowable encroachment must be adhered to. Tree protection fencing must be installed around the tree to prevent damage whilst works are being carried out.

*Waste Management*

- Waste Management Plan required.

*Buildings & Properties*

- Development must not intrude into 23A Bent Street;
- No work materials are to be stored on 23A Bent Street (Council freehold land).

**4. Planning Conference**

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

- Entrance proposed is wider at front of site than previously approved, objector concerned about noise/disturbance given proximity to her bedroom
- Concerned about location of easement (impact to her property)
- Believes units are too small for future occupants, and won't attract families to the area

**Undertakings by the Applicant**

- Believes adequate screening has been applied to the northern side of the development, but satisfied for Council to impose a condition that all windows/balconies be screened in accordance with ResCode, should a permit issue.
- Substation on southern side of property may not be required, as if the development at 24-26 Bent Street is constructed, this will be able to power 23 Bent Street. If this were to occur, an amendment would be made to the plan.



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

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as ) but modified to show:

**Built Form**

- (a) Unit G.01 setback a minimum of 8.5 metres from the Bent Street (eastern) frontage with this change absorbed within the remainder of the building envelope.
- (b) Unit 1.01 at first floor setback a minimum of 9 metres from the Bent Street (eastern frontage) with this change absorbed within the remainder of the building envelope. The terrace area must be setback accordingly.
- (c) Units 1.02 and 1.03 at first floor setback a minimum of 8.5 metres from the Bent Street (eastern) frontage with articulation provided. The terrace areas are to be setback accordingly, with any consequential changes are to the satisfaction of the Responsible Authority.
- (d) All balconies to be a minimum of 8 square metres (in the one parcel), with a minimum dimension of 1.6 square metres.
- (e) A maximum of 20% of the dwellings to have south-facing private open space areas. Any consequential changes to the development must be absorbed within the building envelope and be to the satisfaction of the Responsible Authority.
- (f) The balcony associated with Unit 2.06 setback a minimum distance of 3 metres from the northern property boundary with this change absorbed within the balcony/built form.
- (g) Unit 3.04 setback a minimum of 8.2 metres from the northern property boundary with this change absorbed within the remainder of the building envelope. The balcony associated with Unit 3.04 must be setback accordingly.
- (h) A note that Unit G.06, 1.06 and 2.05 be acoustically treated to minimise noise from the substation. Alternatively, a report prepared by a suitably qualified acoustic engineer must be submitted to Council that this is not required.
- (i) A note that all western facing windows and the built form of the western facade are to be acoustically treated in consultation with a qualified acoustic engineer to reduce noise to the dwellings from the railway line.
- (j) An acoustic fence shown along the western boundary of the site to a minimum height of 2 metres above natural ground level. The design of the fence must be prepared in consultation with a suitably qualified acoustic engineer. Details of the design and acoustic qualities of the fence must be submitted to, and approved by the Responsible Authority.
- (k) Those north-facing habitable room windows and/or balconies to have fixed, obscure glazing 1.7m above finished floor level.



**Item 9.2 (cont'd)**Transport Planning

- (l) Pedestrian sight triangles measuring 2.5 metres (along the driveway edge) by 2.0 metres (along the property line) provided on both sides of the driveway. This will result in the crossover and at least the first 4-5 metres of the accessway being shifted 2 metres to the north of the southern property boundary. These areas should be clear of any objects or vegetation greater than 600mm in height, and a note on plan provided to this effect.
- (m) The proposed crossover annotated at 3 metres in width. The access ramp width between the 300mm kerbs reduced to 3 metres in width in order for the crossover and the access ramp to be aligned.
- (n) The exact model of the car stackers (i.e. Comblift 543-2,0 comfort type etc) provided to the satisfaction of the Responsible Authority.

The car stacker spaces must have a minimum usable platform width of 2.6 metres and at least 25% need to accommodate a vehicles height of 1.8 metres.

The dimensions of the car stacker must be clearly indicated on the plans (pit depths, height clearances, gate widths, platform widths, etc). A cross-section plan must be provided to illustrate the car stacker pits and dimensions.

- (o) Visitor car space 1 modified to 2.7 metres in width. This may be accommodated by the shifting of the visitor spaces further east, however a minimum of 1 metre access space to the bin/bikes area must be maintained.
- (p) An intercom system incorporated into the plans to allow for visitor access the car park. The intercom must be set back a minimum of 3 metres from the frontage to ensure that vehicles are not blocking the footpath. The intercom system must include video with remote access from each apartment.
- (q) If a security gate is to be provided for the basement car park, the security gate must be located towards the top of the ramp.
- (r) 3 visitor bicycle spaces provided as bicycle hoops (or towel rails) at the ground level near the main entrance and/or foyer of the building (with a minimum of 7 resident bicycle spaces provided at basement level). The design and layout of the bicycle parking spaces provided in accordance with AS2890.3 or 'The Bicycle Parking Handbook' by Bicycle Victoria and be clearly annotated on the plans.
- (s) A minimum height clearance of 2.25 metres provided along the access ramps and within the basement car parks. Access to the bicycle parking spaces must be in accordance with AS2890.3. Headroom clearance above the ramp is required to be measured as per Figure 5.3 of AS2890.1:2004. This; along with the ramp grades and dimensions of the accessway needs to be shown on a longitudinal cross section plan.



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

- (t) A Landscape Plan in accordance with Condition 2.
- (u) Street tree protection fencing/zoning in accordance with Conditions 14, 15 and 16 of this permit.

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

2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - (a) A survey, including botanical names, of all existing vegetation to be retained.
  - (b) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (c) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (d) Landscaping and planting within all open space areas of the site.
  - (e) Advanced canopy trees (minimum 3.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
    - (i) 3 x trees in the front setback of the property

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

3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
4. This Permit will expire if:
  - The development does not start within two (2) years from the date of this Permit; or
  - The development is not completed within four (4) years of the date of this Permit.

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

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



**Item 9.2 (cont'd)**

5. During the construction of the buildings and works allowed by this permit, there must be no access from or to the recreation reserve to the south of the subject land and the recreation reserve must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. unless with the written consent of the Responsible Authority.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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
11. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.
12. 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.
13. The proposed works must not cause any damage to the canopy, roots or the Tree Protection Zone of the existing street tree.
14. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree at a radius of 4.2 metres from the base of the trunk to define a 'tree protection zone'. Temporary fencing is to be used as per AS 4870-2009 section 4.3. This fence must be constructed of star pickets and chain mesh (or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until the construction within the tree protection zone is required. The tree protection zone for that component of the development not required for construction must remain fenced until construction is complete. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.



**Item 9.2 (cont'd)**

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

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

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

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

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

16. No excavation is to come within 2.9m of the existing street tree(measured from the centre of the trunk) without the prior consent of the Responsible Authority. Any excavation within 1.5m of the tree protection zones must be hand excavated. If roots over 40mm are found, Park Services are to be notified and further inspections will be carried out.

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

17. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all weather sealcoat;
  - (d) drained;
  - (e) line-marked to indicate each car space and all access lanes;
  - (f) clearly marked to show the direction of traffic along the access lanes and driveways;

to the satisfaction of the Responsible Authority.

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



**Item 9.2 (cont'd)**

18. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
19. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
20. The mechanical car stackers must be maintained by the Owner's Corporation in a good working order and be permanently available for the parking of vehicles in accordance with their purpose to the satisfaction of the Responsible Authority. Should no Owner's Corporation be established, then the lot owner must bear responsibility for ongoing maintenance of the car stacker.
21. Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:
  - (a) Allocation of car spaces according to vehicle size and type;
  - (b) Ongoing maintenance of the car stacker system;
  - (c) Instructions to owners/occupiers about the operation of the car stacker system; and
  - (d) Communicating to prospective residents about the availability of car stacker spaces and sizes.

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

22. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
23. 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.)
24. 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.
25. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.



**Item 9.2 (cont'd)**

26. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.

Notes

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. 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).
- 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. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.



**Item 9.2 (cont'd)**

- H. 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.
- I. Council's Asset Management Department Advise;
- 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.
  - Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
  - 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 channe.
  - All stormwater runoff must be connected to Council drainage network. No uncontrolled stormwater discharge to adjoining properties and footpath.
  - Building over the drainage easements are subject to assessment under an "Application For Consent to Erect a Building or Structure Over Easement" and must be lodged with Engineering Assets prior to endorsed plans.
  - Any firefighting equipment for the building shall be accommodated within title boundary. Submitted plans are not showing location of any hydrant / booster. Council will not allow private fire equipment in the Road Reserve.
  - Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
  - All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.
  - 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.
- J. Council's Building Department Advise;
- Protection Works notices to be assessed by relevant Building Surveyor.
  - Fire ratings to be assessed by the relevant Building Surveyor.
  - Construction Management Plan required.
  - Balustrades to be a minimum of 1 metre from finished floor level.
  - Easement to the rear and side of the block to be assessed by relevant Building Surveyor.



**Item 9.2 (cont'd)**

- Light and ventilation to be assessed by relevant Building Surveyor.
- Distances of travel to be assessed by relevant Building Surveyor.
- Mechanical Ventilation to non-habitable rooms with no natural ventilation, to be assessed by relevant building surveyor.
- Amenity of units to be assessed by relevant Building Surveyor.
- Circulation spaces to be assessed by relevant Building Surveyor.
- Passing spaces to be assessed by relevant Building Surveyor.
- Ventilation to basement carpark to be assessed by relevant Building Surveyor.
- Access for people with a disability to be assessed by relevant Building Surveyor.

**K. Council's Building and Properties Department Advise;**

- The development must not encroach on to 23A Bent Street (Council freehold).
- No work materials are to be stored on 23A Bent Street (Council freehold) during construction.

**Crs Pilling/Delahunty**

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

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



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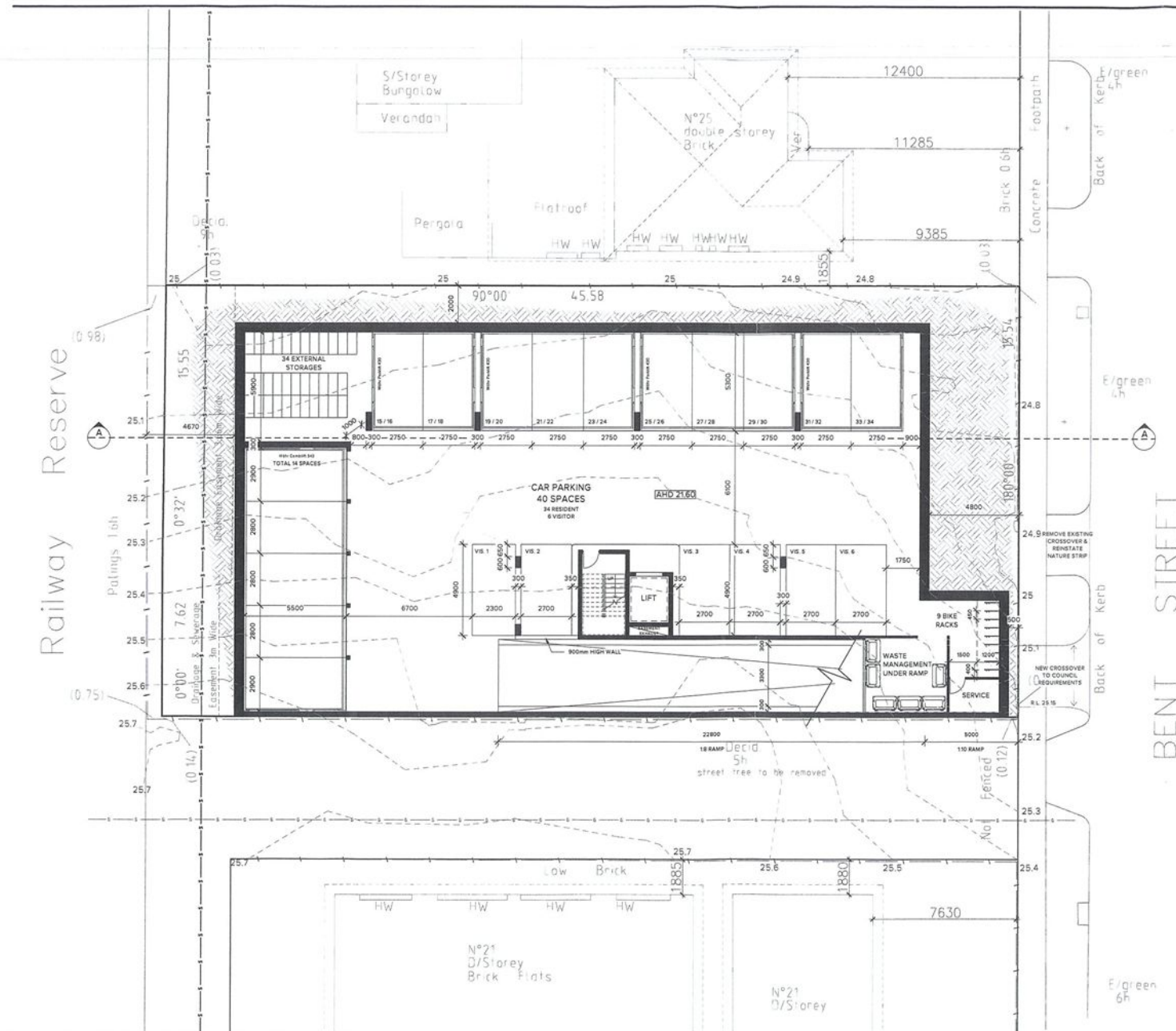
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T: +613 9860 4000  
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**PROJECT:**  
**BENT STREET DEVELOPMENT**  
23 BENT STREET, BENTLEIGH

**DRAWING TITLE:**  
**BASEMENT FLOOR PLAN**

**DATE:** 10.04.15  
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**DRAWN BY:** FB  
**CHECKED BY:** DL  
**JOB N°:** 15037  
**DRAWING STATUS:** DRAWING N°:  
**MARKETING** TP101  
**REVISION N°:**





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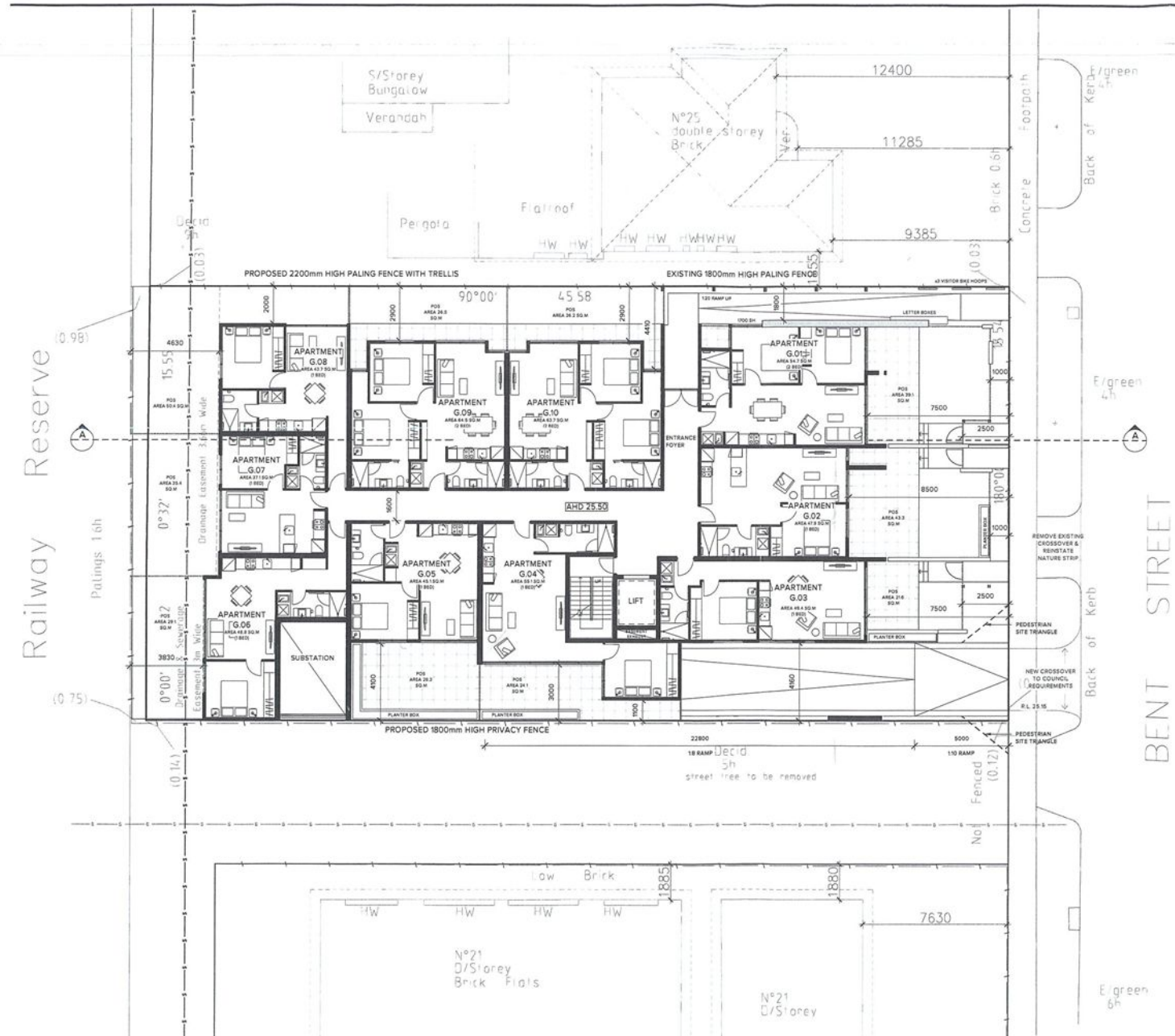
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**DRAWING TITLE:**  
GROUND FLOOR PLAN

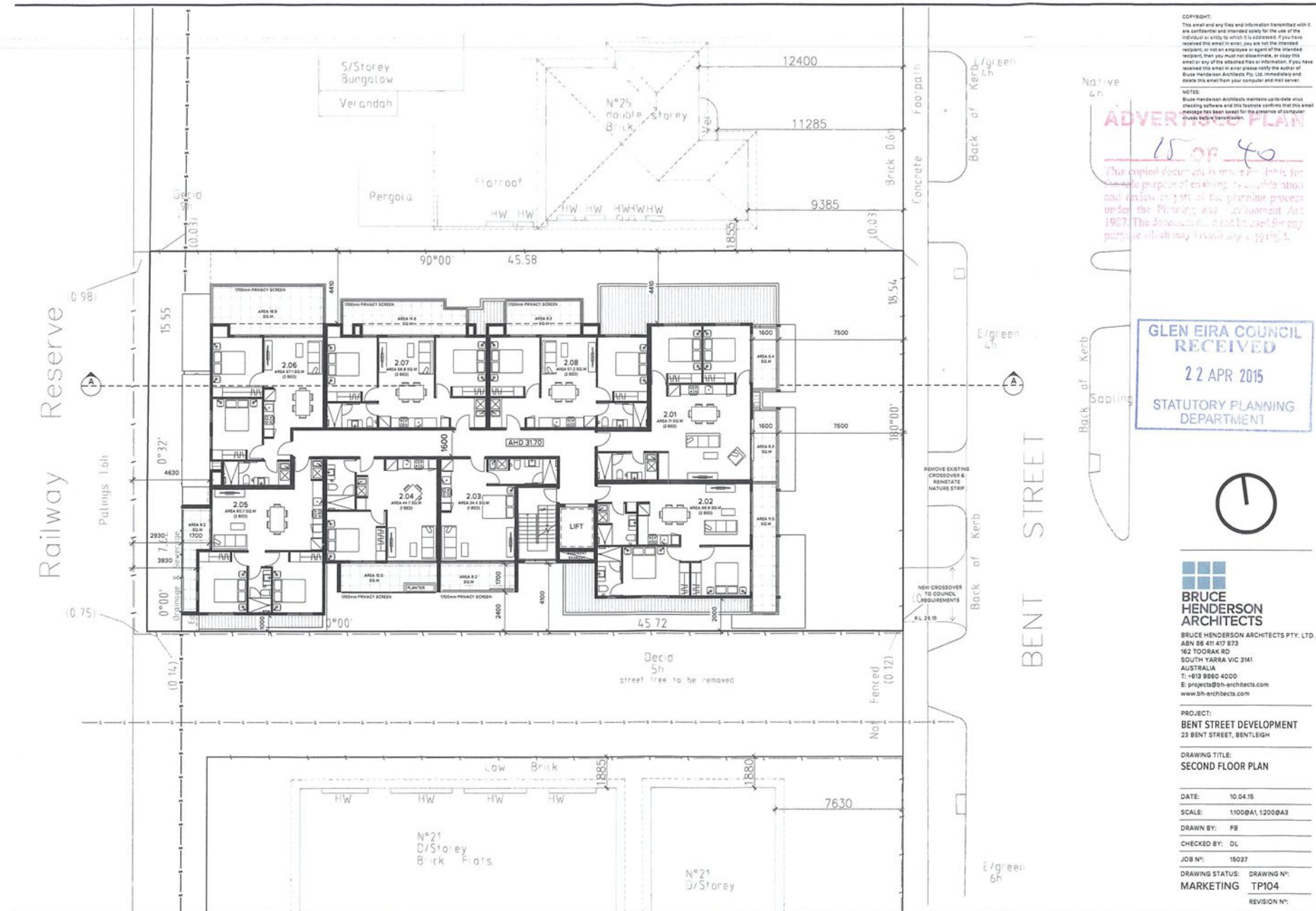
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162 TOORAK RD  
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AUSTRALIA  
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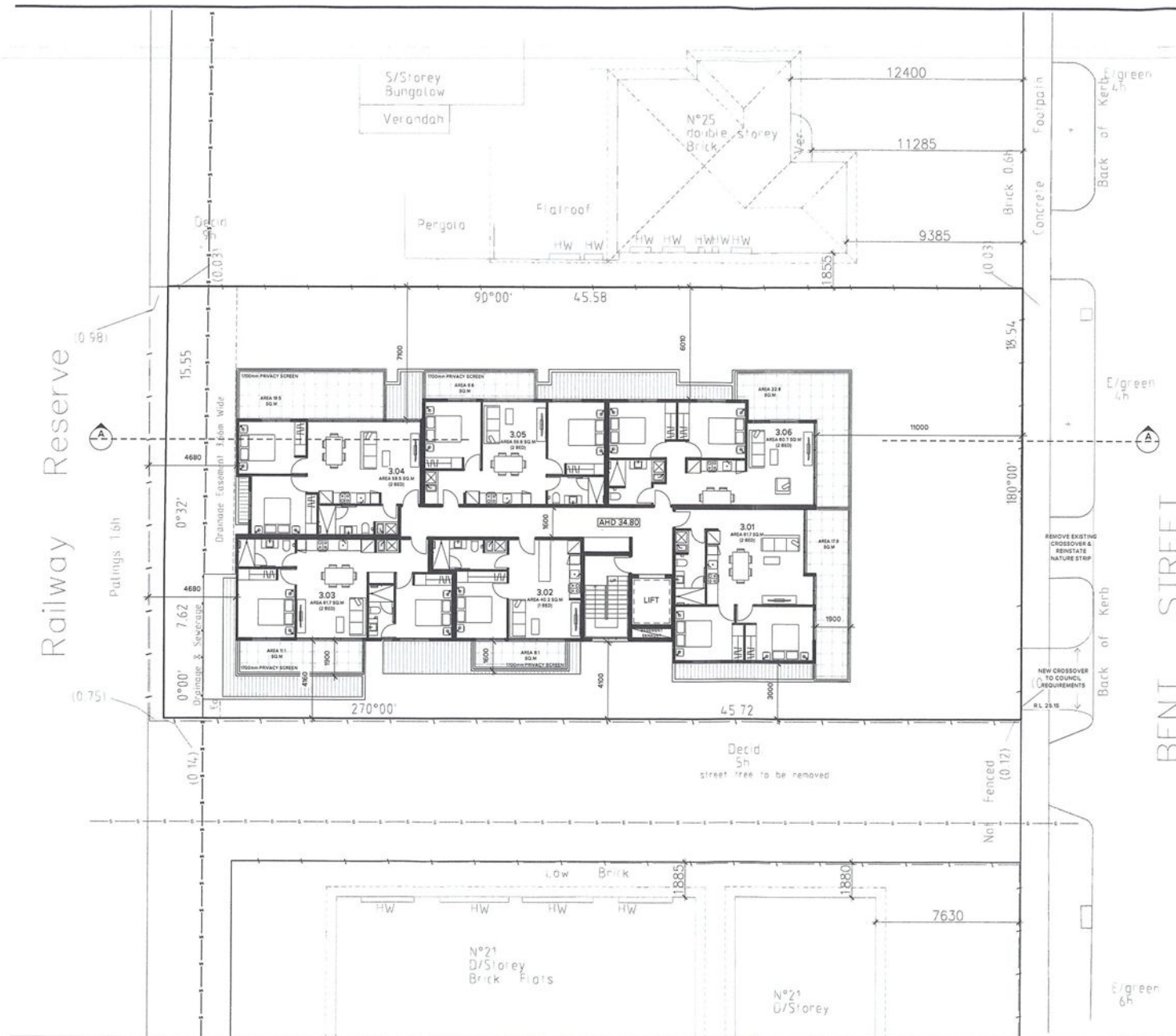
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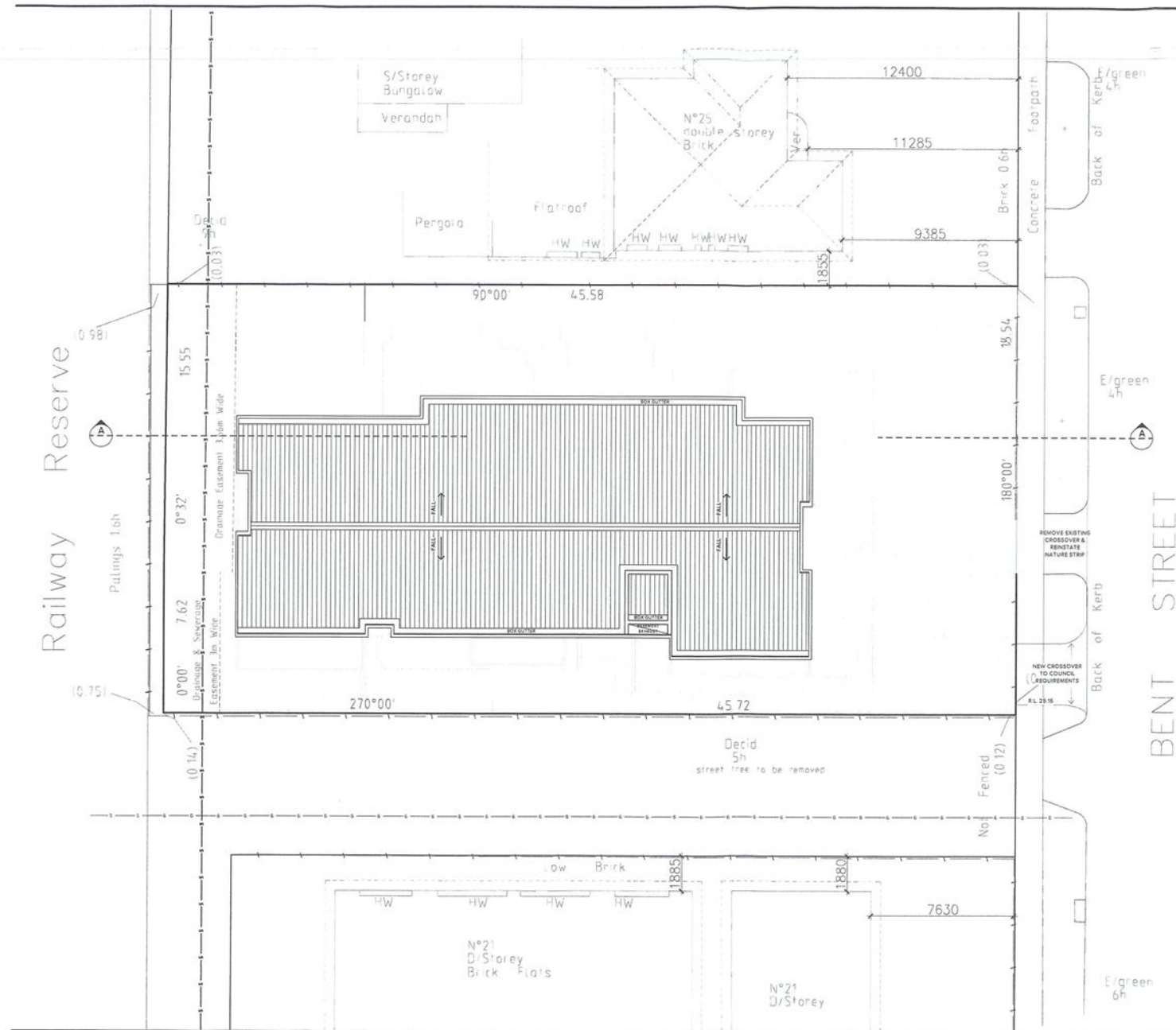
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DRAWING STATUS:	DRAWING N°:
MARKETING	TP105
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AUSTRALIA  
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ROOF PLAN

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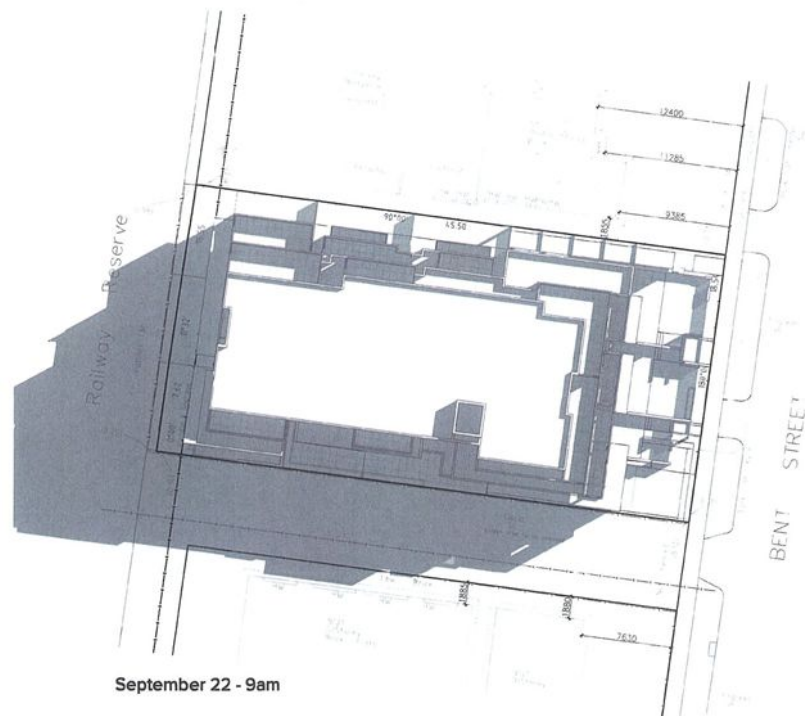
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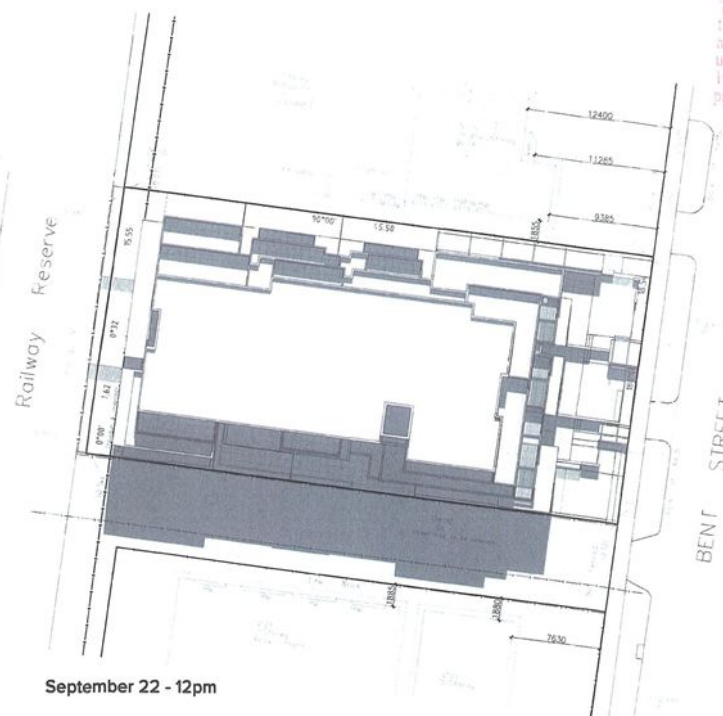
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September 22 - 9am



September 22 - 12pm



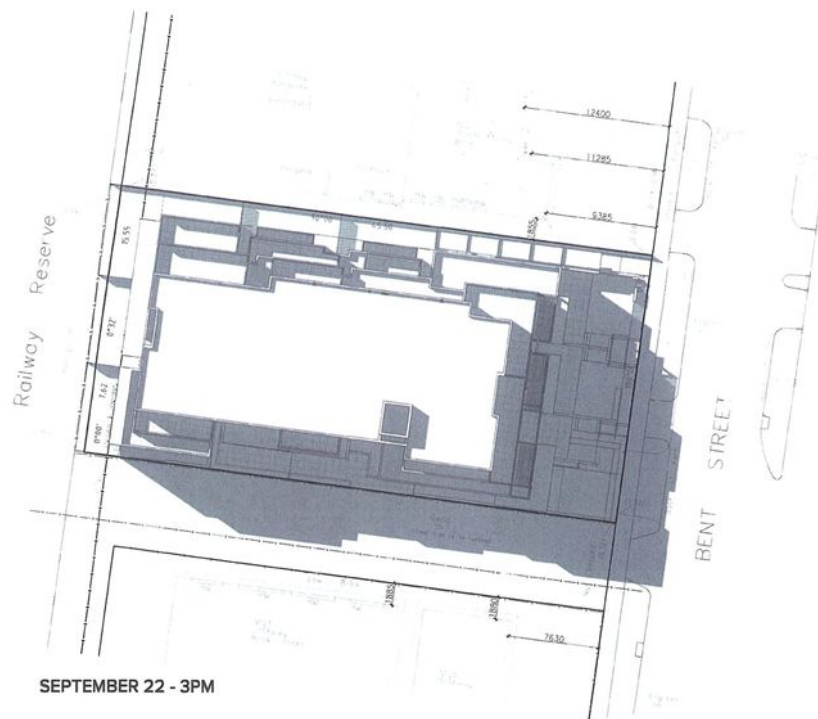
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T: +61 3 9860 4000  
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**SHADOW DIAGRAMS**

**DATE:** 10.04.15

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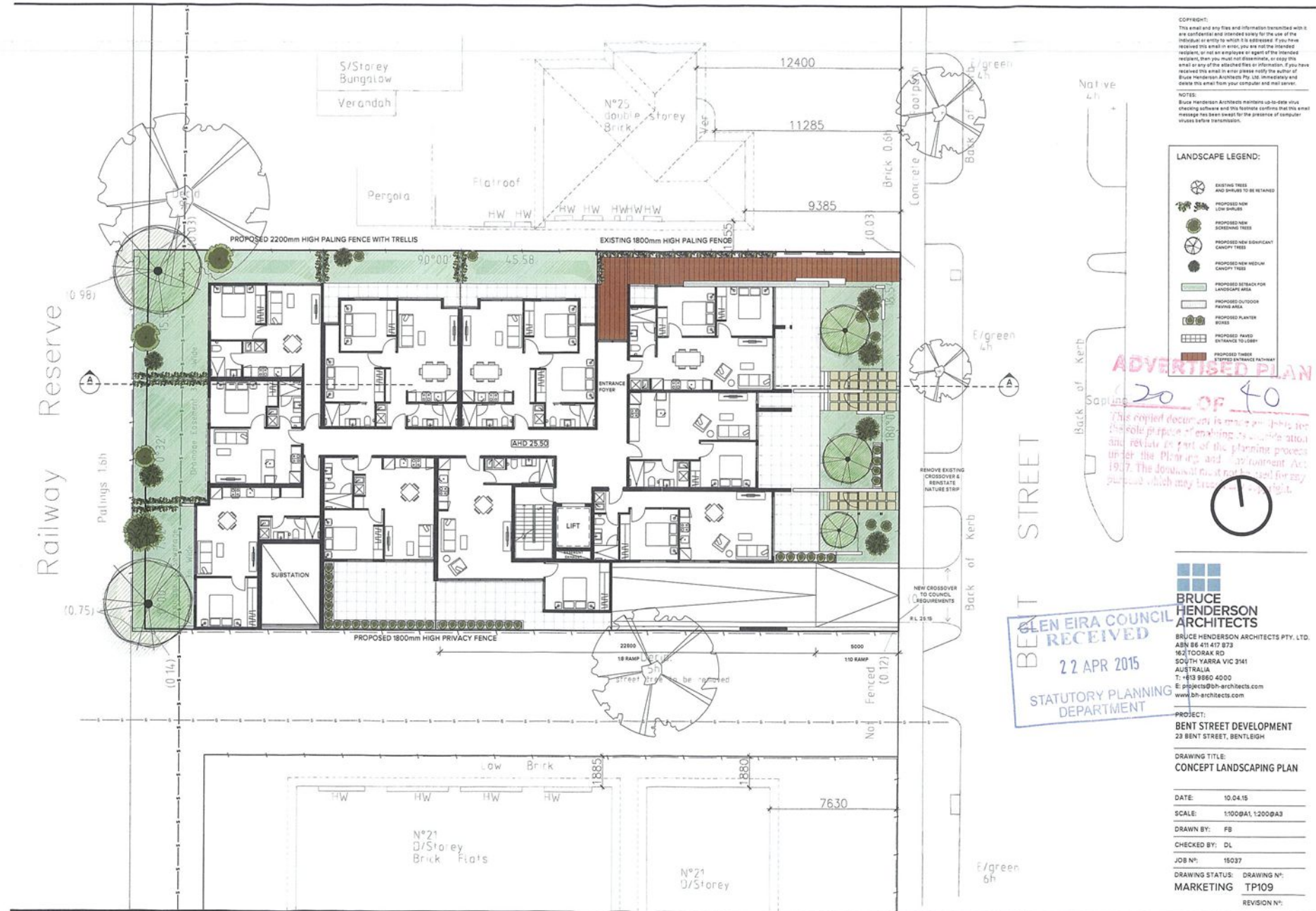
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**DRAWING TITLE:**  
**ELEVATIONS**

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**JOB N°:** 15037  
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**MARKETING** TP201  
**REVISION N°:**

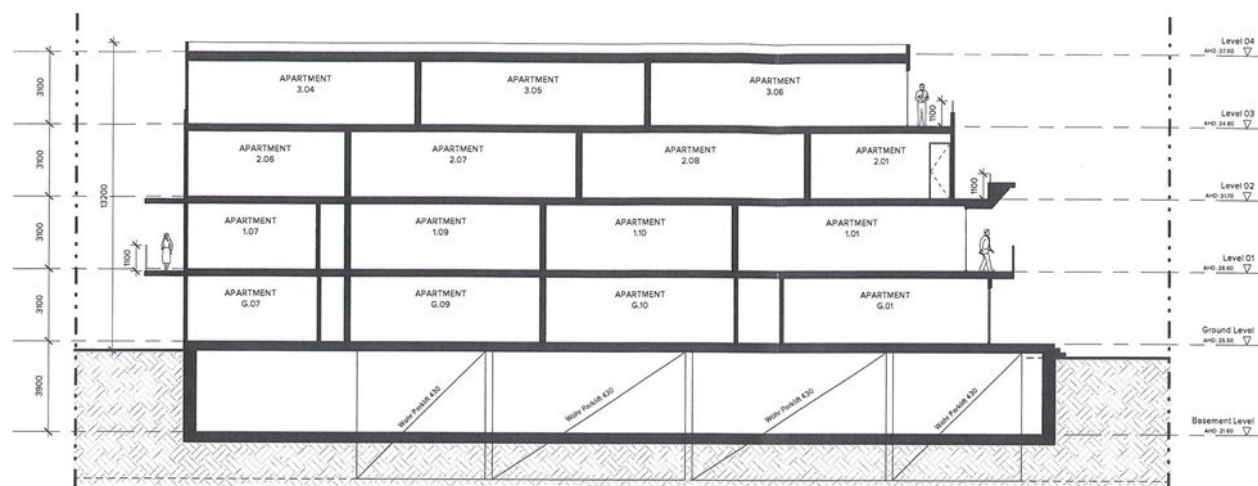


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**SECTION A**



**EAST ELEVATION**



**WEST ELEVATION**

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162 TOORAK RD  
SOUTH YARRA VIC 3141  
AUSTRALIA  
T: +61 3 9860 4000  
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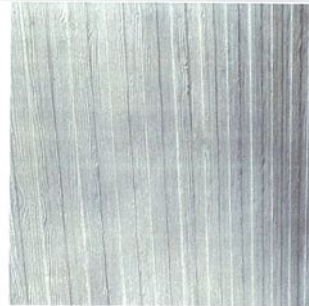
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**JOB N°:** 15037  
**DRAWING STATUS:** DRAWING N°:  
**MARKETING** TP202  
**REVISION N°:**





**AF1** APPLIED RENDER, SELECTED FINISH, COLOUR: WHITE



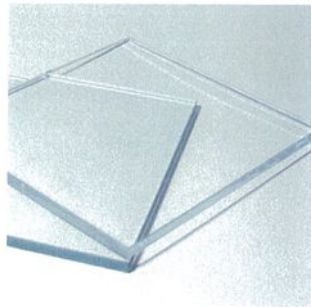
**AF2** TEXTURED CONCRETE FEATURE WALL, COLOUR: LIGHT GREY



**BR1** BLUE / GREY FACE BRICKWORK TO ARCHITECTS SPECIFICATION



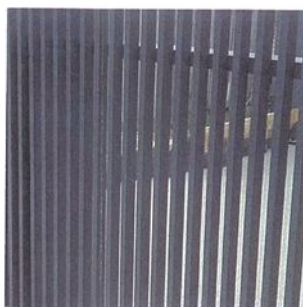
**BR2** RED RUSTIC FACE BRICKWORK TO ARCHITECTS SPECIFICATION



**GL1** GENERAL EXTERNAL GLAZING, CLEAR GLAZING FULLY FRAMED DOORS & WINDOWS.



**MC1** SELECTED METAL CLADDING, COLOUR: LIGHT GREY



**SC1** SELECTED ALUMINIUM FEATURE SLATS, SELECTED POWDERCOAT FINISH



**BL1** SEMI-FRAMELESS GLASS BALUSTRADE



**TC1** SELECTED SOLID HORIZONTAL TIMBER FEATURE CLADDING OR SIMILAR APPROVED TO INTERNAL LINING OF FACADE FEATURE BOXES.



**TM1** RECLAIMED TIMBER BATTEN PERGOLA/SCREEN

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SOUTH YARRA VIC 3141  
AUSTRALIA  
T: +61 3 9860 4000  
E: projects@bh-architects.com  
www.bh-architects.com

**PROJECT:**  
**BENT STREET DEVELOPMENT**  
23 BENT STREET, BENTLEIGH

**DRAWING TITLE:**  
**MATERIALS SCHEDULE**

**DATE:** 10.04.15

**SCALE:**

**DRAWN BY:** FB

**CHECKED BY:** DL

**JOB N°:** 15037

**DRAWING STATUS:** DRAWING N°:

**MARKETING** TP203

**REVISION N°:**



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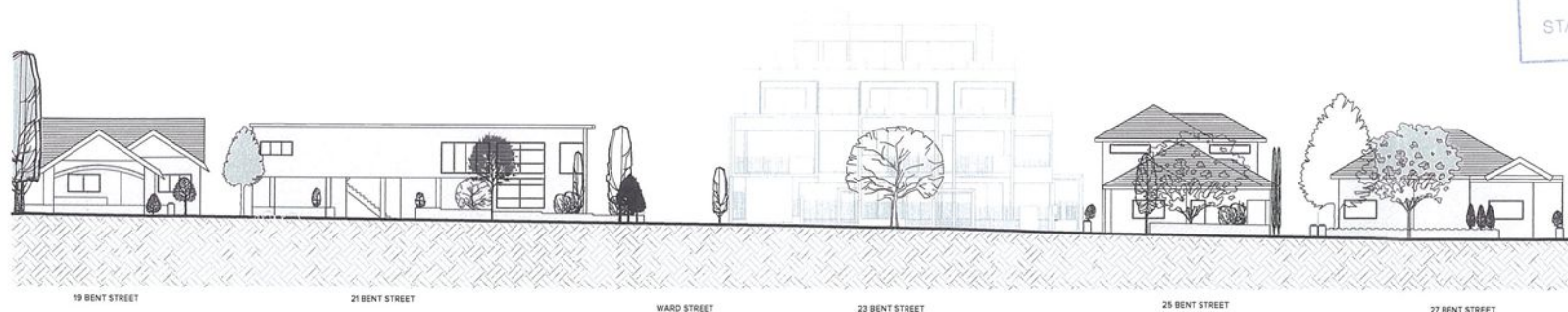
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DEPARTMENT



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BRUCE HENDERSON ARCHITECTS PTY. LTD.  
ABN 86 411 417 873  
162 TOORAK RD  
SOUTH YARRA VIC 3141  
AUSTRALIA  
T: +613 9880 4000  
E: projects@bh-architects.com  
www.bh-architects.com

PROJECT:  
**BENT STREET DEVELOPMENT**  
23 BENT STREET, BENTLEIGH

DRAWING TITLE:  
**STREETSCAPE ELEVATION  
FENCE ELEVATION**

DATE: 10.04.15

SCALE: 1:150@A1, 1:300@A3

DRAWN BY: FB

CHECKED BY: DL

JOB N°: 15037

DRAWING STATUS: DRAWING N°:

MARKETING TP204

REVISION N°:



**Item 9.3****641-685 NORTH ROAD, ORMOND  
PLANNING SCHEME AMENDMENT C121****Enquiries: Russell Smith  
Principal Strategic Planner****1. Community Plan**Town planning and development

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

**2. Recommendation**

That Council:

- a) Notes the Panel's recommendation;
- b) Adopts planning scheme amendment C121 as exhibited; and
- c) Refers planning scheme amendment C121 to the Minister for Planning for approval.

**3. Proposal**

The amendment proposes to:

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

The request is a straight rezoning request. This is not a proposal to develop the land.



**Item 9.3 (cont'd)****4. Background**Rezoning

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

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

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

This zone will incorporate a mandatory maximum building height of 10.5 metres (3 storeys). The zone will also include rear setback requirements of 4 metres for ground floor, 5.5 metres for first floor and 11.5 metres for second floor levels.

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

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

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

Environmental Audit Overlay

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

**5. Exhibition**

The amendment was exhibited from 15<sup>th</sup> January -16<sup>th</sup> February 2015.

Four (4) submissions were received regarding the amendment.

The submissions can be summarised as follows:

Amendment specific issues

- The Mixed Use Zone is not appropriate and can be abused.
- The Mixed Use Zone is far worse than the Restricted Business Zone.
- The current subdivision pattern is suboptimal in terms of access arrangements.



**Item 9.3 (cont'd)**

- Concern if land is developed in isolation as undesirable vehicle access arrangements will result for future developments.
- Request a suitable planning tool e.g. Development Plan Overlay / Restructure Overlay be applied to the land as part of the amendment.
- Effect on traffic.
- The proposed rezoning will impact on existing business operations.

Other issues

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

Following a planning conference Council resolved to refer the rezoning request to an independent Panel.

**7. Panel Hearing**

No submitter requested to be heard at the Panel hearing. Therefore the hearing was done 'on the papers'.

The Panel report considered all of the written submissions and specifically addressed the following topics:

- Overall strategic direction of the amendment;
- Use of the 'Mixed Use Zone';
- Future access arrangements;
- Effect on existing businesses;
- Privacy; and
- Previous sale of the laneway.

The Panel concluded that the proposed rezoning '*will provide for a more flexible use of a small commercial area in Ormond*'.

The Panel considered that the rezoning would not affect the operation of existing lawful uses currently operating from the subject properties.

The panel also considered that future access arrangements could be addressed at the future development stage (i.e. under planning permit application process, together with public notice of the application).

The Panel recommended that Amendment C121 should be adopted as exhibited.



**Item 9.3 (cont'd)****8. Planning Scheme Amendment Process**

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

1. The Minister for Planning must firstly authorise preparation of the amendment before exhibition can occur. Following this, notice (exhibition) of the amendment will commence, inviting public submissions. If Council agrees to exhibit an amendment, it does not necessarily follow that Council supports the proposal. Placing an amendment on public exhibition has an element of “testing the water”. During the authorisation process, the Minister may also authorise Council to approve the amendment (if minor in nature).
2. If there are no submissions Council can ‘adopt’ or ‘abandon’ the amendment and forward it to the Minister for certification or approval. It only becomes law when / if it is formally approved and gazetted.
3. If there are submission/s opposed to the amendment, the Council has three options – abandon the amendment, change the amendment in accordance with the submitter’s request, or request the Minister to appoint an Independent Panel to hear the submissions.
4. If a Panel is appointed, submissions are heard and the panel reports its findings in the form of a recommendation to Council.
5. The Panel may make a recommendation to:
  - adopt the amendment;
  - abandon the amendment; or
  - modify the amendment.
6. Council then considers the panel report and makes its own decision. Council is not bound by the panel’s findings. Again Council’s options are to either abandon or adopt the amendment (with or without modifications).
7. If Council adopts the amendment, it is then referred to the Minister for Planning for approval or certification.

The process required to amend the Glen Eira Planning Scheme is lengthy and provides opportunities for public input from interested parties. With regard to the current proposal, Council is at Steps 6-7.

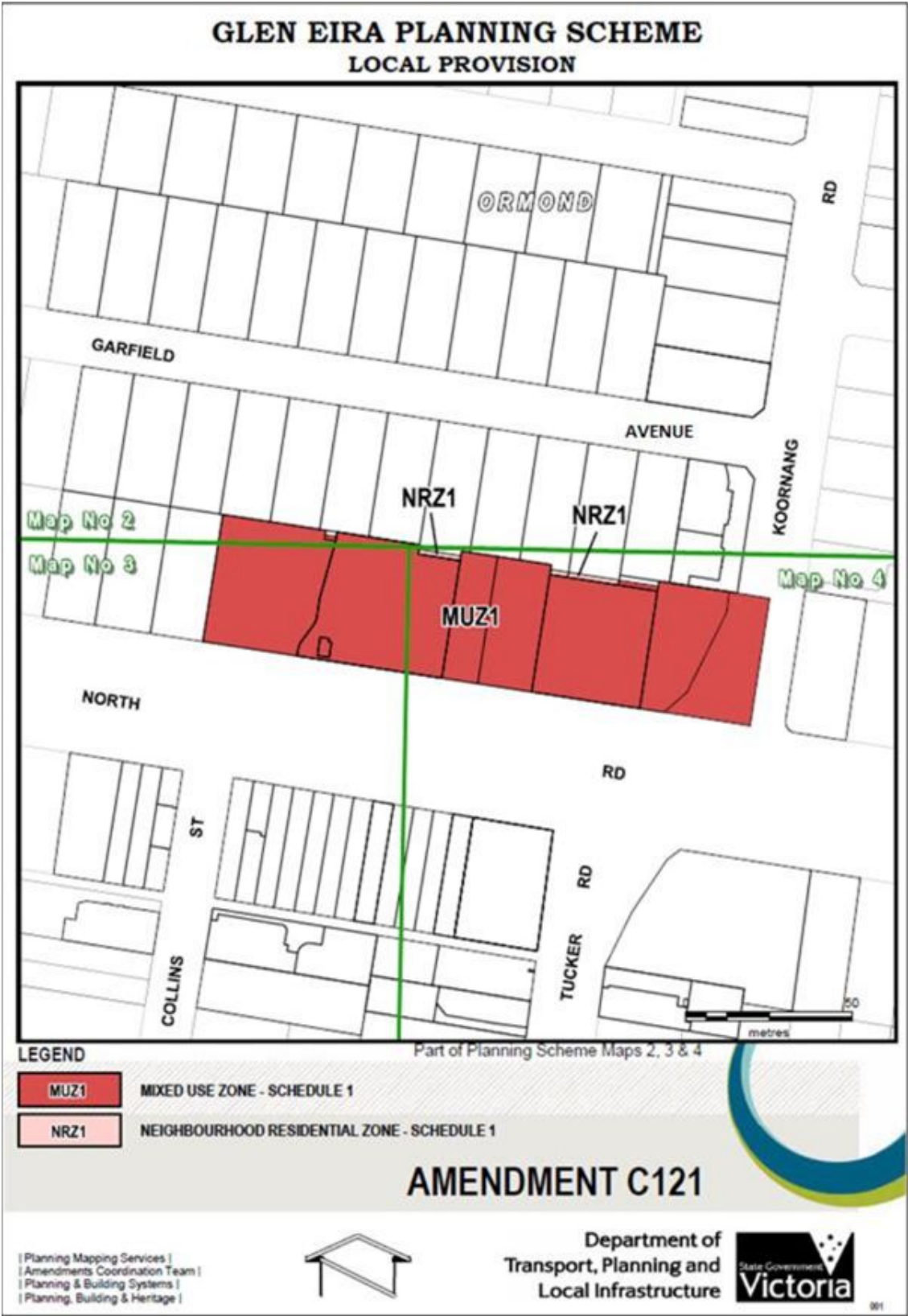
**Crs Esakoff/Okotel**

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

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



Attachment 1:       Zoning Map





## Attachment 2: Overlay Map





## Item 9.4

75 Mackie Road BENTLEIGH EAST  
APPLICATION NO. GE/PP-27984/2015

File No: GE/PP-27984/2015  
Enquiries: Karoline Ware  
Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Sell liquor in association with the existing supermarket
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit with conditions to control hours of operation
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Amenity impacts</li> <li>• Cumulative impacts of licenced premises</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Local Centre (Housing Diversity Area Policy)
<b>APPLICANT</b>	Kamal Kohli
<b>PLANNING SCHEME CONTROLS</b>	Commercial 1 Zone
<b>EXISTING LAND USE</b>	Supermarket
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 5 properties notified</li> <li>• 7 notices sent (owners and occupiers)</li> <li>• 1 sign erected on site</li> <li>• 76 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$502.00



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

- Town Planning and Development.

**2. Recommendation**

That Council:

- Issues Notice of Decision to Grant a Planning Permit for *use of the land to sell liquor in association with the existing use (supermarket)* for Application No. GE/PP-27984/2015 in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne

Glen Eira City Council

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

**4. Reasons for Recommendation**

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

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

The key issues influencing the recommendation are as follows:

- Amenity Impacts – sale of liquor
- Amenity Impacts – hours of operation
- Cumulative impacts – existing bottle shop

The application proposes the sale of packaged liquor in association with the existing supermarket. The sale of liquor is proposed to be confined within the building with no on-site consumption of liquor sought as part of this application.

The sale of liquor is proposed within the following hours:

- Monday to Saturday: 9am-11pm
- Sunday: 10am-11pm
- Anzac Day: 12 noon-11pm
- No sale of liquor to occur on Good Friday and Christmas Day.

The site is located within a small commercial strip along the western side of Mackie Road. The shopping area consists of a range of retail uses including food and drink premises and an existing bottle shop.



**Item 9.4 (cont'd)**

Having regard to the residential area at the rear of the shops and the low scale nature of the shopping strip, it is considered that the hours sought for the sale of liquor should be reduced to limit any impact to the adjoining area.

Therefore, it is recommended that the sale of liquor ceases at 8pm. This reduction will ensure that the operation of the supermarket is not unreasonably compromised, whilst also maintaining the character of the area.

The operational details of the supermarket are not proposed to be changed. Therefore the proposal does not affect the car parking requirements.

Should a planning permit be granted, the supermarket will also need to obtain permission from the Victorian Commission for Gambling and Liquor Regulation (VCGLR). This process will involve further community consultation.



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

**ADDRESS: 75 Mackie Road, Bentleigh East**  
**APPLICATION NO: GE/PP-27984/2015**

**1. Proposal**

Sell packaged liquor in association with the existing supermarket.

**2. Public Notice**

- 5 properties notified
- 7 notices sent (owners and occupiers)
- 1 sign erected on site
- 76 objections received

The objectors' concerns are summarised as follows:

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

**3. Planning Conference**

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

- No longer a viable shopping strip
- Gross impacts of liquor and alcoholism in the local area
- Conflict of competitiveness
- Parking and traffic constraints
- Hours of operation
- Concerns of how the staff will be paid
- Quantity of alcohol sought to be sold



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

1. Before the commencement of the development and use, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as “proposed liquor licence” sheet prepared by Letact Drafting Services and dated April 2015) but modified to show:
  - (a) The site shown in its entirety, dimensioned and to scale (1:100) clearly delineating the uses on the land.
2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
3. The loading and unloading of goods from vehicles must only be carried out on the subject land and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land.
4. Liquor may only be sold between the hours:
  - Monday to Saturday: 9am-8pm
  - Sunday: 10am-8pm
  - Anzac Day: 12 noon-8pm
  - No sale of liquor to occur on Good Friday and Christmas Day.
5. This permit will expire if:
  - The use does not start within two (2) years from the date of this Permit;

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

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



**Item 9.4 (cont'd)****DECLARATIONS OF INTEREST**

Cr Magee declared a Conflict of Interest in this item under S79B of the Local Government Act, a conflicting personal interest as the owners of a shop nearby are close friends.

8.22PM Cr Magee left the Chamber and Cr Delahunty assumed the Chair.

Crs Lobo/Okotel

That Council resolves to refuse a Planning Permit for application GE/PP-27984/2015 on the following grounds;

1. The cumulative impact of the proposal and the nearby bottle shop will have a detrimental effect on the area.
2. The proposal will have a detrimental effect on the amenity of the area through its operating hours, the sale of liquor and an increase in patron numbers.

**DIVISION**

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

<b>FOR</b>	<b>AGAINST</b>
Cr Lobo	Cr Hyams
Cr Okotel	Cr Sounness
Cr Esakoff	Cr Delahunty
Cr Lipshutz	
Cr Pilling	

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

8.48PM Cr Magee returned to the Chamber and resumed the Chair.

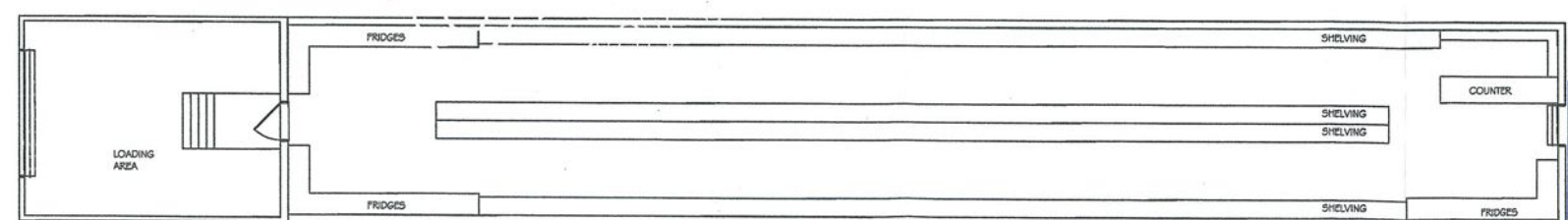
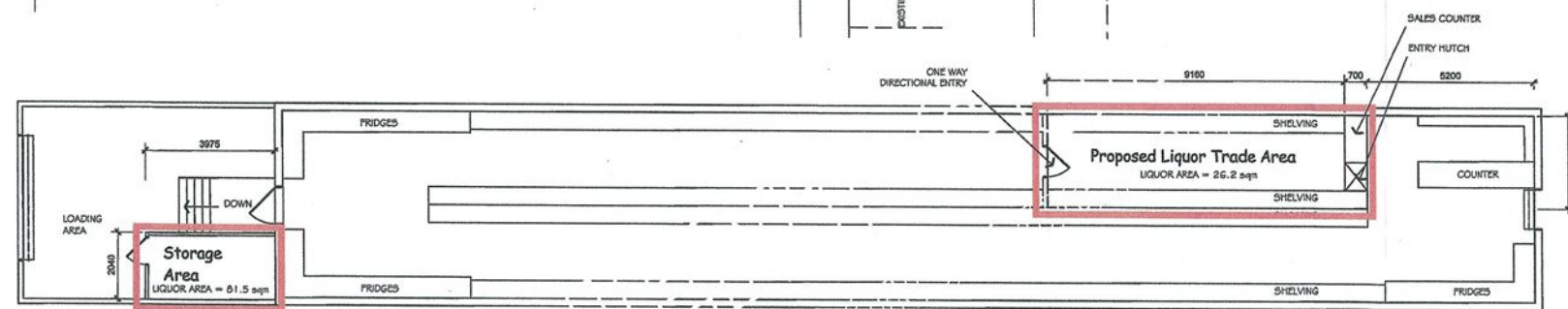
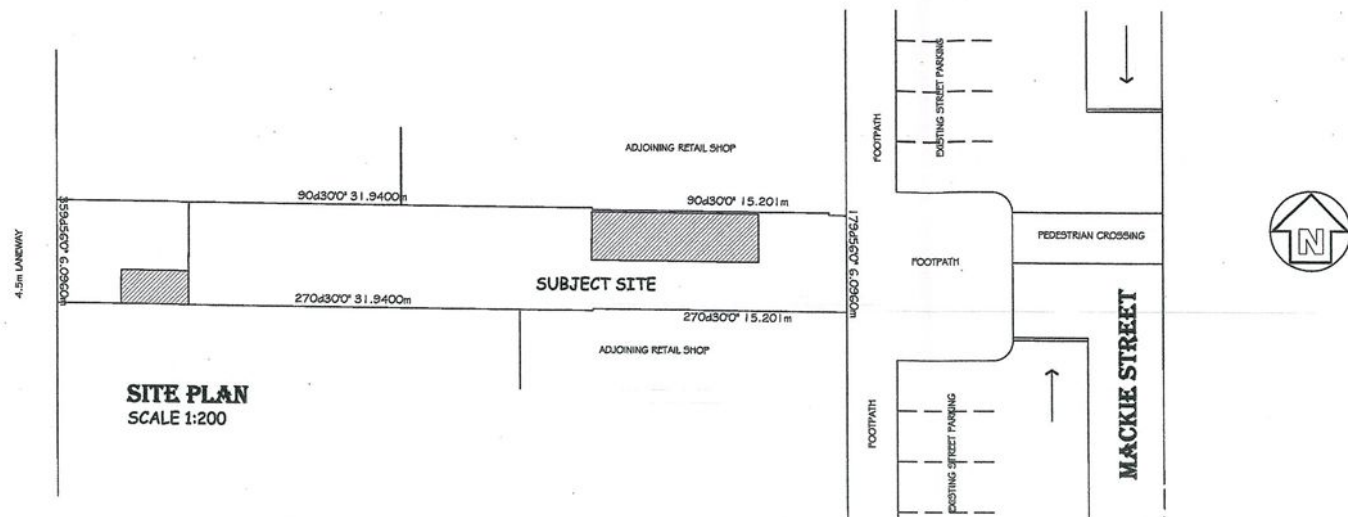


# PLANNING

## ADVERTISED PLAN

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## Item 9.5

333-341 Hawthorn Road, CAULFIELD  
APPLICATION NO. GE/PP-24050/2011/D

File No: GE/PP-24050/2011/D  
Enquiries: Karoline Ware  
Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Extend the car parking area associated with the existing Plant Nursery to include 341 Hawthorn Road
<b>RECOMMENDATION</b>	Planning Permit
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>Streetscape character</li> <li>Layout</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Business
<b>APPLICANT</b>	Frank Penhalluriack
<b>PLANNING SCHEME CONTROLS</b>	General Residential Zone
<b>EXISTING LAND USE</b>	Vacant residential site (dwelling has been demolished)
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>2 properties notified</li> <li>4 notices sent (owners and occupiers)</li> <li>1 sign erected on site</li> <li>0 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$502.00



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

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

**2. Recommendation**

That Council:

- Issues an amended Planning Permit for Application No. GE/PP-24050/2011/D to include the land at 341 Hawthorn Road allowing the construction of buildings and works to extend the car park to be used in association with the existing Plant Nursery and alterations to access to a Road in a Road Zone Category 1 in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

- Council's MSS
- Non Residential Uses in Residential Zones Policy
- Other relevant considerations of the planning scheme

The key issues influencing the recommendation are as follows:

History of use

- A planning permit was issued in 1997 (and amended by VCAT on 21 October 1998) allowing a plant nursery and the provision of vehicular access to the adjoining hardware store. Further planning permission was granted in 2004 allowing alterations and additions to the existing plant nursery centre and business identification signage.
- A planning permit was issued on 6 January 2012 (and amended by VCAT on 25 June 2012) allowing the plant nursery car park to be extended into the residential property at 339 Hawthorn Road. This permit was further amended by Council on 15 April 2014 to make minor alterations to vehicular access.



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

In broad policy terms, the extension of this non-residential use is appropriately located, being a long standing use (plant nursery) along a main road. The site is bordered by the plant nursery car park to the north, and the Penhalluriack's hardware site to the south and east. Other commercial uses are located opposite the site, west of Hawthorn Road. Given the commercial context, residential amenity will not be compromised as the site is not bordered by any dwellings.

A 1 metre deep landscaping strip is proposed along the frontage of the site, yet this is not considered to be adequately consistent with policy which seeks a generous buffer. To resolve this issue, it is recommended that the landscape strip be increased to a minimum depth of 3 metres.

On this basis, it is considered that the objectives of the Non Residential Uses in Residential Zones Policy have been met in relation to landscaping and car parking.

Other considerations

There is a sole entry and separate exit from the existing car park which is not proposed to be changed. However, the car space which is directly adjacent to the car park entrance (marked number 17 on the plan), poses potential safety risks to pedestrians as a vehicle parked in this space may need to reverse onto the footpath to exit the space. The increased depth of the landscape buffer as recommended above will adequately address this issue.

The new layout proposes varying car space widths yet the accessway along the southern boundary of the site is not wide enough to enable easy movements for all vehicles within the car park. It is recommended that the proposed car parking layout be redesigned to ensure that the width of all new parking spaces and accessways meet the relevant design standards for car parking.

The existing permit provides that the car park must only be used in association with the existing plant nursery and not the adjoining hardware shop. This requirement is proposed to be maintained as associated fencing and signage will not be altered as a result of this amendment. However to ensure access to the hardware site is prevented in accordance with the permit, it is recommended that the 1 metre high expandable barrier which is located along the eastern boundary of the existing car park is extended along the eastern boundary of the proposed parking area.

There are currently 16 car parking spaces associated with the plant nursery. The amended proposal seeks to increase this total to 38. A plant nursery does not have a specified car parking rate within the Planning Scheme, thus the number of car parking spaces provided must be to Council's satisfaction. It is considered that any approved increase in car parking numbers will provide a surplus which will benefit the availability of on street parking in the area.

It is considered that there will be no additional traffic generated on the surrounding road network as the cars that will park in the expanded car park would normally be parking elsewhere in the vicinity.

A 2.1 metre high chain link fence is proposed along the property frontage. The fence will match the height and style of existing fencing fronting the car park and therefore it is considered acceptable in this context.



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

**ADDRESS: 333-341 Hawthorn Road, Caulfield**  
**APPLICATION NO: GE/PP-24050/2011/D**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Extend the car park associated with an existing plant nursery into the vacant residential site at 341 Hawthorn Road.
- Construct a 2.1 metre high chain link fence along the frontage of the site, to the match the fence fronting the existing car park.

**2. Public Notice**

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

**3. Referrals**

The application has been referred to VicRoads as a determining referral authority. They do not object to the proposal subject to the following permit condition:

- Prior to the commencement of use of the new car parking area, redundant vehicle crossovers onto Hawthorn Road must be removed and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.

**4. 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 Job number 11019, drawing numbers TP03 and TP05 Rev C, and TP04 Rev E, all dated 19/04/2015 and drawn by KXA Architecture) but modified to show:
  - (a) A minimum 3 metre deep landscape strip along the western boundary of 341 Hawthorn Road with a minimum 3 metre radius curve at the northern end.
  - (b) The layout of car spaces and accessways redesigned to accord with Clause 52.06-8 (Design standards for car parking) of the Glen Eira Planning Scheme, to the satisfaction of the Responsible Authority.



**Item 9.5 (cont'd)**

- (c) The provision of a minimum 1 metre high physical barrier/fence or similar along the eastern boundary of the extended car park to prevent access to the hardware shop. The fence can include a gate if necessary, to the satisfaction of the Responsible Authority.
- (d) A landscape plan in accordance with Condition 2.

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

2. Before the commencement of works, a detailed Landscape Plan, pertaining to the landscaping strip along the frontage of 341 Hawthorn Road, 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) All existing retained vegetation to be identified.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; and quantities of each plant.
3. Prior to the commencement of use of the new car parking area, redundant vehicle crossovers onto Hawthorn Road must be removed and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority. *[Condition required by VicRoads]*
4. 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; and
  - (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.

The car park must not be used in association with the adjoining hardware shop.
5. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.



**Item 9.5 (cont'd)**

6. 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.

7. 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; or
  - \* The use of the land at 333-339 Hawthorn Road as a plant nursery ceases.

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.

**Notes**

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

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

- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- C. 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. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.



**Item 9.5 (cont'd)**

**Crs Sounness/Delahunty**

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

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



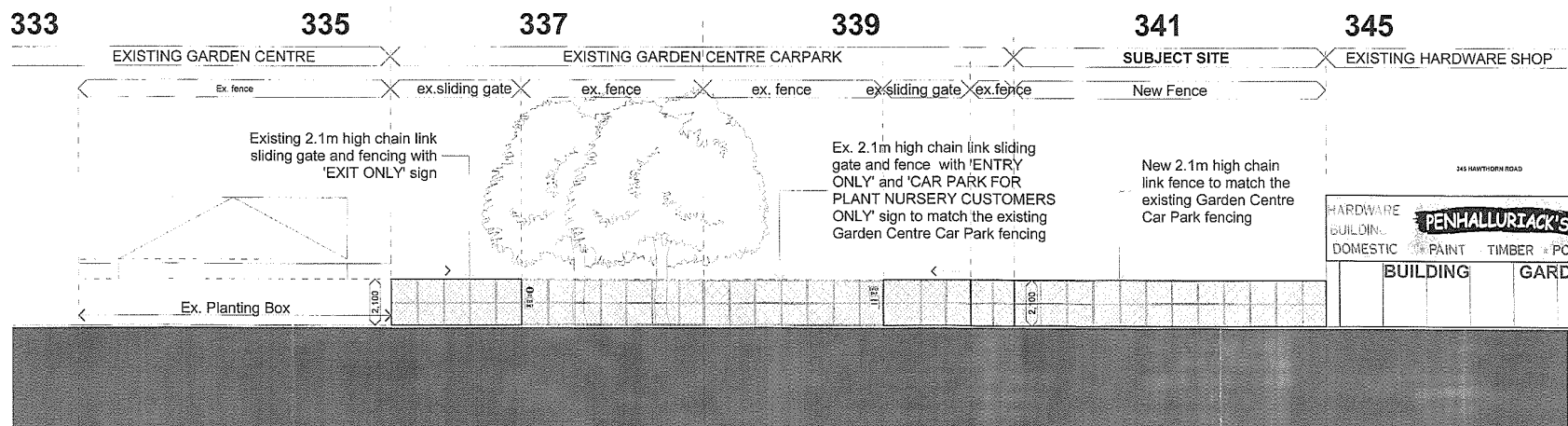








**2 LOT 337-EXISTING GARDEN CENTRE CARPARK**



2 PROPOSED STREET ELEVATION  
- 1:100

<b>a m e n d m e n t s :</b>						<b>p r o j e c t :</b>			<b>a d d r e s s :</b>			<b>d r a w i n g t i t l e :</b>			<b>E.I.S.</b>		
DATE REV AMENDMENTS			DATE REV AMENDMENTS			PROPOSED EXTENSION OF NURSERY CAR PARKING			333-341 Hawthorn Road Caulfield			STREET ELEVATION			19/04/2015		
						for:			K & A Architecture Pty Ltd Suite 402 18 Sticks Road, Traralgon, 1 Coopers Road, P.O. Box 100 2204 Australia T +613 5055 3338 E traralgon@kaarchitecture.com			Job No.: 11019			as shown on Drawn TP05 C		
						Penhalluriack Building Supplies									Verify all dimensions on site before commencing work or stop drawings and refer to the corresponding specifications in the schedule of quantities.		



## Item 9.6

60 Neerim Road CAULFIELD EAST  
APPLICATION NO. GE/PP-27952/2015

File No: GE/PP-27952/2015  
Enquiries: Karoline Ware  
Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Construction of an electronic scoreboard
<b>RECOMMENDATION</b>	Planning Permit
<b>KEY ISSUES</b>	Visual and amenity impacts of sign
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Open Space Strategy
<b>APPLICANT</b>	Urbis Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>Public Park and Recreation Zone</li> </ul>
<b>EXISTING LAND USE</b>	Public Open Space
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>17 properties notified</li> <li>106 notices sent (owners and occupiers)</li> <li>No signs erected on site</li> <li>No objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$604



**Item 9.6 (cont'd)****1. Community Plan**

- **Town Planning and Development**
- **Recreation and Open Space:** to enhance recreation facilities and open space to meet current and future needs of the local community.

**2. Recommendation**

That Council:

- Issue a Planning Permit for Application No. GE/PP-27952/2015 allowing construction of an electronic scoreboard in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne

Glen Eira City Council

- Municipal Strategic Statement – Adopted by Council on 17<sup>th</sup> May 1999 and approved by the Minister on 5<sup>th</sup> August 1999.
- Dealing With Planning Applications and Planning Scheme Amendments Which Affect Council Owned Properties – Adopted 3<sup>rd</sup> March 2003

**4. Reasons For Recommendation**

All planning permit applications involving Council owned or managed land are submitted for determination by Council Resolution. This ensures a clear line is drawn between Council's role as a responsible authority and as a land manager.

There is an existing scoreboard on the site in a similar location to the proposed scoreboard (at the northern end of the oval). The proposed scoreboard will be located 5 metres to the east of the existing scoreboard, and be angled so that it faces south-west.

Assessment of the proposal is limited to the appearance, location and scale of the works. On each of these tests, it is considered that the proposed structure is reasonable, site responsive and in an appropriate location, given it is on the northern side of the sports ground, relatively far from sensitive interfaces.



**Item 9.6 (cont'd)****APPENDIX**

**ADDRESS: 60 Neerim Road Caulfield East**  
**APPLICATION NO: GE/PP-27952/2015**

**1. Proposal**

Features of the proposal include:

- Installation of a new electronic scoreboard (3.84m x 2.4m) on a frame of 4.31m x 5.8m (overall height), approximately 3 metres above ground level
- The sign displays scores, names of teams, time and league details.

**2. Public Notice**

- 17 properties notified
- 106 notices sent (owners and occupiers)
- No signs erected on site
- No objections received

**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:

**Buildings and Properties**

Conditional landlord consent' provided subject to a number of conditions relating to installation and maintenance of the sign and indemnity relating to the works.

**Recreation Services**

'In principle' approval to the installation of the sign subject to a number of conditions including the position of the sign (shown on the plans in accordance with these requirements) and further documentation regarding planning and building permits, engineering and insurance details.

**Parks Services**

Council's Parks Services Department was notified of the application, and raised no objection.

**4. Conditions**

1. The location of the scoreboard (including the size, nature, panels, position and construction etc) 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.



**Item 9.6 (cont'd)**

2. The location and details of the supporting structure shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
3. This Permit will expire if the scoreboard is not displayed/erected within two (2) years from the date of this Permit.

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

4. The scoreboard must be constructed and maintained to the satisfaction of the Responsible Authority.

**NOTES:**

- A. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
- B. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- C. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

**Crs Lipshutz/Pilling**

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

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



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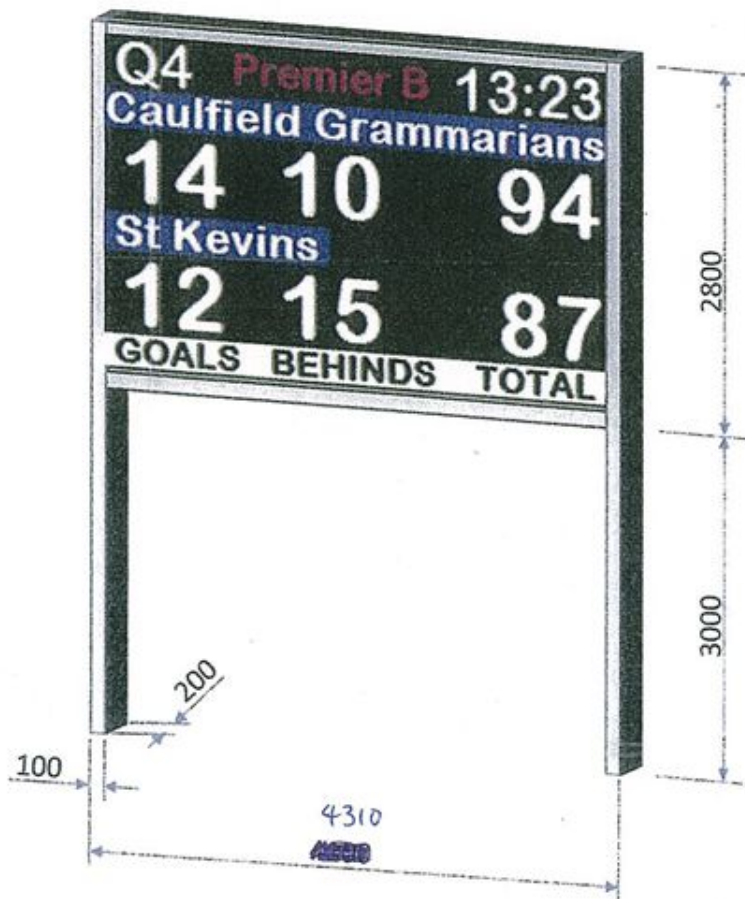
The other key facts relating to the scoreboard are:

- be a minimum of 1.5m north (away) from the fence;
- full colour with pixel separation of 10mm;
- tailored to suit the user, with emphasis on ease of operation;
- two vertical poles allows screen to be mounted up to 3.0m above ground; and
- when not in operation, the screen will be "black".

#### Preferred location

The preferred location allows a smooth transition from the current position. Power is already available to the "old" scoreboard, and this will be extended to connect the new board. The board itself is operated by blue-tooth, with the base computer (lap-top) operational from inside the Clubroom on match day.

The scoreboard will be slightly angled, as detailed on the submitted plans. The "eastern" edge will be 1.5m north of the oval fence, whilst the "western" edge will be 2.0m north of the fence, creating a slight angle to orientate the scoreboard toward where the majority of the spectators stand, adjacent to the clubrooms / function space. An example of how the scoreboard will look is shown below.







ADVERTISED PLAN

OF

8

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GLEN EIRA COUNCIL  
RECEIVED  
01 MAY 2015  
STATUTORY PLANNING  
DEPARTMENT



# SITE DRAWING: NEW SCOREBOARD

Glenhuntly Park 1 June 2015

ADVERTISED PLAN

6 OF 8

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**Existing Scoreboard**

- To be removed



5m

**New Scoreboard**

Frame Dimensions: 4.31m (W) x 5.8m (H)

Scoreboard: 3.84m (W) x 2.40m (H)

Bottom of scoreboard: 3m above ground

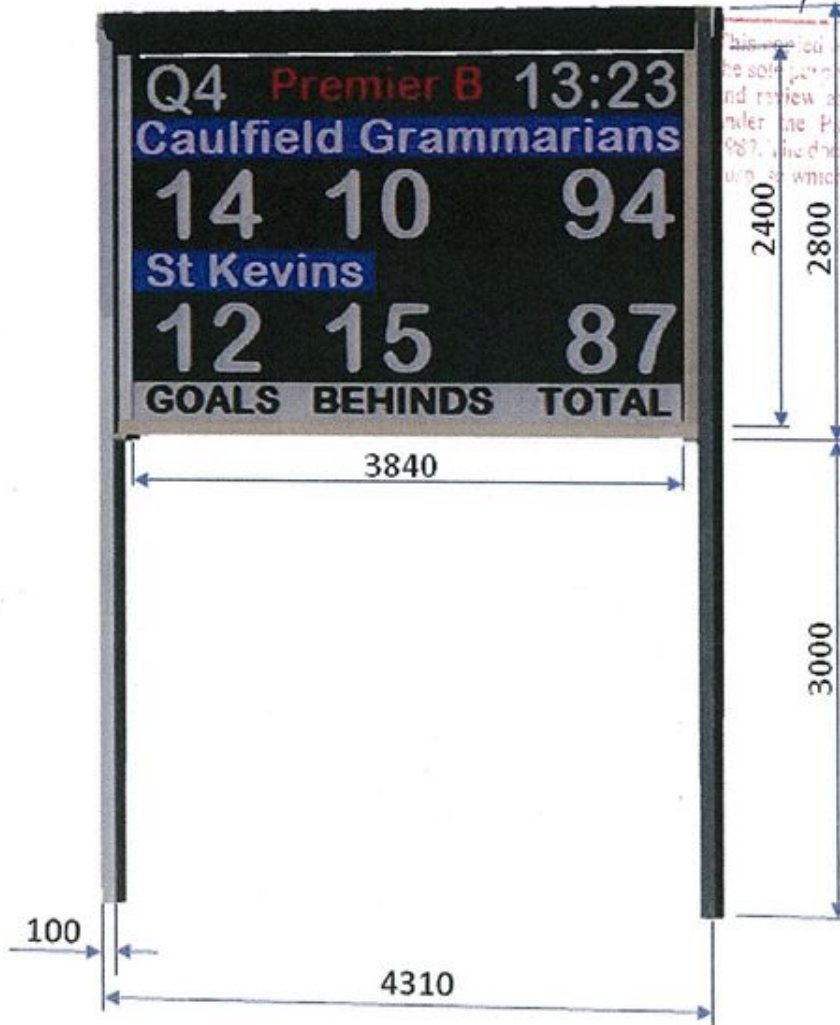
1.5m



# ADVERTISED PLAN

7 OF 8

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## VERTICAL PLAN

8 OF 8

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other purpose.



**Item 9.7**

**VCAT WATCH**  
**July 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	<b>17 WILKS STREET, CAULFIELD NORTH</b>
PROPOSAL	MODIFICATION TO AN EXISTING PERMIT ALLOWING THE USE OF THE LAND AS A MEDICAL CENTRE.  AMENDED APPLICATION TO: <ul style="list-style-type: none"> <li>• INCREASE THE NUMBER OF PRACTITIONERS; &amp;</li> <li>• INCREASE DAYS AND HOURS OF OPERATION.</li> </ul>
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	REFUSAL
APPELLANT	DR RACHEL CANN

***“I find the residential amenity of residents in Wilks Street will be unreasonably diminished by the combination of an expanded practice and the extension of the operating hours into the late evening”.*** VCAT Member – Frank Dawson

- The subject site is located within the Neighbourhood Residential Zone. The land currently operates as a Medical Centre.
- The application sought to increase the number of practitioners, increase the total number of staff members and increase days and hours of operations. No increase in on-site car parking was proposed.
- The application was subsequently refused on grounds relating to its non-compliance with Council’s Non-Residential Uses in Residential Zones Policy and insufficient on-site car parking.
- In determining the application, the Tribunal held that proposed expansion of the medical centre would result in a significant change from the low impact activity of the existing practice.
- On that basis, the Tribunal affirmed Council’s decision and directed no planning permit to issue.



**Item 9.7 (cont'd)**

ADDRESS	<b>322-326 NEERIM ROAD, CARNEGIE</b>
PROPOSAL	CONSTRUCTION OF A FOUR STOREY BUILDING COMPRISING 38 DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• ALTERATION TO BASEMENT LEVEL 1 TO IMPROVE LANDSCAPING OPPORTUNITIES;</li> <li>• ALTERATIONS TO INTERNAL LAYOUTS OF DWELLINGS TO IMPROVE DAYLIGHT ACCESS; AND</li> <li>• REDUCTION IN THE FLOOR AREA AT FIRST AND SECOND FLOORS.</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	HJ BROTHER DEVELOPMENT PTY LTD

***“In housing diversity areas, the objective to ‘enhance the neighbourhood’s character’ must mean to enhance the changing, higher density character supported by policy and derived from the zone’s controls. It cannot mean respecting the existing neighbourhood character”.*** VCAT Member – Michael Nelthorpe

- The subject site is located within the Residential Growth Zone. A number of three and four storey residential developments are interspersed along Neerim Road.
- The application was refused on grounds relating to its non-compliance with Council’s Urban Villages Policy due to the application’s failure to respond to the site’s context and character, its visual impact on the streetscape and its transition to adjoining properties. The application also failed to satisfy a number of ResCode requirements.
- In determining the application, the Tribunal held that the scale of the proposed building is comparable to other approved or constructed buildings along Neerim Road.
- Further, the Tribunal held that the setbacks proposed provided adequate landscaping spaces to ensure appropriate landscaping opportunities.
- On this basis, the Tribunal overturned Council’s decision and directed a planning permit be issued.



**Item 9.7 (cont'd)**

ADDRESS	<b>135-137 NEERIM ROAD, GLEN HUNTLY</b>
PROPOSAL	CONSTRUCTION OF A THREE STOREY BUILDING COMPRISING THIRTY-NINE (39) DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• INCREASE IN THE BASEMENT ENVELOPE;</li> <li>• INCREASE IN ON-SITE CAR PARKING;</li> <li>• INCREASED SETBACKS;</li> <li>• ALTERATIONS TO THE EXTERNAL FINISHES; &amp;</li> <li>• DECREASE IN THE SITE COVERAGE.</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	NEERIM ROAD DEVELOPMENTS PTY LTD

***“With minor changes to the building entry to define it as a more distinctive building address I am satisfied the overall design and presentation of the form can comfortably fit with the emerging character of this evolving housing diversity area.”*** VCAT Member – Alison Glynn

- The land is located within the General Residential Zone at the intersection of Neerim Road, Watson Grove and Station Place.
- The subject site has an existing approval allowing the construction of a three-storey building comprising twenty-five (25) dwellings.
- The application was refused on grounds relating to its non-compliance with Council’s Housing Diversity Area Policy due to the application’s excessive mass, bulk and inadequate setbacks to adjoining properties. The application also failed to satisfy a number of ResCode requirements.
- In determining the application, the Tribunal held that the overall design of the development will fit appropriately within the future character expected within housing diversity areas. The Tribunal noted that sufficient room is provided for meaningful planting to soften the built form of the development.
- VCAT approved a total of 51 car parking spaces on the land, 5 of which are to be allocated as visitor spaces. Seven visitor spaces are required.
- Further, the Tribunal held that the proposed adequately meets the requirements for overshadowing, while conditions of permit can be included to address any unreasonable overlooking.
- On this basis, the Tribunal overturned Council’s decision and directed a planning permit be issued.



**Item 9.7 (cont'd)**

ADDRESS	<b>178 KOORNANG ROAD, CARNEGIE</b>
PROPOSAL	APPLICATION MADE DIRECT TO VCAT.  MODIFICATION TO AN EXISTING PERMIT ALLOWING THE CONSTRUCTION OF A FIVE STOREY BUILDING COMPRISING TWENTY FIVE DWELLINGS.  AMENDED APPLICATION TO: <ul style="list-style-type: none"> <li>• INCREASE THE HEIGHT OF THE BUILDING TO SIX STOREYS;</li> <li>• INTERNAL RECONFIGURATIONS; AND</li> <li>• INCREASE THE NUMBER OF DWELLINGS BY ONE TO TWENTY-SIX (26)</li> </ul>
COUNCIL DECISION	NOT SUPPORT (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	PERMIT
APPELLANT	178 KOORNANG ROAD PTY LTD

***“Consistent with the findings of other divisions of the Tribunal, I find that the transition policy does not apply at an interface within the centre (such as, in this proceeding, between the retail hub and a residential area in the centre).”*** VCAT Member – Geoffrey Code

- The land is located within the Commercial 1 Zone and the Carnegie Urban Village. A number of multi-storey developments are interspersed along Koornang Road.
- The application was made direct to VCAT. The Planning Office did not consent to the proposed amendments due to the excessive mass, bulk and inadequate transition to adjoining properties. The application also failed to provide for adequate on-site car parking.
- In determining the application, the Tribunal held that a six storey building does not conflict with Council's Urban Villages Policy and does not result in unreasonable building bulk to adjoining dwellings.
- The Tribunal held that suitable on-site car parking was proposed. A total of 26 car parking spaces was approved. These parking spaces are solely for the residential component. No parking has been provided for the shop and the visitor parking requirement was waived in its entirety (5 spaces).
- On this basis, the Tribunal directed that an amended planning permit be issued.



**Item 9.7 (cont'd)**

ADDRESS	<b>495 GLEN HUNTLY ROAD, ELSTERNWICK</b>
PROPOSAL	CONSTRUCTION OF A SEVEN STOREY BUILDING COMPRISING UP TO FORTY-FOUR (44) DWELLINGS
COUNCIL DECISION	PERMIT (RESOLUTION)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	PERMIT
APPELLANT	ORRONG ROAD INVESTMENTS PTY LTD

***“There are no unreasonable off-site amenity impacts to adjoining properties caused by overlooking, overshadowing, loss of daylight to windows and other such measures when assessed against the relevant criteria in the Planning Scheme.”*** VCAT Member – J A Bennett

- The land is located within the Mixed Use Zone and the Housing Diversity Area Policy (Tram Route). An eight storey building is currently under construction at 483-493 Glen Huntly Road (west).
- Council determined to support the application, subject to conditions that reduced the height of the building to five stories, increased the provision of on-site visitor parking and improved car park access/maneuverability.
- In determining the application, the Tribunal held that a seven storey building was appropriate in this context (having regard to the development currently under construction to the west) and that vehicle access and manoeuvrability was appropriate.
- Further, the Tribunal held that Council's requirement for six on-site visitor car spaces was inappropriate having regard to the site's close proximity to the Elsternwick Shopping Centre and availability of public transport.
- On this basis, the Tribunal varied Council's decision and allowed a seven storey building with no on-site visitor car parking.

**3. Recommendation**

That Council note:

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



**Item 9.7 (cont'd)****Crs Hyams/Delahunty**

1. That Council note:
  - (a) The reported decisions of the Victorian Civil and Administrative Tribunal (VCAT); and
  - (b) VCAT and officer comments.
2. That Council write to the Minister for Planning, copied to the Shadow Minister for Planning and all members of state parliament whose seats include areas of Glen Eira, drawing to his attention recent VCAT decisions where VCAT has ruled contrary to Council's planning policies, including 14-22 Woorayl Street Carnegie, 495 Glen Huntly Road Elsternwick, 322-326 Neerim Road, Carnegie and 178 Koornang Road Carnegie, pointing out that Council's planning policies are approved, and therefore endorsed, by the state parliament, and urging him to change the Planning and Environment Act to provide that VCAT must apply Council's planning policies rather than just taking them into account.

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



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

COMPULSORY CONFERENCE	FULL HEARING	APPEAL NO.	PROPERTY	PROPOSAL	COUNCIL DECISION	APPEAL AGAINST
12 August 2015	19 October 2015	P1191/2015	143-147 Neerim Road, Glen Huntly	Construction of a three- storey building comprising 30 dwellings	Permit (Resolution)	Conditions (Applicant)
21 August 2015	24 September 2015	P1136/2015	31 East Boundary Road, Bentleigh East	2 Lot Subdivision and variation of Easement	Permit (Officer)	Conditions (Applicant)

***PLANNING AND ENVIRONMENT LIST***

HEARING DATE	APPEAL NO.	PROPERTY	PROPOSAL	COUNCIL DECISION	APPEAL AGAINST
26 August 2015	P1055/2015	22-26 Bent Street, Bentleigh	Display of advertising signage	Refusal (Manager)	Refusal (Applicant)
26 August 2015	P1053/2015	3-5 Faulkner Street, Bentleigh	Display of advertising signage	Refusal (Manager)	Refusal (Applicant)
4 September 2015	P1082/2015	99 Parkmore Road, Bentleigh East	Construction of two double-storey dwellings	Permit (Manager)	Conditions (Applicant)
11 November 2015	P1018/2015	1226 Glen Huntly Road, Glen Huntly	Use of the land as a gymnasium	NOD (DPC)	NOD (Objectors)



2 December 2015	P1122/2015	342 Hawthorn Road, Caulfield South	Construction of a five-storey building comprising eighteen (18) dwellings	Refusal (Manager)	Refusal (Applicant)
3 December 2015	P1140/2015	85 Clarence Street, Caulfield South	Alterations to the existing dwellings and construction of a new dwelling (2 dwellings)	Refusal (Manager)	Refusal (Applicant)
10 December 2015	P1176/2015	867 Nepean Highway, Bentleigh	Display of advertising signage	Refusal (Manager)	Refusal (Applicant)
14 December 2015	P1190/2015	31 Weeroona Road, Murrumbeena	Alterations to the existing dwellings and construction of a new dwelling (2 dwellings)	NOD (DPC)	NOD (Objectors)



**Item 9.8****DOMESTIC ANIMAL MANAGEMENT PLAN (DAMP)  
ANNUAL REVIEW 2014-2015**

Enquiries: Ron Torres  
Director Planning and Transport

**1. Proposal**

To review Council's Domestic Animal Management Plan (DAMP) in accordance with the Domestic Animals Act.

**2. Community Plan**

Recreation and open space.

**3. Recommendation**

That Council notes:

- a) The completion of the actions to date.
- b) The review of the Domestic Animal Management Plan against Performance Monitoring and Evaluation indicators and the objectives of the Action Plan.
- c) The current Domestic Animal Management Plan is due to end in June 2016. A new plan will be developed for Council adoption in July 2016 after public consultation and consideration of any comments received.

**4. Background**

As required by legislation, Council prepared a new Domestic Animal Management Plan (DAMP) in June 2013. This is Council's second DAMP. It enables Council to fulfil its duties and obligations under the Domestic Animals Act.

Section 68A of the Domestic Animals Act states:

*(3) Every Council must –*

*(a) review its domestic animal management plan annually and, if appropriate, amend the plan*

This review focuses on the two key components of the DAMP being:

- evaluation of actions
- performance monitoring and evaluation



**Item 9.8 (cont'd)****5. Progress against Action Plan**

This table reflects those Actions that were deemed as “ongoing” throughout the life of the DAMP as well as those that were specific to 2014/2015.

**Training of Authorised Officers**

Objective - Identify minimum training requirements and any additional training needs to be undertaken by Authorised Officers. Ensure training requirements are undertaken.

Activity	When	Evaluation	Status of Action
Ensure Authorised Officers have completed their minimum training requirements.	Ongoing bi-annually	Training register reviewed and updated.	Completed
Ensure Authorised Officers undertake additional training opportunities.	Ongoing bi-annually	Each officer to undertake two (2) additional training opportunities annually.  Training register reviewed and updated.	Completed.

**Registration and Identification**

Objective - Increase dog and cat registration numbers each year.

Activity	When	Evaluation	Status of Action
Ensure all seized and impounded animals are registered to their owner prior to release	Prior to every release	Annual review of number of dogs and cats being seized and impounded which are not registered to their owner.  Review of registration records to ensure these animals are subsequently registered.	Completed. 75 cats and 46 dogs were registered prior to their release from the pound.  All pet shop sales notified to Council are followed up to ensure owners have registered their pet.



Follow-up of unregistered dogs and cats detected in the 2012 animal census.	Annual door knocks conducted between May and July each year.	Review registration records to ensure previously detected unregistered dogs and cats are now registered.	Ongoing.  Inspections included with the annual registration follow up program.
Continue to offer incentive scheme that encourages “early”/initial registration and desexing of dogs and cats.	Ongoing	Annual review to evaluate effectiveness.	Completed.  574 new cats registered 97.2% (558) desexed. The desexed cat registrations are well above the State average of 84%. 1603 new dogs registered 78.5% (1259) desexed

### Nuisance

Objective 1 - Reduce cat nuisance complaints progressively each year.

Activity	When	Evaluation	Status of Action
Provide education material about cat enclosures and nuisance issues to cat owners in registration information packs each year.	By February 2014	Material produced and distributed as part of registration.	Ongoing. New resident packs include: <ul style="list-style-type: none"> <li>• Make sure your cat naps when you do</li> <li>• Are you a cat owner?</li> <li>• Welfare of cats</li> <li>• How to build cat proof fencing and enclosure.</li> </ul>

Objective 2 - Develop a strategy to address dog litter issues in Council parks.

Activity	When	Evaluation	Status of Action
Review current education and enforcement strategies and develop new strategies.	By July 2014	Review undertaken and new Strategy developed.	Review completed.  Further data has been collected on specific locations within parks enabling a targeted approach in patrols and education. Existing education strategy will be soon supplemented with a new Variable Electronic Message board in 2015-2016. This will be used in problem parks for after-hours use. A zero tolerance



			enforcement strategy will be implemented if an officer witnesses a person failing to pick up after their dog. Penalty Infringement Notices will be issued.
Undertake appropriate education through articles in Glen Eira News and on Council's website.	Ongoing	At least four articles each year.	Completed

**Objective 3** - Develop a strategy to address dog barking issues.

Activity	When	Evaluation	Status of Action
Review current dog barking complaint data, procedures and actions.	By July 2014	Review undertaken and recommended actions implemented.	Completed.
Prepare new Glen Eira specific booklet to address barking dogs.	By December 2014	Booklet prepared.	Completed.
Investigate "new technology" products available to assist pet owners with their barking dogs (such as collars and barking meters).	By December 2013	Investigation undertaken including consideration of use by Council officers.	Completed. Council now has several citronella collars that can be loaned to owners of problem dogs for use and evaluation.
Educate/inform residents about the availability of these resources.		Glen Eira News article and information on Council's website.	Completed. GE News article and web information updated



**Item 9.8 (cont'd)****Dog Attacks**

Objective 1 - Improve reporting of dog attacks

All actions previously completed and reported.

Objective 2 - Improve awareness of safety around dogs.

Activity	When	Evaluation	Status of Action
Publicise key dog attack prevention messages	Ongoing	Develop publication material and distribute via mail outs, media articles, handouts during park patrols.	Ongoing  Educational material sent out with annual registration renewals. Officers hand out informative postcards during park patrols. Media articles published.
Promote dog obedience training, responsible pet ownership and "We Are Family" programs	Ongoing	Information added to Council website; at least 4 media articles published.	Ongoing 2 articles published with 2 scheduled for the latter part of 2015.

**Dangerous, Menacing and Restricted Breed Dogs**

Objective 1 - Identify and register all declared dogs in the municipality.

Activity	When	Evaluation	Status of Action
Educate the community about what is a "declared dog".	June 2014	Update information on website and 1 Glen Eira News article	Ongoing. One Media article published per year in the Glen Eira News. Website has been updated.

Objective 2 - Effectively inspect and audit all declared dog premises annually to ensure they are following legislative requirements.

Activity	When	Evaluation	Status of Action
Ensure compliance with legislative requirements	Yearly	Audit inspections carried out and details recorded.	Completed



**Item 9.8 (cont'd)****Over Population and High Euthanasia**Objective 1

Raise awareness about semi-owned cat population

Activity	When	Evaluation	Status of Action
Implement "Who's for Cats?" education campaign utilising the following resources (available from Bureau of Animal Welfare)	Annually	At least one media story published;	Completed.
<ul style="list-style-type: none"> <li>Are you feeding a bigger problem? Fact Sheet;</li> <li>Media release for publication in local newspapers;</li> <li>TV commercial – can be used on Council's website; and</li> <li>Promotions to encourage people to take full ownership of cats</li> </ul>		Update information on Council's website;	Completed.
		Review number of semi-owned cats handed into shelter/pound.	In progress. Impoundment data currently under review.

Objective 2

Identify and record ownership status of seized cats.

Activity	When	Evaluation	Status of Action
Develop a procedure and recording system for accurately identifying ownership details of cats picked up and/or impounded. (owned, semi-owned, wild, feral). Including their status regarding microchipping, desexed, registered.	July 2015	Procedure and reporting system developed.	Review and procedure development commenced but not yet completed.

Objective 3

Enhance web site for lost and found animals

Activity	When	Evaluation	Status of Action
Review Council's web site relating to lost and found animals. Identify any performance and functionality improvements available such as ability to zoom in on	December 2014	Web site review undertaken and enhancements/modifications implemented.	Completed. On-line reporting of lost pets now operational with email to all officers to ensure immediate notification 24/7.



photos of lost/found pets.  Investigate use of social media as a tool in reuniting lost pets with their owners.		Use of social media investigated and considered for implementation.	Review completed. Social media not considered to be as effective compared to the newly enhanced online notification system.
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Objective 4

Reduce regulatory restrictions on the return of lost animals

Activity	When	Evaluation	Status of Action
Prepare and enter into Section 84Y agreements with willing veterinary practices or other responsible organisations to allow them to hold lost animals whilst trying to locate and return them to their owners.	December 2013	Section 84Y agreement prepared and entered into with willing organisations.	Completed. At time of writing 12 of 15 local Vets have entered into the agreement.

**Domestic Animal Businesses (DAB)**Objective 1

Identify and register all Domestic Animal Businesses in the municipality.

Activity	When	Evaluation	Status of Action
Conduct proactive investigations to determine businesses that should be registered as DAB.	By December 2014	Compare number of registered DAB before and after investigations.	Completed. One additional DAB identified and now registered

Objective 2

Inspect and audit all registered Domestic Animal Businesses

Activity	When	Evaluation	Status of Action
Audit all DAB for compliance with legislation.	Annually (at registration period April-June)	All DAB audited and compliance rates recorded.	Yearly audits completed and all DABs achieved re-registration.



**Item 9.8 (cont'd)****6. Performance Monitoring and Evaluation**

The following table provides an assessment on relevant key performance indicators over the year ending 30 June 2015:-

	<b>Indicator</b>	<b>Target %</b>	<b>14-15 %</b>	<b>14-15 Figures</b>
1	Dog Registration rate: (% Dogs registered/estimated dog population)	85	<b>88</b>	<sup>1</sup> 11978/13558 <sup>2</sup>
2	Cat Registration rate: (% cats registered/estimated cat population)	85	<b>83</b>	<sup>1</sup> 5055/6102 <sup>2</sup>
3	Enforcement Success Rate: (% successful prosecutions/total prosecutions)	100	<b>100</b>	15/15
4	Dog Return/reclaim Rate: (% total dogs reclaimed-returned/total dogs impounded)	90	<b>96</b>	351/366 <sup>3</sup>
5	Cat Reclaim/return Rate: (% total cats reclaimed/total cats impounded)	20	<b>75</b>	147/196 <sup>3</sup>
6	Domestic Animal Business Compliance Rates:(No. compliant/ no. registered)	93	<b>100</b>	12/12
7	Dog Desexing Rate (% dogs desexed/actual registered)	70	<b>77</b>	9243/11978
8	Cat Desexing Rate ( % cats desexed/actual registered)	80	<b>92</b>	4649/5055
9	Infringements versus official warnings rates (% of infringements / warnings)	<40	<b>39</b>	87/222

**Comments**

- It is extremely pleasing to see that Council has met or exceeded its target in all but 1 of the 9 performance indicators. The drop in registration rate for cats can be explained by the decline of total registered cats from 5109 in 13-14, a drop of 55 cats. Furthermore, due to the requirement to microchip your pet prior to registration, more cats are returned to their owners.
- The cat reclaim/return rate is well over the target set. This has been a strong focus for Council's animal management team this year and has been made easier by the amount of cats that are now microchipped. However it should be noted that these figures include cats that have been sold (105 cats). Council acknowledges the exceptional work that our current pound provider (RSPCA) does in reducing the euthanasia rates by selling or adopting such a large number of cats.

<sup>1</sup> Registration renewal follow up is still being conducted. These figures may change once renewal follow-up has been completed.

<sup>2</sup> Estimate from most recent animal census (2012)

<sup>3</sup> June impoundment figures not all available at time of writing.



**Item 9.8 (cont'd)**

**Crs Hyams/Sounness**

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

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



**Item 9.9****LEASES TO BENTLEIGH RECREATION TENNIS CLUB INC, MURRUMBEENA TENNIS CLUB INC, WATTLE TENNIS CLUB INC, EAST BENTLEIGH SPORTING AND RECREATION CLUB INC AND MURRUMBEENA PARK BOWLING CLUB INC**

**File No: Various  
Enquiries: Noel Kiernan –  
Manager Buildings and Properties**

**1. Purpose**

To seek Council approval to execute new leases with Wattle Tennis Club Inc, Bentleigh Recreation Tennis Club Inc, Murrumbeena Tennis Club Inc, East Bentleigh Sport and Recreation Club Inc and Murrumbeena Park Bowling Club Inc for their occupation of Council land.

**2. Community Plan**

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

**3. Background**

Council has leases with:

- Bentleigh Recreation Tennis Club Inc;
- Murrumbeena Tennis Club Inc;
- Wattle Tennis Club Inc;
- East Bentleigh Sporting and Recreation Club Inc; and
- Murrumbeena Park Bowling Club Inc.

The current lease plans for the Clubs are shown in Attachment 1.

These leases all expire in the first half of 2015 and all clubs have sought to enter into new leases with Council (see Attachment 2).

**4. Discussion**

Council's Community Leases Policy provides that Clubs with exclusive occupation of Council property must have a current lease.

During their tenure all clubs have fulfilled all obligations under the terms of the current lease, including community use and access as well as investment in club infrastructure.

Current 2015 membership of the Clubs is:

- Bentleigh Recreation Tennis Club Inc – 84 members (2014, 65 members)
- Murrumbeena Tennis Club Inc – 45 members (2014, 45 members)
- Wattle Tennis Club Inc – 44 members (2014, 33 members)
- East Bentleigh Sporting and Recreation Club Inc – 300 members (2014, 291 members)
- Murrumbeena Park Bowling Club Inc – 112 members (2014, 112 members)



**Item 9.9 (cont'd)**

It is proposed to offer all clubs a new lease as follows:

- an initial term of 5 years with one further term of 4 years;
- an annual rental of \$1.00<sup>1</sup>;
- discounted rates as prescribed under the *Cultural and Recreational Lands Act 1963* (currently charged as 60% of the general rates for those clubs with a liquor licence and 50% for those without);
- the lessee to hold public liability insurance for the amount of \$20 million; and;
- similar terms and conditions as previous lease agreements, but reflecting updated legislative or landlord requirements (i.e. compliance with EPA noise regulations etc.).

**5. Recommendation**

That Council:

- i. Finalise new lease agreements with:
  - Bentleigh Recreation Tennis Club Inc;
  - Murrumbeena Tennis Club Inc;
  - Wattle Tennis Club Inc;
  - East Bentleigh Sporting and Recreation Club Inc; and
  - Murrumbeena Park Bowling Club Inc
- ii. Execute the above leases in an appropriate manner by affixing the Council Seal.

1: The nominal rental amount is not demanded; it is reflected within the lease documentation to accord with standard leasing practice i.e. an established term, a designated premises and a pre-determined rental.



**Item 9.9 (cont'd)**

**DECLARATIONS OF INTEREST**

**Cr Magee declared a Conflict of Interest in this item under s78B of the Local Government Act, an indirect interest, conflicting duties as he is on the committee of the Coatesville Bowls Club a tenant of one of the leaseholders.**

**9.02PM Cr Magee left the Chamber and Cr Delahunty assumed the Chair.**

**Crs Esakoff/Pilling**

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

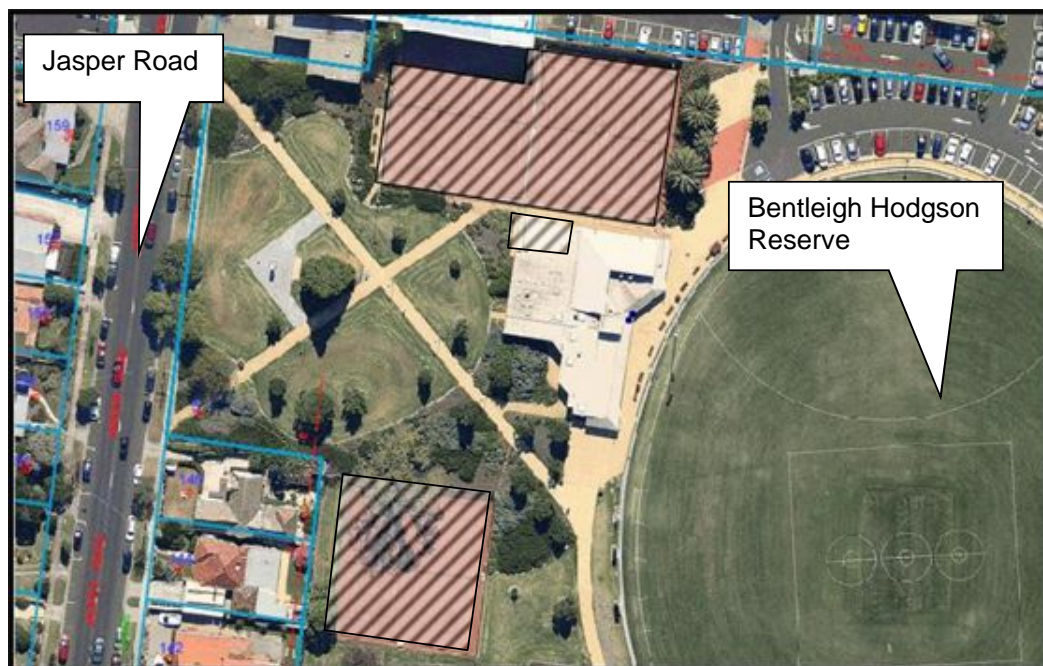
**The MOTION was put and CARRIED unanimously.**

**9.04PM Cr Magee returned to the Chamber and resumed the Chair.**



**ATTACHMENT 1**

**Lease Plan Bentleigh Recreation Tennis Club (shown hatched)**

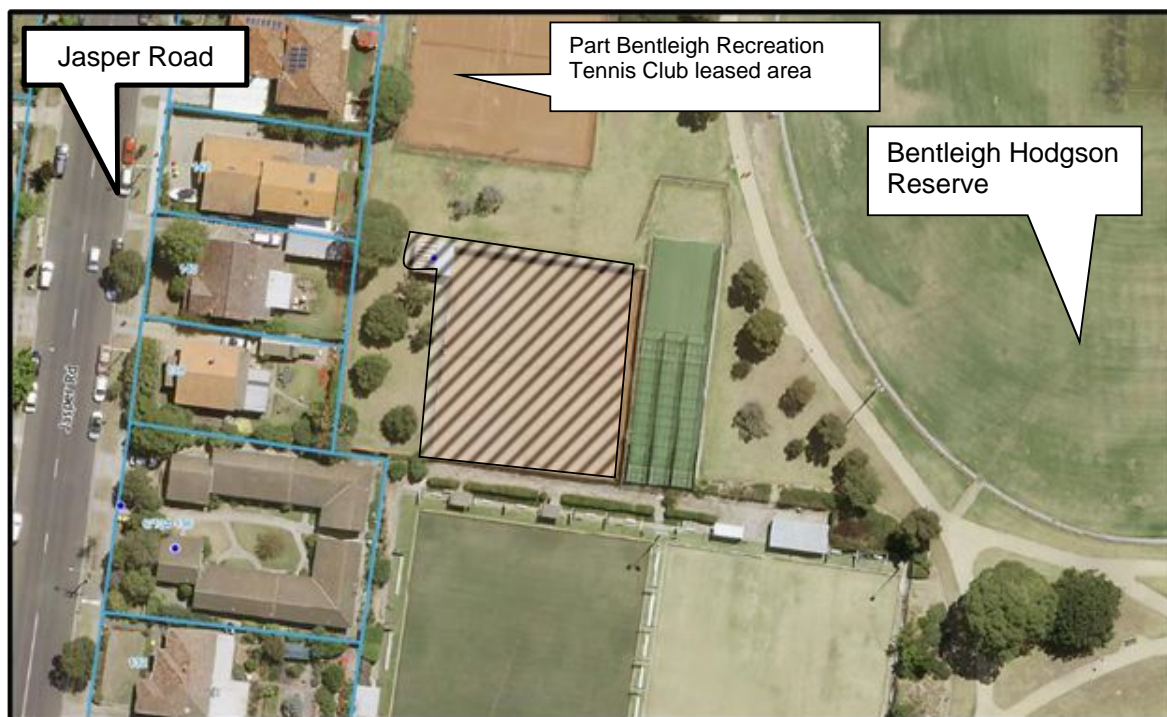


**Lease Plan Murrumbeena Tennis Club (shown hatched)**

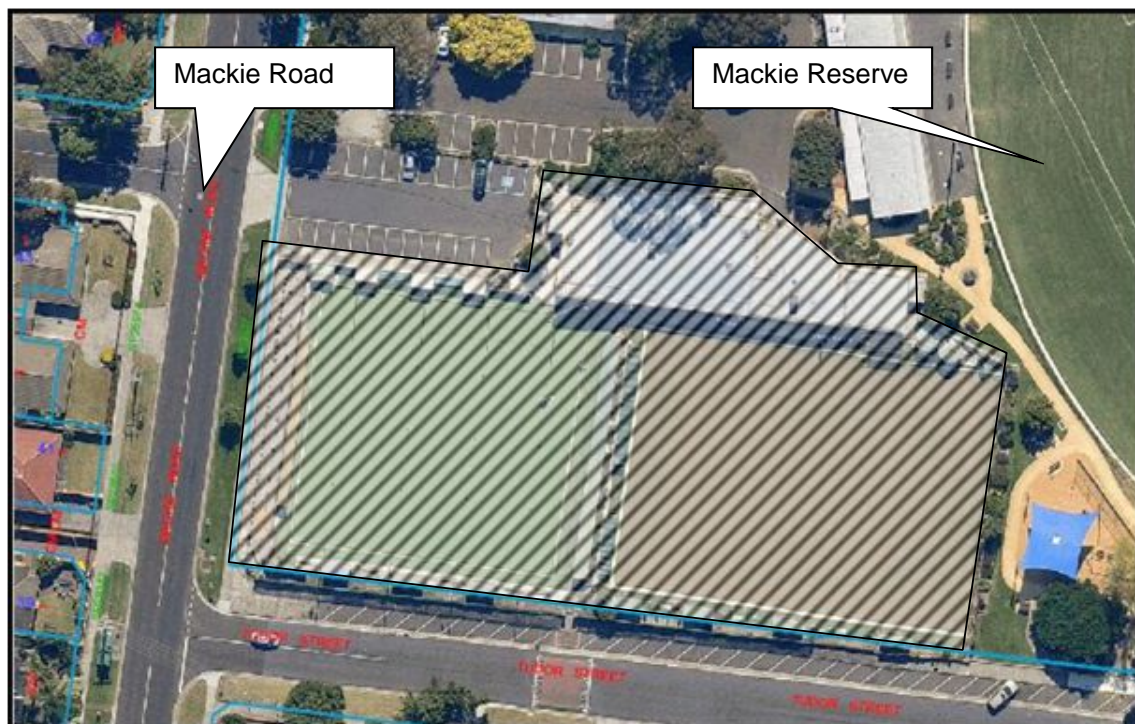




**Lease Plan Wattle Tennis Club (shown hatched)**



**Lease Plan East Bentleigh Sporting and Recreation Club (shown hatched)**





**Lease Plan Murrumbeena Park Bowls Club (shown hatched)**





**ATTACHMENT 2**

**REQUESTS FOR NEW LEASES**

**Bentleigh Recreation Tennis Club Inc**



Amanda Mills, Property Coordinator  
Buildings and Properties Department  
Glen Eira City Council  
PO Box 42, Caulfield South, VIC 3162



12 March 2015

Dear Amanda

Thank you for the email notifying us that the existing lease between Council and Bentleigh Recreation Tennis Club is due to expire on 15 June 2015.

Bentleigh Rec Tennis Club would like to enter in to a new lease with Glen Eira Council on similar terms and conditions as the existing lease.

Yours sincerely,

A handwritten signature in blue ink that reads 'Jamie Parrott'.

Jamie Parrott  
BRTC President



**Murrumbeena Tennis Club Inc**

***Murrumbeena Tennis Club Inc.***  
**A0037595G**

PO Box 3046

Murrumbeena 3163

22<sup>nd</sup> April, 2015

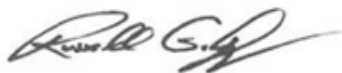
Amanda Mills  
Property Coordinator  
Buildings & Properties Department  
City of Glen Eira  
PO Box 42,  
Caulfield South 3162

Dear Amanda,

Thank you for your recent letter regarding the lease for the Murrumbeena Tennis Club. We are very happy to formalise a new lease.

Please forward any documents to me at your convenience.

Yours sincerely,



Russell Thompson  
Secretary  
Ph. 0430 97 2200



**Wattle Tennis Club Inc****WATTLE TENNIS CLUB Inc.**

Registered Number: A0016964K

ABN: 46 093 845 735

**COURT LOCATION - BENTLEIGH RECREATION RESERVE****Arthur Street, Bentleigh, Victoria**

3 October 2014

Glen Eira City Council  
Buildings & Properties Department  
P.O. Box 42  
Caulfield South  
3162  
Attention: Amanda Mills

Dear Amanda

Re: Renewal of Lease for the Wattle Tennis Club at Bentleigh Recreation Reserve

I refer to your e-mail dated 2 October 2014, forwarded to me by our previous secretary Mr Ken Dowling and request a renewal of our lease for the Wattle Tennis Club situated at the Bentleigh Recreation Reserve.

Any inconvenience caused due to this matter is regretted. Please don't hesitate to contact should you require other information.

Thank you.

Yours sincerely,

Sandra Durant  
Secretary  
2/168 Tucker Road  
Bentleigh  
3204  
Tel: (03) 9557 9309  
Mob: 0406 471 736

Page 1

Hon. Secretary: Kenneth J Dowling PSM, 14 Molden Street BENTLEIGH EAST 3165  
Tel: 9579 5180 E-mail: [kjdowlingk@optusnet.com.au](mailto:kjdowlingk@optusnet.com.au)



**East Bentleigh Sporting and Recreation Club Inc****EAST BENTLEIGH SPORTING AND RECREATION CLUB Inc.**

Reg. No. A008064P ABN 57 637 596 967

62 Mackie Road, East Bentleigh, Victoria 3165 Australia

Phones: Office &amp; Bar 9579 5909 Hall 9563 8184 Fax 9563 8184

www.ebsrc@optusnet.com.au

Records Management

23 MAR 2015

Received

19<sup>th</sup> March 2015

Lease renewal - extension

Dear Glen Eira City Council,

The East Bentleigh Sporting and Recreation Club Inc. Board request to extend the Lease at 62 Mackie Road East Bentleigh. The Club houses many affiliate clubs, such as Coatesville Bowling Club, Moorleigh Probus Club, Bentleigh Organ and Music Club to name a few. With the affiliates, the club offers the community many social opportunities for enjoyment.

The club has undergone and continues to undergo improvements to keep up with the times and maintain the attraction to the premises. An election promise by Mr Hong Lim & Nick Staikos of \$150,000 to renew the synthetic green has been indicated to be received this year.

The club has opened its doors to community awareness events such as rare disease day, to boost awareness and raise funds for Pompe suffers. The doors have also been opened for other sporting clubs needing the hall for presentation events.

The Board proposes a lease arrangement similar to the previous one, being four years, with the option to extend for a further three. The Board is ready to negotiate with Council regarding lease durations. With the lease renewed, we can continue to offer the community a facility for social enjoyment.

Yours Sincerely,

Megan Heyde  
Secretary

Jonathan Heyde  
Chairman

---

*A Community Club Sharing Community Values*

COATESVILLE MENS BOWLING CLUB  
COATESVILLE LADIES BOWLING CLUB  
PROBUS CLUB OF MOORLEIGH  
BENTLEIGH ORGAN CLUB  
STUDEBAKER CAR CLUB OF VICTORIA  
BENTLEIGH DISTRICT MODEL RAILWAY CLUB  
EAST BENTLEIGH SOCIAL GOLF CLUB



**Murrumbeena Park Bowling Club Inc****MURRUMBEENA PARK BOWLS CLUB INC****26 – 28 Gerald St Murrumbeena 3163**

Phone 9569 6718

Postal Address  
PO Box 53  
Carnegie 3163

ABN 38 741 404 903

19<sup>th</sup> March 2015

Dear Amanda,

In reply to your letter regarding the lease between Council and Murrumbeena Park Bowls Club, I wish to advise you that the Club does want to enter into a new lease on similar terms and conditions as the existing lease.

Regards

*B. McPherson*Barbara McPherson  
Honorary Secretary



**Item 9.10****LEASE TO CAULFIELD PARK SPORTS CLUB****File No: RIM301229-02****Enquiries: Noel Kiernan –  
Manager Buildings and Properties****1. Purpose**

For Council to consider a proposal from the Caulfield Park Sports Club to renovate its clubrooms and obtain a new lease.

**2. Community Plan**

To deliver strong local leadership and governance in open and responsible manner in the best interests of the community.

**3. Background**

Caulfield Park Sports Club leases part of Caulfield Park from Council. The lease area comprises croquet and bowls courts, a small sided soccer court, clubrooms and ancillary buildings.

The Club has written to Council requesting that Council consent to renovate the clubrooms, changes to its liquor licence and for Council to extend the lease term for a further 5 years.

Council has three roles in this matter:

- As the *Committee of Management* for Caulfield Park, Council is accountable to Department of Environment, Land, Water and Planning and Primary Industries (DELWPPI) for the proper management of this Crown Land;
- the *Landlord* of the lease with the Club; and
- the *Responsible Planning Authority* for issuing town planning permits for certain works and varying the liquor licence.

This report deals with Council's role as Committee of Management and Landlord only. Council will consider a further report on this matter as the *Responsible Planning Authority* in due course.

**Renovations**

The Club wants to renovate the clubrooms to modernise the facility (refer to Attachment 1 and 2). The Club's proposal includes:

- an upgrade of the bathrooms, toilets and shower facilities;
- changes to the kitchen and bar;
- relocating the main entrance from southern to western side of building; and
- improving universal access.

The cost of the work is about \$600,000.



**Item 9.10 (cont'd)**Changes to liquor licencing area

In conjunction with the renovations, the Club would like to vary its liquor licence to cover the whole of the leased area. At present about 2000m<sup>2</sup> (mostly outside) is excluded.

The Club does not anticipate its proposal will significantly change the level of current patronage at the premises, which they advise is between 180-200 persons at any one time. Officers understand the change just gives the Club greater flexibility as to where alcohol may be consumed.

Lease

The Club wants a new lease as it seeks certainty of tenure before committing funds to carry out the renovations (refer Attachment 3).

The lease is due to expire 31 October 2016 with no further extensions allowed. To achieve what the Club wants, Council would need to agree now to a new lease beyond the expiry of the old.

**4. Issues**

During the current term of the lease, two significant issues arose:

Commercial Use

The Club entered into a licence with a commercial operator to develop and run small sided soccer matches on the site in breach of the lease with Council.

In response, Council, at its 3 February 2015 Council Meeting, resolved to write to the Club to inform it to rectify the breach or seek consent for commercial use of the site.

The Club elected to remedy the breach. It has provided evidence to Council that it terminated the licence with the operator and is now running the small sided soccer as an in-house operation. The Club has also advised it now manages the finances for small sided soccer through a separate Club account.

Noise

Live amplified music events have been held at the clubrooms. The lease does not prohibit such use providing it is only ancillary to primary use as a sports club. Some live music events have resulted in complaints about noise from nearby residents. In response, the Club made changes to how events operated to limit noise outside the building and installed a noise limiter to the clubroom's electrical switchboard for live amplified music events.

Live amplified music events are not currently held at the clubrooms and the Club advises it has no current plans to reintroduce such events with the same frequency post completion of the proposed renovations. The Club does plan to continue to use amplified music at events such as its *"Barefoot Bowls"* and other associated Social Club hosted events.



**Item 9.10 (cont'd)**

The Club advises the proposed renovations will further attenuate noise emitted from the facility (mainly through the use of an airlock at the main entrance) and has provided a report from a reputable acoustic engineer as evidence.

**5. Discussion**Renovations

The renovations will modernise the clubrooms, help limit the amount of noise emitted from the clubrooms and improve universal access. As the Landlord, Council should support these changes.

The renovations will require a building permit and the exterior works will also require a town planning permit. The changes in the area for serving liquor will also require a planning permit to vary the liquor licence.

Council will consider the Club's application for a town planning permit at a future Ordinary Council Meeting.

The Club plans to proceed with internal works as soon as Council provides Landlord consent which, in the normal course of events, would occur once Council, in its role as *Committee of Management* has obtained the approval of DELWPPI.

Liquor Licence

The change to the liquor licence area requires Council's consent as Landlord and Responsible Planning Authority.

If Council does not support the change in-principle it should refuse Landlord consent now. Officers recommend, however, that Council consider the matter on its town planning merits. This would involve providing Landlord consent now but subject to the Club separately obtaining a town planning permit.

The town planning application process requires the Club to notify the community of its proposal and for Council to consider submissions before it decides on the matter at a future Council meeting.

New Lease

To help finalise a new lease, officers asked whether the Club had any plans to request changes to the lease area or change the mix of use over new term of the lease. The Club has confirmed it does not (refer Attachment 5).

Within the same letter, the Club has also confirmed it has no intention of changing the mix of use it currently has at the club, currently noted as lawn bowls, croquet, petanque, bridge and small sided soccer.

The Club has improved the facilities over the current term of the lease, has membership of around 220 and has plans, along with the necessary funds, to further improve the facility.



**Item 9.10 (cont'd)**

With the Club having provided evidence of addressing outstanding issues, Council should consider agreeing to their request for greater certainty of tenure. Should Council agree to the Club's request, it could agree to a new lease beyond October 2016 that include conditions that:

- the leased area is based on the existing leased footprint, shown in Attachment 4;
- a commencement date of 1 November 2016;
- an initial term of 5 years with one further term of 4 years;
- an annual rental of \$1.00
- discounted rates as prescribed under the *Cultural and Recreational Lands Act 1963* (currently charged as 60% of the general rates for those clubs with a liquor licence);
- a requirement for the Club to comply with EPA Noise Guidelines;
- a requirement for the Club not to enter into a sub-licence or the like without first seeking the approval of Council; and
- the lessee to hold public liability insurance for the amount of \$20 million

To give an assurance that past breaches are now in the past, Council's agreement to a new lease should be subject to no further breach of the lease occurring between now and the commencement of the new lease.

Council will require DELWPPI approval prior to entering into a new lease.

**6. Recommendation**

That Council:

- i) Give landlord consent for Caulfield Park Sports Club Inc to renovate its club rooms;
- ii) Give landlord consent to changes to the Club's liquor licence as per Attachment 4 on the condition the Club obtains a town planning permit for the same;
- iii) Subject to:
  - a. the approval of Department of Environment, Land, Water and Planning and Primary Industries for a new lease; and
  - b. no further breaches of the current lease between now and its expiry on 31 October 2016;finalise a new lease with Caulfield Park Sports Club Inc to follow on from the old.
- iv) Subject to (iii) above being satisfied, execute the new lease in an appropriate manner, including the affixing of the common seal.



**Item 9.10 (cont'd)**

**Crs Lipshutz/Delahunty**

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

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



## ATTACHMENT 1

## Request for landlord consent

**CAULFIELD PARK SPORTS CLUB INC.**

ABN 15 989 311 456

Incorporating

Caulfield Park Alma Bowls Club

Caulfield Park Croquet Club

Caulfield Park Petanque Club

Caulfield Park Bridge Club

Caulfield Park Small Sided Soccer Club

280A Balaclava Road, North Caulfield 3161 Phone: 9509 7282

**Postal Address: P.O. Box 315, Caulfield South 3162**Email: [admin@caulfieldparkbowlsclub.com.au](mailto:admin@caulfieldparkbowlsclub.com.au)  
[www.caulfieldparkbowlsclub.com.au](http://www.caulfieldparkbowlsclub.com.au)

Chairman: Brian Rosenberg

Hon. Sec.: Pam Christensen

15 May 2015

Mr. Noel Kiernan  
Manager Buildings and Properties  
Glen Eira City Council  
420 Glen Eira Road  
CAULFIELD NORTH 3162

Dear Noel,

**Refurbishment to Club Facilities – Caulfield Park Sports Club**

Thanks again for meeting at the Club on 23 April to discuss the Club's intention to refurbish, renovate and update its facilities. As you pointed out on the day, we need to make formal application to Council as landlord and separately apply for a town planning permit for the minor changes to the building.

Following a meeting at Council yesterday with Madeleine Snell, Principal Town Planner and Karoline Ware, Manager Strategic Planning, we will today submit a town planning application as requested by the two planners dealing with all of the issues and requirements that became evident at the meeting.

I am pleased to advise that the main topics we discussed at our meeting at the Club in April have been dealt with and a full package is enclosed for your record. We now need to formally request the landlord's approval to enable the town planning application to proceed.



- 2 -

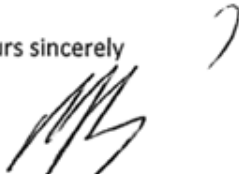
As a note, you will see that we have a report from Neville Goddard of Watson Moss Grocott, the Council's acoustic consultant confirming that the works that we are proposing more than adequately address Council's concerns with regard to the previous noise issues and in fact exceeds the requirements.

The Club's AGM is set for 31 May 2015 and on the understanding the Club members will approve the plans for the renovations and upgrade at that meeting, we would be hopeful of commencing works during the first week of June.

Should there be any additional information you require please do not hesitate to contact me.

Thank you for your assistance.

Yours sincerely



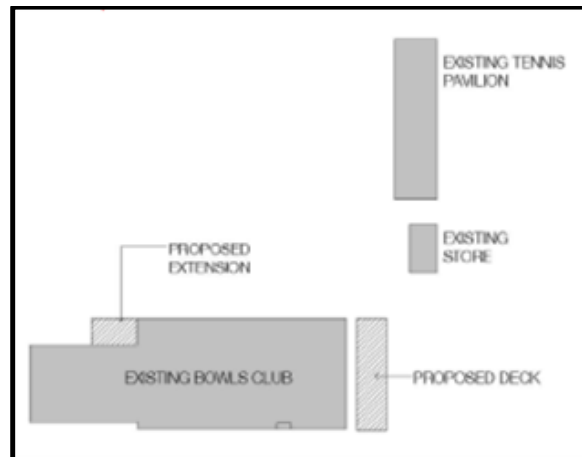
MICHAEL LASKY  
*Building Committee Chairman  
and Board Member*

Enc.

ML:jc/11294



Renovation concepts



Site plan



## ATTACHMENT 3

## Request for new lease

**CAULFIELD PARK SPORTS CLUB INC.**

ABN 15 989 311 456

Incorporating

Caulfield Park Alma Bowls Club

Caulfield Park Croquet Club

Caulfield Park Petanque Club

Caulfield Park Bridge Club

Caulfield Park Small Sided Soccer Club

280A Balaclava Road, North Caulfield 3161 Phone: 9509 7282

Postal Address: P.O. Box 315, Caulfield South 3162

Email: [admin@caulfieldparkbowlsclub.com.au](mailto:admin@caulfieldparkbowlsclub.com.au)[www.caulfieldparkbowlsclub.com.au](http://www.caulfieldparkbowlsclub.com.au)

Chairman: Brian Rosenberg

Hon. Sec.: Pam Christensen

26 May 2015

Mr. Peter Waite  
Director Assets and Facilities  
City of Glen Eira  
Corner Glen Eira and Hawthorn Roads  
CAULFIELD 3162

Dear Peter,

**Re: CAULFIELD SPORTS CLUB INC. - LEASE EXPIRY**

I refer to our discussion yesterday regarding the Club's lease term and more particularly the fact that the current lease expires in October 2016.

On the basis the Club intends to spend in excess of \$600,000 upgrading a very tired and outdated facility to in effect create a new and compliant building that will far better meet the member and community needs going forward, we would like to formally request the landlord to provide an extended lease term.

Based on our conversation it would seem reasonable that the Club should request a further 5 year term. If the extended lease term is granted, we can then proceed to commit to the expenditure for the renovations.

Peter, I appreciate there are a number of steps that are required to be taken and I thought it important to include this process now so as to have all matters relating to the Club being dealt with simultaneously, enabling the Council to be aware of the total picture.

I look forward to hearing from you once you have had the opportunity to consider this additional request.

Kind regards



MICHAEL LASKY  
Board Member



**ATTACHMENT 4**

**Caulfield Park Sports Club**

**Lease Plan (shown outlined in black)**

**Liquor Licence red Line area (existing shaded in red, requested variation shown hatched)**





## ATTACHMENT 5

Letter dated 15 June 2015

**CAULFIELD PARK SPORTS CLUB INC.**

ABN 15 989 311 456

Incorporating

Caulfield Park Alma Bowls Club

Caulfield Park Croquet Club

Caulfield Park Petanque Club

Caulfield Park Bridge Club

Caulfield Park Small Sided Soccer Club

280A Balaclava Road, North Caulfield 3161 Phone: 9509 7282

**Postal Address: P.O. Box 315, Caulfield South 3162**Email: [admin@caulfieldparkbowlsclub.com.au](mailto:admin@caulfieldparkbowlsclub.com.au)[www.caulfieldparkbowlsclub.com.au](http://www.caulfieldparkbowlsclub.com.au)

Chairman: Brian Rosenberg

Hon. Sec.: Pam Christensen

17 June 2015

Mr. Peter Waite  
Director Assets and Facilities  
City of Glen Eira  
Corner Glen Eira and Hawthorn Roads  
CAULFIELD 3162

Dear Peter,

**Re: RENOVATIONS TO CAULFIELD PARK SPORTS CLUB INC.**

Thank you for your letter dated 15 June.

I am pleased to advise the following responses to your two queries:

1. I refer to our last meeting at Council chambers when we had preliminary discussions in relation to the small car park abutting our premises to the north as a possible extension to our building, therefore our leased area and the complications that may entail.

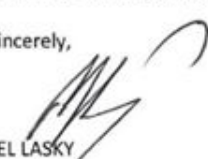
Following that meeting the Club has decided not to pursue that avenue and I can therefore comfortably confirm your first point that the Club will remain within the extent of its current leased area.

2. The Club has no intention of changing the mix of the use other than to strengthen and improve those facilities going forward.

I trust this will assist the Council in finalising its report and look forward to a formal response after the next Council meeting.

Thank you for your and your officers' assistance in this matter.

Yours sincerely,



MICHAEL LASKY  
Board Member

cc: Mr. Brian Rosenberg, Chairman, Caulfield Park Sports Club Inc.



**Item 9.11****COUNCILLOR DEVELOPMENT****1. Purpose**

To authorise attendance at the MAV Councillor Development Weekend, Torquay 24-26 July 2015

**2. Community Plan**

Theme 4, Governance

**3. Assembly**

Council's Civic Support and Expenses Policy (on Council's website) states:

*3.1 Councillors are encouraged to attend conferences and seminars relevant to their work as Councillors in order to enhance their personal skills and knowledge to better perform their role. (The same principle applies to staff members.)*

*3.4 Attendance by the Mayor or Councillors at a conference, seminar, function or training event where the total cost exceeds, or is likely to exceed, \$750 requires approval by Council resolution.*

The MAV is holding its annual Councillor Development Weekend on 24-26 July. Details are attached.

The cost of attendance is \$1295 per person which requires authorisation by Resolution.

**4. Recommendation**

That Council authorise attendance by Councillors at the MAV Councillor Development Weekend 24-26 July 2015.



**Item 9.11 (cont'd)**

**DECLARATIONS OF INTEREST**

**Cr Okotel declared a Conflict of Interest in this item under s77B of the Local Government Act, a direct interest as she would like Council to authorise her attendance at the Councillor Development Weekend.**

**9.08PM Cr Okotel left the Chamber.**

**Crs Pilling/Esakoff**

**That Council authorise the attendance of Cr Okotel at the MAV Councillor Development Weekend in Torquay on 24-26 July 2015.**

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

**9.09PM Cr Okotel returned to the Chamber.**





# COUNCILLOR DEVELOPMENT WEEKEND

RACV TORQUAY

24,25 AND 26  
JULY 2015

MAV  
INSURANCE

McArthur

MAV  
MUNICIPAL ASSOCIATION OF VICTORIA



# COUNCILLOR DEVELOPMENT WEEKEND

RACV TORQUAY

24, 25 AND 26  
JULY 2015

This year's program celebrates 17 years as the principal training, development and networking event for Victorian councillors.



The program imbeds key themes and understandings while providing councillors with insights, understandings and ideas that should inspire and challenge.

## KEYNOTE ADDRESSES

### Karl Kruszelnicki's

Whenever the announcer gives out the phone number for Karl Kruszelnicki's famous Science Talkback show on Triple J, on Thursday mornings - so many calls come in that the ABC switchboard crashes!

Karl's media career began in 1981, when he started presenting 'Great Moments In Science' on Double J to pay his way through medical school. Since then, his media career has exploded from radio to include TV, books, newspapers, magazines, scripting, professional speaking, and of course, the internet.

Karl made his TV debut in 1985 as the presenter of the first series of Quantum. Since 1986 he has reported science on the Midday Show, Good Morning Australia (including a full-time stint in 1991-2 as the TV weatherman and science reporter), the Today Show and Channel 7's breakfast program Sunrise. Alongside his fellow geek Adam Spencer, he has written and co-produced two series of Sleek Geeks. Karl also popularises science on ABC radio stations across Australia and, on the BBC, for several hours each week. Karl has written 34 books to date, and has received the Member of the Order of Australia Award in the 2006 Australia Day Honours list. In March 2012, Dr Karl was declared one of Australia's 100 National Living Treasures.

In recent years, Dr Karl has been appearing on TV segments on Channel 7's Sunrise and ABC News 24. His weekly podcasts are also available on the ABC website.

Karl has degrees in physics and maths, biomedical engineering, medicine and surgery and has worked as a physicist, tutor, film-maker, car mechanic, labourer, and as a medical doctor at the Kids' Hospital in Sydney.

Dr Karl is currently the Julius Sumner Miller Fellow at Sydney University, where his 'mission' is to spread the good word about science and its benefits.

His enthusiasm for science is totally infectious and no one is better able to convey the excitement and wonder of it all than Dr Karl Kruszelnicki.

### Rosie Batty

#### 2015 Australian of the Year

Rosie is the '2015 Australian of the Year'. Rosie's name has become synonymous with the words courage and resilience.

A tireless family violence campaigner, Rosie established The Luke Batty Foundation to support women and children affected by the trauma of family violence.

Rosie has also been named as the founding member of an advisory panel for preventing violence against women, and in 2015 she also received the Pride of Australia's National Courage Medal.

Rosie will share her remarkable story of resilience, courage, inspiration and making a difference.



## Holly Ransom

Holly was handpicked by Rio Tinto CEO Sam Walsh at the age of 21 to support him in creating effective change through the organisation. She was also handpicked by Kevin Rudd and Tony Abbott to work on the World Y 20 and B20 conferences in Australia in July and September 2014, and was a 2013 finalist for the Young Australian of the Year. The Financial Review named her one of the 100 Most Influential Women in Australia.

She recently completed a six-month contract to launch Australia's largest youth oriented non-profit, the Foundation for Young Australians, in Western Australia. Holly is a regular op-ed contributor to Australian newspapers and serves as a regular guest on ABC and other AM radio stations.

As a challenge strategist, Holly employs big-picture thinking to take a global perspective to the most crucial challenges facing leadership today.



## WORKSHOPS

### Keeping your eye on the ball

**Better, faster, lower cost - private sector efficiency in the public sector**

With increasing service expectations and reduced funding, there is a way for councils to do more with less. By using a simple toolkit to fully understand our business we can rapidly transform it by eliminating wasted expenditure and putting every dollar where it makes a real difference. This workshop will explore how one small rural council has achieved well over \$3.3million in recurring savings, the lowest rate increase in 15 years and funded a series of transformative infrastructure projects.

### Getting it right

**Ethical decision making in a complex world**

Councillors face the challenges of making good decisions as a constant part of their lives. Decisions are often based on fairness, priority, popularity, finance, legal advice, history, pressure, political imperatives, consensus, compromise and values. But what makes for ethical decisions? What sort of frameworks can you apply? How can I test my gut feeling?

This workshop will focus directly on ethical decision making. It will explore difficult conundrums through hypotheticals and examples. This workshop will also allow you to examine practical and useful tools to assist you in the complexity of decisions in a councillors life.

## COSTS

### Conference, single

\$1295 or 235 councillor credit points, includes conference, Friday and Saturday night dinners, all meals and two nights' accommodation in own room.

### Conference, twin share

\$995 or 180 councillor credit points, includes conference, Friday and Saturday night dinners, all meals and two nights' accommodation sharing with another councillor from your council.

### Partners' package

\$395, includes Friday and Saturday night dinners, breakfast and two nights' shared accommodation.

### Children's package (age 4-16)

\$250, includes Kids Clubs and two nights' shared accommodation. Please refer to Kids Club overleaf for full details.

Please note: all prices include GST.

## REGISTRATION

Go to [www.mav.asn.au/events](http://www.mav.asn.au/events)

Click on 'upcoming events' and scroll down to 24 July Councillor Development Weekend.

### Keeping your balance

**Are you being lobbied and what can you do about it?**

This session provides an insight in to how to manage people and organisations who are lobbying your council and you as a councillor. We will look at strategies to manage external and internal lobbying efforts that are used by governments at the state and national level. The session will also investigate how you and your council can manage complex and changing issues in a way that delivers outcomes that will achieve the community's and council's aims with the least social disruption possible.

This workshop will give you the tools and frameworks to be able to manage the effects of campaigns aimed at your council and yourselves.

### Cohesive communities

**Council's role in building social cohesion in diverse communities**

To achieve true social cohesion, governments needs to foster intercommunity relationships and respond to racism and other factors that diminish people's potential for active citizenship. As closest to the community, local government plays a critical role in addressing barriers that limit the equal participation of all community members.

This highly interactive session will highlight the benefits of social cohesion in diverse communities workshop ways to address and mitigate conflict, equip councillors to better meet the needs of all the people they represent and explore engagement processes.





## HOW TO GET THERE FROM MELBOURNE:

From Melbourne, take the West Gate Bridge, follow the M1, then follow the signs to Geelong on the Princes Freeway. Once you reach Geelong, follow the signs to Torquay, turning left at Torquay Road, which is another 22 km past Geelong.

## LOCATION

Just 75 minutes from Melbourne CBD, RACV Torquay Resort perched within the background of Torquay and Jan Juc beaches.

## KIDS CLUB

Kids Club is offered as part of the children's package for children aged 4 – 16 years on Friday and Saturday evenings, during the official dinner times, and also during conference times on Saturday and Sunday. All meals are included.

**If you require this service you must advise of your child's attendance no later than 1 July 2015 in writing to Renai De Giusti at [rdegusti@mav.asn.au](mailto:rdegusti@mav.asn.au).**

## ADDITIONAL GUESTS

Partners are welcome to attend and enjoy all the offerings of the RACV Torquay Resort. RACV Torquay Resort provides a range of activities that partners can utilise, including an 18-hole golf course, tennis courts, indoor swimming pool, spa, sauna, day spa, a lifestyle fitness centre with group exercise classes. Please contact the RACV Torquay Resort directly to book your activities.

## TERMS AND CONDITIONS:

A registration is not considered complete, and your place is not secure at Councillor Development Weekend, until it has been paid for in full. All fees are due prior to the weekend. Registration confirmation will be sent to the email address you have provided during registration on the MAV website. Registrations close 5pm on 17 July. All cancellations made in writing prior to 17 July will be entitled to a refund. No refunds for cancellations will be made after this date, however, a substitute is welcome. All cancellations and substitutes must be made in writing to [rdegusti@mav.asn.au](mailto:rdegusti@mav.asn.au). Details of fee inclusions are listed on page three of this brochure under 'Costs'. All personal and travel expenses, including mini bar and room service, are not included.

**REGISTRATIONS CLOSE  
5PM ON 17 JULY.**



**Item 9.12****2014-15 DRAFT FINANCIAL REPORT  
Appointment of 2 Signatories****Enquires: Peter Swabey  
Chief Financial Officer****1. Proposal**

To appoint two Councillors as signatories to the 2014-15 Financial Statements and Performance Statement.

**2. Background**

The State Government has a structured process it applies to approving the end-of-year Financial Report.

Council is required to consider the (proposed) Financial Statements after the external auditors (Victorian Auditor-General's Office - VAGO) have performed their role but before the audit by the Auditor-General is finalised.

**3. Process**

The 2014-15 Financial Report will be reviewed at Council's Audit Committee meeting on **Friday, 21 August 2015**.

Council will be asked to adopt the statements 'in principle' at the Ordinary Council meeting on **Tuesday 1, September 2015**. This will in effect mean that Council is confirming that an appropriate process (as confirmed by the Audit Committee) has been followed in preparing the Statements. In this respect, Council will be relying on the Victorian Auditor-General's Office to confirm the accuracy of the statements and compliance with accounting standards.

**4. Action**

Council is not expected to audit any of the figures itself. Council is expected to assure itself that due process has been followed (e.g. by the activities of the independent external auditors etc), to ensure that the statements represent the financial position of the Council. In Glen Eira, this role is carried out mainly through the Audit Committee with its mix of Councillors and independent Members.

Past practice has been that the Mayor and Deputy Mayor, or one Councillor Member of the Audit Committee are the signatories.

**5. Recommendation**

That Council:

- (a) Determine the two Councillors to sign the Financial Statements and Performance Statement.



**Item 9.12 (cont'd)**

**Crs Lipshutz/Hyams**

**That the Mayor and Deputy Mayor be authorised to sign the Financial Statements and Performance Statement.**

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



**Item 9.13****CHANGES TO DELEGATIONS FROM COUNCIL TO MEMBERS OF STAFF AND DELEGATED PLANNING COMMITTEE**

**File No:**  
**Enquiries: Diana Vaynrib**  
**Legal Compliance Officer**

**1. Purpose**

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

**2. Community Plan**

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

**3. Background**

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

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

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

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

The *Planning and Environment Regulations 2005* have been revoked and replaced by *Planning and Environment Regulations 2015*. Council's powers and duties under these Regulations remain the same.

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

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

The *Rail Safety Act 2006* has been renamed the *Rail Safety (Local Operations) Act 2006*. Council's powers and duties under this legislation remain the same.

Other changes to this Instrument reflect changes to organisational structure within Council.



**Item 9.13 (cont'd)****3.3 Instrument of Delegation – Council to members of staff – *Road Management Act 2004***

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

The *Road Management (Works and Infrastructure) Regulations 2005* have been revoked and replaced by the *Road Management (Works and Infrastructure) Regulations 2015*. Council's powers and duties under these Regulations remain the same.

**3.4 Instrument of Delegation – Council to members of staff – *Food Act 1984***

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

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

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

**4. Recommendation**

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

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



**Item 9.13 (cont'd)**

- 4.2 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* Council resolves:-
- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in subparagraph 4.2(b) coming into effect;
  - (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'B';
  - (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
  - (d) that the Instrument of Delegation be sealed;
  - (e) that the Instrument of Delegation
    - (i) comes into force immediately the seal of Council is affixed to it; and
    - (ii) remains in force until Council determines to vary or revoke it.
- 4.3 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* Council resolves:-
- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in subparagraph 4.3(b) coming into effect;
  - (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'C';
  - (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
  - (d) that the Instrument of Delegation be sealed;
  - (e) that the Instrument of Delegation
    - (i) comes into force immediately the seal of Council is affixed to it; and
    - (ii) remains in force until Council determines to vary or revoke it.



**Item 9.13 (cont'd)**

- 4.4 In exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* Council resolves:-
- (a) that the existing delegation to Council staff be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 4.4(b) coming into effect;
  - (b) that there be delegated to specified Council staff the powers, discretions and authorities set out in the attached Instrument of Delegation (as amended) marked 'D';
  - (c) that the powers, discretions and authorities conferred on the specified Council staff by the Instrument of Delegation must be exercised in accordance with the delegations, procedures and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
  - (d) that the Instrument of Delegation be sealed;
  - (e) that the Instrument of Delegation
    - (i) comes into force immediately the seal of Council is affixed to it; and
    - (ii) remains in force until Council determines to vary or revoke it.
- 4.5 In exercise of the powers conferred by 188 of the *Planning and Environment Act 1987* and sections 86 and 87 of the *Local Government Act 1989*, Council resolves:
- (a) that the existing Instrument of Delegation from Council to the DPC be revoked effective immediately upon the Instrument of Delegation referred to in sub-paragraph 4.5(b) coming into effect;
  - (b) that there be delegated to the DPC the powers and functions set out in the attached Instrument of Delegation (as amended) marked 'E'.
  - (c) the powers, discretions and authorities conferred on the DPC by the Instrument of Delegation must be exercised in accordance with the purpose, exceptions, conditions and limitations set out in the Instrument of Delegation and in accordance with any guidelines or policies Council may from time to time adopt;
  - (d) that the Instrument of Delegation be sealed; and
  - (e) that the Instrument of Delegation:
    - (i) comes into force immediately the common seal of Council is affixed to it; and
    - (ii) remains in force until Council determines to vary or revoke it.



**Item 9.13 (cont'd)**

**Crs Hyams/Lipshutz**

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

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



**“A”**

**Glen Eira City Council**

**S6 Instrument of Delegation**

**to**

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



## Glen Eira City Council

### INSTRUMENT OF DELEGATION

#### Members of Council Staff

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

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

'CStatP' means Coordinator Statutory Planning;  
 'CStratP' means Coordinator Strategic Planning;  
 'DAF' means Director Assets and Facilities;  
 'DPT' means Director Planning and Transport;  
 'ESC' means Engineering Services Coordinator;  
 'MBCC' means Manager Building & Civic Compliance;  
 'MIA' means Manager Infrastructure Assets;  
 'MOCC' means Manager Operations Civic Compliance;  
 'MStatP' means Manager Statutory Planning  
 'PSO' means Planning Support Officer;  
 'PTO' means Planning Technical Officer;  
 'PTP' means Principal Town Planner;  
 'SP' means Subdivision Planner;  
 'Specific Planning Officers' means DPT, CStatP, CStratP, MBCC, MOCC, MStatP, PTO, PTP, SP, STP, SupP and TP;  
 'STP' means Senior Town Planner;  
 'StratP' means Strategic Planner;  
 'SupP' means Supervising Planner; and  
 'TP' means Town Planner.

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 July ~~3 February~~ 2015; and

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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



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

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

(a) policy; or

(b) strategy adopted by Council; or:

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

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

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

.....Councillor

.....Chief Executive Officer



1  
**SCHEDULE**

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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.129	Function of recovering penalties.	DPT MBCC MOCC MStatP	
s.130(5)	Power to allow person served with an infringement notice further time.	DPT MStatP	
s.133	Power to appoint authorised officer to enter land to carry out specific functions.	DPT	
s.149A(1)	Power to refer a matter to VCAT for determination.	CStatP DPT MBCC MOCC MStatP  SupP	
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement.	CStratP DPT MStatP PTP SupP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	Duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement incurred by the panel in carrying out its function unless the Minister directs otherwise under subsection (2B), power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4).	DPT  MStatP	
s.171(2)(f)	Power to carry out studies and commission reports.	DPT	
s.171(2)(g)	Power to grant and reserve easements.	DPT	
s.173	Power to enter into agreement covering matters set out in s.174	DAF DPT	
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority.	DAF DPT ESC MBCC MIA MOCC MStatP	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or the Responsible Authority.	DAF DPT ESC MIA MBCC MOCC MStatP	
s.177(2)	Power to end a s.173 with the agreement of all those bound by an covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DAF DAF MBCC MOCC MStatP	
s.178	Power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9.	DAF DPT	
s.178A(1)	Function of receiving application to amend or end an agreement.	Specific Planning Officers	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1).	CStatP DPT MStatP  PTP SupP	
s.178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal.	CStatP DPT MStatP  PTP SupP	
s.178A(5)	Power to propose to amend or end an agreement.	DPT	
s.178B(1)	Duty to consider certain matters when considering proposal to amend an agreement.	Specific Planning Officers	
s.178B(2)	Duty to consider certain matters when considering proposal to end an agreement.	Specific Planning Officers	
s.178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end.	Specific Planning Officers	



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(c)	Power to refuse to amend or end the agreement.	CStatP DPT MStatP  PTP SupP	If no objections are made under s.178D. Must consider matters in s.178B.
s.178E(3)(a)	Power to amend or end the agreement in accordance with the proposal.	CStatP DPT MStatP  PTP SupP	After considering objections, submissions and matters in s.1748B.
s.178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal.	CStatP DPT MStatP  PTP SupP	After considering objections, submissions and matters in s.1748B.



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 1	Column 1	Column 1
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal.	CStatP DPT MStatP  PTP SupP	After considering objections, submissions and matters in s.1748B.
s.178E(3)(d)	Power to refuse to amend or end the agreement.	CStatP DPT MStatP  PTP SupP	After considering objections, submissions and matters in s.1748B.
s.178F(1)	Duty to give notice of its decision under s.178E(3)(a) or (b).	Specific Planning Officers	
s.178F(2)	Duty to give notice of its decision under s.178E(2)(c) or 3(d.)	Specific Planning Officers	
s.178F(4)	Duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to VCAT has been determined or withdrawn.	Specific Planning Officers	
s.178G	Duty to sign amended agreement and give copy to each party to the agreement.	DPT	



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



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



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



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



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



PLANNING AND ENVIRONMENT REGULATIONS <del>2005</del> 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<del>r.6</del>	<del>Duty of responsible authority to provide copy of matter considered under s.60(1A)(g) for inspection free of charge.</del>	<del>Specific Planning Officers</del>	<del>—</del>
r. <del>6</del> 8	Function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r. <del>2</del> 12	Power of responsible authority to require <del>verification of a permit applicant to verify</del> information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in <del>an</del> application for <del>a</del> permit or to amend a permit or any information provided under s.54 of the Act.	Specific Planning Officers	
<u>r.25(a)</u>	<u>duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge</u>	<u>Specific Planning Officers</u>	<u>where Council is the responsible authority</u>
<u>r.25(b))</u>	<u>function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge</u>	<u>Specific Planning Officers</u>	<u>where Council is not the responsible authority but the relevant land is within Council's municipal district</u>
r. <del>4</del> 02	Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of <del>a combined application for</del> an amendment to a planning scheme <u>and notice of a permit application.</u>	Specific Planning Officers	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.



PLANNING AND ENVIRONMENT REGULATIONS <del>2005</del> <u>2015</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
<del>r.55</del>	<del>Duty of responsible authority to tell Registrar of Titles under s.183 of the Act of the cancellation or amendment of an agreement.</del>	<del>—— Specific Planning Officers</del>	<del>——</del>



**PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014**

(THESE REGULATIONS EXPIRE ON 16 OCTOBER 2015).

Column 1	Column 2	Column 3	Column 4
	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme.	CStatP DPT MStatP	
r.17	Power to waive or rebate a fee relating to an amendment of a planning scheme.	CStatP DPT MStatP	
r.18	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or r.17.	CStatP DPT MStatP	



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



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



**“B”**

**Glen Eira City Council**

**S6 Instrument of Delegation**

**to**

**Members of Council Staff –**

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



## Glen Eira City Council

### INSTRUMENT OF DELEGATION

#### Members of Council Staff

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

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

2. records that a reference in the Schedule to:

'DAF' means Director Assets and Facilities;  
 'DPT' means Director- Planning and Transport;  
 'EHO' means Environmental Health Officer;  
 'MBP' means Manager Buildings & Properties;  
 'MBCC' means Manager Building & Civic Compliance;  
 'MIA' means Manager Infrastructure Assets;  
 'MOCC' means Manager Operations, Civic Compliance;  
 'MPH' means Manager Public Health;  
'MST' means Manager Strategic Transport;  
 'MStatP' means Manager Statutory Planning;  
 'SEHO' means Senior Environmental Health Officer; ~~and~~  
~~'LEH' means Team Leader Environmental Health.~~  
 -

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 July 3  
~~February~~ 2015; and

- 3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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



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

(a) policy; or

(b) strategy adopted by Council; or:

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

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

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

.....Councillor

.....Chief Executive Officer



1  
**SCHEDULE**

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



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



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



HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	Power to sub-delegate Executive Director's functions.	DPT	Must obtain Executive Director's written consent first.



RAIL SAFETY <u>(LOCAL OPERATIONS)</u> ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	Duty to comply with a direction of the Safety Director under this section.	DAF MIA	Duty of Council as a utility under s.3.
s.33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section.	DAF MIA	Duty of Council as a road authority under the <i>Road Management Act 2004</i> .
s.34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s.33(1).	DAF MIA	Duty of Council as a utility under s.3.
s.34C(2)	Function of entering into safety interface agreements with rail infrastructure manager.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34D(2)	Function of receiving written notice of opinion.	DAF MIA	Where Council is the relevant road authority.



RAIL SAFETY <u>(LOCAL OPERATIONS)</u> ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34D(4)	Function of entering into safety interface agreement with infrastructure manager.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34E(1)(a)	Duty to identify and assess risks to safety.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in section.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.



RAIL SAFETY <u>(LOCAL OPERATIONS)</u> ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s.34D(2)(a).	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s.34D(2)(a).	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.
s.34H	Power to identify and assess risks to safety as required under s.34B, s.34C, s.34D, s.34E or s.34F in accordance with subsections (a)-(c)	DAF MIA <u>MST</u> MStatP	Where Council is the relevant road authority.



RAIL SAFETY ( <u>LOCAL OPERATIONS</u> ) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34I	Function of entering into safety interface agreements.	DAF MIA MStatP	Where Council is the relevant road authority.
s.34J(2)	Function of receiving notice from Safety Director.	DAF MIA	Where Council is the relevant road authority.
s.34J(7)	Duty to comply with a direction of the Safety Director given under s.34J(5).	DAF MIA	Where Council is the relevant road authority.
s.34K(2)	Duty to maintain a register of items set out in subsections (a)-(b).	DAF MIA	Where Council is the relevant road authority.



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	Function of receiving notice regarding an unregistered rooming house.	EHO MBCC MPH SEHO <del>TLEH</del>	
s.142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district.	EHO MBCC MPH SEHO <del>TLEH</del>	
s.142G(2)	Power to enter certain information in the Rooming House Register.	EHO MBCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142GI(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry.	EHO MBCC MPH SEHO <del>TLEH</del>	
s.252	Power to give tenant a notice to vacate rented premises if subsection (1) applies.	MBP	Where Council is the landlord.
s.262(1)	Power to give tenant a notice to vacate rented premises.	MBP	Where Council is the landlord.
s.262(3)	Power to publish its criteria for eligibility for the provision of housing by Council.	MBP	
s.518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements.	MBCC	
s.522(1)	Power to give a compliance notice to a person.	MBCC	
s.525(2)	Power to authorise an officer to exercise powers in s.526 (either generally or in a particular case).	MBCC	



<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.525(4)	Duty to issue identity card to authorised officers.	MBCC	
s.526(5)	Duty to keep record of entry by authorised officer under s.526.	MBCC	
s.526A(3)	Function of receiving report of inspection.	MBCC	
s.527	Power to authorise a person to institute proceedings (either generally or in a particular case).	MBCC	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	Function of entering into a written agreement with a caravan park owner.	MBCC MPH SEHO <del>TLEH</del>	
r.11	Function of receiving application for registration.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations.	MBCC MOCC MPH SEHO <del>TLEH</del>	
r.13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MBCC MOCC MPH SEHO <del>TLEH</del>	
r.13(4) and 13(5)	Duty to issue a certificate of registration.	MBCC MOCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15(1)	Function of receiving notice of transfer of ownership.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.15(3)	Power to determine where notice of transfer is displayed.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.16(1)	Duty to transfer registration to new caravan park owner.	EHO MBCC MOCC MPH SEHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<del>TLEH</del>	
r.16(2)	Duty to issue certificate of transfer of registration.	MBCC MOCC MPH SEHO <del>TLEH</del>	
r.17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration.	EHO MBCC MPH SEHO <del>TLEH</del>	
r.18	Duty to keep register of caravan parks.	MBCC MOCC MPH SEHO <del>TLEH</del>	
r.19(4)	Power to determine where the emergency contact person's details are	EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	displayed.	MBCC MOCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(6)	Power to determine where certain information is displayed.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner.	MBCC MOCC	
r.22A(2)	Duty to consult with relevant emergency services agencies.	MBCC MOCC	
r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.25(3)	Duty to consult with relevant floodplain management authority.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.26	Duty to have regard to any report of the relevant fire authority.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a moveable dwelling.	EHO MPH SEHO <del>TLEH</del>	
r.39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
r.40(4)	Function of receiving installation certificate.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVEABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	
Schedule 3 Clause 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling.	EHO MBCC MOCC MPH SEHO <del>TLEH</del>	



**“C”**

**Glen Eira City Council**

**S6 Instrument of Delegation**

**to**

**Members of Council Staff – *Road Management Act 2004***



## Glen Eira City Council

### INSTRUMENT OF DELEGATION

#### Members of Council Staff

In exercise of the powers conferred by section 118(1) of the *Road Management Act* 2004 and section 98(1) of the *Local Government Act* 1989, Glen Eira City Council (Council):

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:
  - 'DAF' means Director Assets and Facilities;
  - 'DPT' means Director Planning and Transport;
  - 'GMESS' Group Manager Environmental Strategy and Services;
  - 'GMMPIR' means Group Manager Major Projects and Infrastructure Renewal;
  - 'MBCC' means Manager Building and Civic Compliance;
  - 'MOCC' means Manager Operations Civic Compliance
  - 'MW' means Manager Works;
  - 'MIA' means Manager Infrastructure Assets; and
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on ~~17 March~~21 July 2015; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or



- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - (a) policy; or
  - (b) strategy adopted by Council; or:
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise, or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

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

..... Councillor

..... Chief Executive Officer



**SCHEDULE**

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s11(1)	Power to declare a road by publishing a notice in the Government Gazette.	Not delegated	Obtain consent in circumstances specified in section 11(2).
s11(8)	Power to name a road or change the name of a road by publishing a notice in Government Gazette.	Not delegated	
s11(9)(b)	Duty to advise Registrar.	DAF	
s11(10)	Duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DAF	Clause subject to section 11(10A).
s11(10A)	Duty to inform Secretary to Department of Sustainability and Environment or nominated person.	DAF	Duty of coordinating road authority
s12(2)	Power to discontinue road or part of a road.	DAF	Duty of coordinating road authority.
s12(4)	Power to publish, and provide copy, notice of proposed discontinuance.	DAF	Power of coordinating road authority where it is the discontinuing body.  Unless subsection (11) applies.
s12(5)	Duty to consider written submissions received within 28 days of notice.	DAF	Duty of coordinating road authority Where it is the discontinuing body.  Unless subsection (11) applies.



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.12(6)	Function of hearing a person in support of their written submission.	DAF	Function of coordinating road authority where it is the discontinuing body.  Unless subsection (11) applies.
s.12(7)	Duty to fix day, time and place of meeting under subsection (6) and to give notice.	DAF	Duty of coordinating road authority where it is the discontinuing body.  Unless subsection (11) applies.
s.12(10)	Duty to notify of decision made.	DAF	Duty of coordinating road authority where it is the discontinuing body.  Does not apply where an exemption is specified by the regulations or given by the Minister.
s.13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette.	DAF	Power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate.
s.14(4)	Function of receiving notice from VicRoads.	DAF	
s.14(7)	Power to appeal against decision of VicRoads.	DAF	
s.15(1)	Power to enter into arrangement with another road authority or utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport.	DAF	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	DAF	
s.15(2)	Duty to include details of arrangement in public roads register.	DAF MIA	
s.16(7)	Power to enter into an arrangement under s.15.	DAF	
s.16(8)	Duty to enter details of determination in public roads register.	DAF	
s.17(2)	Duty to register public road in public roads register.	DAF MIA	Duty of coordinating road authority.
s.17(3)	Power to decide that a road is reasonably required for general public use.	DAF DPT	Power of coordinating road authority.
s.17(3)	Duty to register a road reasonably required for general public use in public roads register.	DAF MIA	Duty of coordinating road authority.
s.17(4)	Power to decide that a road is no longer reasonably required for general public use.	DAF DPT	Power of coordinating road authority.



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(4)	Duty to remove road no longer reasonably required for general public use from public roads register.	DAF	Duty of coordinating road authority.
s.18(1)	Power to designate ancillary area.	DAF	Power of coordinating road authority, and obtain consent in circumstances specified in s.18(2).
s.18(3)	Duty to record designation in public roads register.	DAF	Duty of coordinating road authority.
s.19(1)	Duty to keep register of public roads in respect of which Council is the coordinating road authority.	DAF MIA	
s.19(4)	Duty to specify details of discontinuance in public roads register.	DAF	
s.19(5)	Duty to ensure public roads register is available for public inspection.	DAF MIA	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.21	Function of replying to request for information or advice.	DAF	Obtain consent in circumstances specified in s.11(2).
s.22(2)	Function of commenting on proposed direction.	DAF	
s.22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DAF MIA	
s.22(5)	Duty to give effect to a direction under this section.	DAF MIA	
s.40(1)	Duty to inspect, maintain and repair a public road.	DAF MW	
s.40(5)	Power to inspect, maintain and repair a road which is not a public road.	DAF MW MIA GMESS	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DAF MW GMMPIR MIA	
s.42(1)	Power to declare a public road as a controlled access road.	Not delegated	Power of coordinating road authority and Schedule 2 also applies
s.42(2)	Power to amend or revoke declaration by notice published in Government Gazette.	DAF	Power of coordinating road authority and Schedule 2 also applies.
s.42A(3)	Duty to consult with VicRoads before road is specified.	DAF	Where Council is coordinating road authority. If road is a municipal road or part thereof.
s.42A(4)	Power to approve Minister's decision to specify a road as a specified freight road.	DAF	Where Council is coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road.
s.48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport).	DAF	Where Council is the responsible road authority, infrastructure manager or works manager.
s.48M(3)	Function of consulting with the Secretary for purposes of developing guidelines under s.48M.	DAF	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.48N	Duty to notify the Secretary of the location of the bus stopping point and action taken by Council.	DAF MIA	
s.49	Power to develop and publish a road management plan.	DAF	
s.51	Power to determine standards by incorporating the standards in a road management plan.	DAF	
s.53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan.	DAF	
s.54(2)	Duty to give notice of proposal to make a road management plan.	DAF	
s.54(5)	Duty to conduct a review of road management plan at prescribed intervals in accordance with the regulations.	DAF	
s.54(6)	Power to amend road management plan in accordance with the regulations.	DAF	
s.54(7)	Duty to incorporate the amendments into the road management plan.	DAF MIA	
s.55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper.	DAF	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.63(1)	Power to consent to conduct of works on road.	DAF DPT MIA MBCC MOCC	Where Council is the coordinating road authority.
s.63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency.	DAF DPT MIA MW	Where Council is the infrastructure manager.
s.64(1)	Duty to comply with clause 13 of Schedule 7.	DAF DPT MIA MW	Where Council is the infrastructure manager or works manager.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	Power to consent to structure etc.	DAF DPT MIA MW MBCC MOCC	Where Council is the coordinating road authority.
s.67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill.	DAF DPT MIA MW MBCC MOCC	Where Council is the coordinating road authority.



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.67(3)	Power to request information.	DAF DPT MIA MW MBCC MOCC	Where Council is the coordinating road authority.
s.68(2)	Power to request information.	DAF DPT MIA MW	Where Council is the coordinating road authority.
s.71(3)	Power to appoint an authorised officer.	DAF DPT	
s.72	Duty to issue an identity card to each authorised. officer	DAF DPT	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.85	Function of receiving report from authorised officer.	DAF DPT GMESS MIA MW	
s.86	Duty to keep register re s.85 matters.	DAF DPT GMESS MW	
s.87(1)	Function of receiving complaints.	DAF DPT GMESS MW	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MIA	
s.87(2)	Duty to investigate complaint and provide report.	DAF DPT GMESS MIA MW	
s.96(1)	Power to authorise institution of legal proceedings.	DAF DPT MBCC	
s.112(2)	Power to recover damages in court.	DAF DPT	
s.116	Power to cause or carry out inspection.	DAF	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		DPT GMESS MW	
s.119(2)	Function of consulting with VicRoads.	DAF DPT MW MIA	
s.120(1)	Power to exercise road management functions on arterial road (with the consent of VicRoads).	DAF MIA MW GMMPIR	
s.120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s.120(1).	DAF DPT	



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



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads.	Not delegated	
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	Not delegated	
Schedule 2 Clause 4	Function of receiving details of proposal from VicRoads.	DAF DPT	
Schedule 2 Clause 5	Duty to publish notice of declaration.	DAF DPT	
Schedule 7 Clause 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve.	DAF DPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road.	DAF DPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 9(1)	Duty to comply with request for information form a coordinating road authority, an infrastructure manager or a works manager responsible for existing or	DAF DPT	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works.	MW	
Schedule 7 Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.	DAF DPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 10(2)	Where Schedule 7 clause 10(1) applies, duty to, Where possible, conduct appropriate consultation with persons likely to be significantly affected.	DAF DPT MW	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works.	DAF DPT MW MIA	Where Council is the coordinating road authority.
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed.	DAF DPT MW	Where Council is the coordinating road authority.



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



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



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



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



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b>			
<b><u>Note: these regulations are due to expire on 20 March 2016</u></b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.301(1)	Duty to conduct reviews of road management plan.	DAF	
r.302(1)	Duty to ensure that standards and priorities in road management plan are appropriate.	DAF	
r.302(2)	Duty to give public notice of review of road management plan and publish such notice.	DAF	
r.302(5)	Duty to produce a written report on a review and make the report available.	DAF	
r.303	Duty to give notice of an amendment which relates to standard of construction, inspection, maintenance or repair under s.41 of the Act.	DAF	
r.306(2)	Duty to record on its road management plan details of an amendment.	DAF	
r.501(1)	Power to issue permit.	DAF MIA DPT MBCC MOCC	Where Council is the coordinating road authority.



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2005</b>			
<b>Note: these regulations are due to expire on 20 March 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.501(4)	Power to charge fee for issuing a permit under r.501(1).	DAF MIA DPT MBCC MOCC	Where Council is the coordinating road authority.
r.503(1)	Power to give written consent to person to drive on road a vehicle which is likely to cause damage to road.	DAF	Where Council is the coordinating road authority.
r.508(1)	Duty to consider certain matters when considering giving consent to structure, etc. under s.66(1).	DAF DPT MIA MBCC MOCC	
r.508(3)	Power to make submissions to Tribunal.	DPT MBCC	Where Council is the coordinating road authority.
r.509(1)	Power to remove object, refuse, rubbish or other material left on road	DAF DPT	Where Council is the coordinating road authority.



ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
<b>Note: these regulations are due to expire on 20 March 2016</b>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		GMESS  MIA  MW  MBCC  MOCC	
r.509(2)	Power to sell or destroy things removed from road or part of road (after first complying with r.509(3).	DAF DPT	Where Council is the coordinating road authority.
r.509(4)	Power to recover in Magistrates' Court expenses incurred from person responsible.	DAF	



ROADS MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2019 <sup>5</sup>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	Power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works.	DAF	Where Council is the coordinating road authority and consent given under s.63(1) of the Act.
r. <del>22</del> 18(2)	Power to waive whole or part of fee in certain circumstances.	DAF	Where Council is the coordinating road authority.



**“D”**

**Glen Eira City Council**

**S6 Instrument of Delegation**

**to**

**Members of Council Staff – *Food Act 1984***



## Glen Eira City Council

### Instrument of Delegation

#### Members of Staff

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

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

'CEO' means Chief Executive Officer;  
'EHO' means Environmental Health Officer;  
'MPH' means Manager Public Health; and  
'SEHO' means Senior Environmental Health Officer; ~~and~~  
~~'TLEH' means Team Leader Environmental Health~~  
declares that:

- 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 July 2015 ~~4 February 2014~~; and

- 2.2 the delegation:

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

2.2.2 remains in force until varied or revoked;

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

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

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

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

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

(a) policy; or

(b) strategy adopted by Council; or:



- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful decision, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of exclusive delegation to another member of Council staff.

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

..... Councillor

..... Chief Executive Officer



## **SCHEDULE**



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition.	MPH SEHO <del>TLEH</del>	If s.19(1) applies.
s.19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable.	MPH SEHO <del>TLEH</del>	If s.19(1) applies.
s.19(4)(a)	Power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise.	CEO MPH	If s.19(1) applies.
s.19(6)(a)	Duty to revoke any order under s.19 if satisfied that an order has been complied with.	CEO MPH	If s.19(1) applies.
s.19(6)(b)	Duty to give written notice of revocation order under section 19(6)(a) if satisfied that an order has been complied with.	CEO MPH	If s.19(1) applies
s.19AA(2)	Power to direct, by written order, that a person must take any of the actions	CEO	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	described in (a)-(c).	MPH	
s.19AA(4)(c)	Power to direct, in an order, made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises.	CEO MPH	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution.
s.19AA(7)	Duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with.	CEO MPH	Where Council is the registration authority.
s.19CB(4)(b)	Power to request copy of records.	CEO MPH SEHO <del>TEH</del>	Where Council is the registration authority.
s.19E(1)(d)	Power to request a copy of the food safety program.	MPH SEHO <del>TEH</del>	Where Council is the registration authority.
s.19GB	Power to request proprietor to provide written details of the name, qualification or	EHO	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	experience of the current food safety supervisor.	MPH SEHO <del>TLEH</del>	
s.19M(4)(a) and 19M(5)	Power to conduct a food safety audit and take actions where deficiencies are identified.	EHO MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.19NA(1)	Power to request food safety audit reports.	EHO MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances.	MPH SEHO <del>TLEH</del>	
s.19UA	Power to charge fees for conducting a food safety assessment or inspection.	MPH	Except for an assessment required by a declaration under s.19C or an inspection under sections 38B(1)(c) or 39.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		<del>TLEH</del> SEHO	
s.19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
---	Power to register, renew or transfer registration.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.  Refusal to grant/renew/transfer registration must be ratified by Council or CEO (see s.58A(2)).
s.38AA(5)	Power to (a) request further information; or	MPH	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	(b) advise the proprietor that the premises must be registered if the premises are not exempt.	SEHO <del>TLEH</del>	
s.38AB(4)	Power to fix a fee for the receipt of a notification under s.38AA in accordance with a declaration under subsection (1).	MPH	Where Council is the registration authority.
s.38A(4)	Power to request a copy of a completed food safety program template.	EHO MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.38B(1)(a)	Duty to assess the application and determine which class of food premises under s.19C the food premises belongs.	EHO MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.38B(1)(b)	Duty to ensure the proprietor has complied with requirements of s.38.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(2)	Duty to be satisfied of the matters in s. 38B(2)(a)-(b)	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.38D(1)	Duty to ensure compliance with the applicable provisions of s.38C and inspect the premises if required by s.39.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.38D(2)	Duty to be satisfied of the matters in s. 38D(2)(a)-(d).	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.38D(3)	Power to request copies of any audit reports.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.38E(4)	Duty to register the food premises when conditions are satisfied.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38F(3)(b)	Power to require a proprietor to comply with certain requirements of this Act.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority
s.39A	Power to register, renew or transfer food premises despite minor defects.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.  Only if satisfied of matters in subsections (2)(a)-(c).
s.40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i> .	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.40C(2)	Power to grant or renew the registration of a food premises for a period of less than one year.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.40D(1)	Power to suspend or revoke the registration of food premises.	CEO	Where Council is the registration authority.
s.43F(6)	Duty to be satisfied that registration requirements under Division 3 have been	MPH	Where Council is the registration authority.



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	met prior to registering, transferring or renewing registration of a component of a food business.	SEHO <del>TLEH</del>	
s.43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements.	MPH SEHO <del>TLEH</del>	Where Council is the registration authority.
s.46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged.	EHO MPH SEHO <del>TLEH</del>	Where Council is the registration authority.



“E”

**Glen Eira City Council**

**INSTRUMENT OF DELEGATION**

**Delegated Planning Committee (DPC)**

Glen Eira City Council (“Council”) delegates to the committee established by resolution of Council passed on 20 September 2011 and known as the **Delegated Planning Committee** (“Committee”), the powers, discretions and authorities set out in the Schedule and declares that:

1. This Instrument of Delegation is authorised by a resolution of Council passed on ~~21 July~~ **3 February** 2015.
2. The delegation:
  - 2.1 comes into force immediately the Common Seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts.
3. The purposes of the Committee are set out in the Schedule.
4. There be delegated to the Committee the powers, duties and functions set out in the attached Schedule.
5. The Committee is required to meet at a time and place determined by it or if not determined by it, as determined by the Chairperson.
6. The Chairperson of the Committee is the person occupying the position of Director Planning and Transport or Manager Statutory Planning or the person acting in either of those positions.
7. If the Chairperson nominated in preceding clause 6 is absent from a meeting of the Committee, the members will appoint a Chairperson for that meeting.
8. A quorum of the Committee is two members.
9. All members of the Committee have voting rights.
10. The Committee shall reach all decisions by way of majority of votes in accordance with the following rules:
  - 10.1 each member of the Committee present must vote;
  - 10.2 each member of the Committee is entitled to one vote; and
  - 10.3 if there is an equality of votes the Chairperson shall be entitled to a second vote.
11. Each member must disclose at the commencement of each meeting of the Committee any conflict of interest regarding any items appearing on the agenda.



12. If any member of the Committee has a conflict of interest in any item of business arising before the Committee, that member must, whilst the matter is being considered or any vote is being taken in relation to the matter, leave the room and notify the Chairperson that he or she is doing so and must remain outside the room or other area in view or hearing of the room until notified that he or she may return.

13. The members of the Committee are:

- 13.1 Chief Executive Officer;
- 13.2 Director Planning and Transport;
- 13.3 Coordinator Strategic Planning;
- 13.4 Manager Building and Civic Compliance;
- 13.5 Manager Parking and Prosecutions;
- 13.6 Manager Statutory Planning;
- 13.7 Manager Operations Civic Compliance;
- 13.8 Strategic Planner;
- 13.9 Subdivision Planner;
- 13.10 Supervising Planner (VCAT);
- 13.11 Urban Designer;
- 13.12 Coordinator Town Planning ~~and Building~~ Enforcement;
- 13.13 Planning Enforcement Officer; ~~and~~
- 13.14 Coordinator Statutory Planning; ~~and~~
- ~~13.14~~ 13.15 Manager Strategic Transport.

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

\_\_\_\_\_ Councillor

\_\_\_\_\_ Chief Executive Officer



## **Delegated Planning Committee**

### **SCHEDULE**

#### **Powers and functions**

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council.

#### **Purpose**

To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

#### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. Exercise any of Council's powers, discretions and authorities if in the opinion of the Director Planning and Transport or Manager Statutory Planning :
  - 1.1 There has been significant objection/s in terms of substance or number received to an application, amendment or any other matter;
  - 1.2 An application including amending plans for an application or permit constitutes a significant departure from policy;
  - 1.3 The application, planning scheme amendment or any other matter should be dealt with by Council because of its significance or nature.
2. Exercise any of Council's powers, discretions or authorities if in the opinion of the Committee the exercising of the power, discretion or authority should be decided by Council.
3. Exercise the powers which, under Section 188 of the *Planning and Environment Act 1987*, cannot be delegated to the Committee.



10. **URGENT BUSINESS - Nil**

11. **ORDINARY BUSINESS**

11.1 **Requests for reports from Officers**

(a) **Crs Lipshutz/Sounness**

That a Report be prepared as to the viability and cost of Council joining and implementing Microsoft's CityNext project if available in Australia and/or implementing smart city technology to include but not be limited to such matters as:

- (a) Adjusting street lights in real time;
- (b) Tracking bin levels to avoid unnecessary emptying;
- (c) Providing smart card to residents to allow residents to pay bills, register children and themselves into Council operated facilities (libraries, child care etc), report streets that require maintenance and receive real time information as to street closures, Council functions etc

The report is to be submitted to the Council by the last Council meeting in September 2015.

The MOTION was put and CARRIED unanimously.

(b) **Crs Delahunty/Sounness**

That a report be prepared to update Councillors on potential open space opportunities in gap areas of highest need - as identified in Council's Open Space Strategy.

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 public questions 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 awarding of the contract for Tender 2015.049 Booran Reserve Construction of New Playground and Associated Works**

**12.2 under s89 (2)(d) “contractual” which relates awarding of the contract for Tender 2015.033 Business Analyst Consultancy Services**

<b>Number of tenders received</b>	<b>Eleven (11)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>\$250,000 pa</b>

**12.3 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.004 Lyons Street Reconstruction, Lyons Street, Carnegie.**

<b>Number of tenders received</b>	<b>Four (4)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>More than \$1,300,000.00</b>

**12.4 under s89(2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.008 Clive Street Drainage Works , Hooper Street & Merrimu Reconstruction, Clive Street, Hopper Street and Merrimu Street, Murrumbena.**

<b>Number of tenders received</b>	<b>Four (4)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>More than \$800,000.00</b>

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



**OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****Item 12.2****Crs Hyams/Lipshutz**

1. That Council appoints Beng Cheah, A.B.N. 44 328 029 227 as the panel contractor under tender number 2015.033 in accordance with the Schedule of Rates submitted.
2. That Council appoints Glen Waters, A.B.N. 54 119 383 235 as the panel contractor under tender number 2015.033 (for arboriculture and landscaping services only) in accordance with the Schedule of Rates submitted
3. That Council appoints Gilbert Consulting Pty Ltd, A.C.N. 072 705 429 as the trustee for the Gilbert Family Trust, trading as Gilbert Consulting A.B.N. 90 150 756 630 as the panel contractor under tender number 2015.033 in accordance with the Schedule of Rates submitted.
4. That Council appoints Shane Looney, trading as Corporate Planning Consulting A.B.N. 64 795 194 382 as the panel contractor under tender number 2015.033 in accordance with the Schedule of Rates submitted.
5. That Council appoints Terra Firma Pty Ltd, A.C.N. 072 536 700 as the panel contractor under tender number 2015.033 in accordance with the Schedule of Rates submitted.
6. That Council appoints Votar Partners Pty Ltd, A.C.N. 007 147 766 as the panel contractor under tender number 2015.033 in accordance with the Schedule of Rates submitted.
7. That the contracts be prepared in accordance with the Conditions of Contract included in the tender, and noting variations nominated by Gilbert Consulting Pty Ltd and Beng Chea for \$1 million for Professional Indemnity insurance (as accepted by the Chief Financial Officer based on the limited risk presented in these tenders).
8. That the contracts be executed in an appropriate manner by affixing of the Council Seal.
9. That this resolution be incorporated in the public minutes of this Meeting.

**The MOTION was put and CARRIED.**



**Item 12.3****Crs Lipshutz/Hyams**

- 1. That Council appoints Presta Construction Group Pty Ltd as the contractor under Tender number 2016.004 Lyons Street Reconstruction for an amount of \$1,543,823.49 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.**

**Item 12.4****Crs Hyams/Lipshutz**

- 1. That Council appoints Kalow Holdings Pty Ltd, ACN 006 811 641 as the contractor under Tender number 2016.008 Clive Street Drainage Works, Hooper Street & Merrimu Street Reconstruction for an amount of \$858,281.90 exclusive of GST (\$944,110.09 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.**



**Crs Lipshutz/Hyams**

**That the meeting be resumed in open Council.**

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

**13. CLOSURE OF MEETING**

The meeting closed at 9.41PM.

CONFIRMED THIS 11 AUGUST 2015

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**CHAIRPERSON**