



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**15 DECEMBER 2015**

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- 12.1 under s89 (2) (d) “contractual” which relates to the awarding of the contract for Tender No 2016.017 Provision of catering (eg Australia Day Breakfast, Business Development Events, Council Meetings, ANZAC Day Ceremonies, Citizenship Ceremonies, etc)

Number of tenders received	Eight (8)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$130,000 pa. including some payments by participants

- 1.2 under s89 (2) (d) “contractual” which relates to the awarding of the contract for Tender No. 2016.011 Provision of Mechanical Maintenance Services to GESAC

Number of tenders received	Eleven ( 11)
Number of evaluation criteria tenders assessed against	Three (3)
Estimated contract value	\$250,000

- 12.3 under s89 (2)(a) “personnel” which relates to Community Consultation Committee membership

- 12.4 under s89 (2)(a) “personnel” which relates to the appointment of a Caretaker CEO.

- 12.5 under s89(2) (a) “personnel” which relates to the Chief Executive Officer.

**13. CLOSURE OF MEETING**



**MINUTES of the ORDINARY MEETING OF THE  
GLEN EIRA CITY COUNCIL held on TUESDAY, 15 DECEMBER 2015**

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

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

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

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

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

**6. DOCUMENTS FOR SEALING – Nil**

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

**8. REPORTS FROM COMMITTEES****a. Advisory Committees**

- i. Community Grants Committee, 17 November 2015
- ii. Community Consultation Committee, 18 November 2015
- iii. Audit Committee, 27 November 2015 – item to come
- iv. Community Grants Committee, 30 November 2015

**Crs Hyams/Esakoff**

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

**That the recommendations of the Committees be adopted.**

**AMENDMENT**

**Crs Delahunty/Sounness**

**That the item considered at number eight in the Minutes of the Audit Committee Meeting be incorporated into the public Minutes.**

**The AMENDMENT was put and LOST**

**DIVISION**

**Cr Hyams called for a DIVISION on the voting of the SUBSTANTIVE Motion.**

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

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

**b. Records of Assembly**

- i. 20 October 2015
- ii. 17 November 2015
- iii. 24 November 2015

**Crs Magee/Delahunty**

That the record of the above assemblies be received and noted and that council writes to the Department of Environment, Land, Water and Planning and asks if the code of conduct adopted at the most recent meeting of the Caulfield Racecourse Reserve Trust meets the compliance standards outlined in the Auditor General's recommendations. Specifically recommendation 2 which deals with the governance framework and the need for contemporary and public reporting. And recommendation 7 which challenges the Trust to address their community engagement obligations.

**DECLARATIONS OF CONFLICT OF INTEREST**

Cr Hyams declared a Conflict of Interest under s.78B of the Local Government Act, conflicting duties, as he is a Trustee of the Caulfield Racecourse Reserve Trust.

Cr Lipshutz declared a Conflict of Interest under s.78B of the Local Government Act, conflicting duties, as he is a Trustee of the Caulfield Racecourse Reserve Trust.

Cr Esakoff declared a Conflict of Interest under s.78B of the Local Government Act, conflicting duties, as she is a Trustee of the Caulfield Racecourse Reserve Trust.

7.52PM Cr Esakoff, Cr Hyams and Cr Lipshutz left the Chamber.

The MOTION was put and CARRIED unanimously.

8.01PM Cr Esakoff, Cr Hyams and Cr Lipshutz returned to the Chamber.



## **GLEN EIRA COMMUNITY GRANTS COMMITTEE MEETING MINUTES**

**Tuesday 17 November 2015**

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### **Purpose:**

To support and assist not-for-profit community-based groups to meet identified community priorities and strengthen the Glen Eira community.

### **Aims:**

- Support community initiatives committed to community strengthening.
  - Develop an accessible and inclusive community.
  - Encourage community initiatives that promote self-sufficiency and innovation.
  - Help strengthen local participation in the planning and implementation of services and programs
- 

### **Assembly of Councillors Records**

**Meeting commenced at 5:41 pm.**

#### **1. Present and Apologies**

##### **Present**

Cr Margaret Esakoff (By agreement Cr Esakoff assumed the chair in the absence of Cr Magee)  
Cr Thomas Sounness  
Peter Jones – Director Community Services  
Gaye Stewart – Manager Community Development

##### **Apologies**

Cr Jim Magee

#### **2. Matters Considered**

- i. Proposed changes to *Community Services Grants Guidelines* and *Community Festivals and Events Grants Guidelines*.
- ii. Communication with community groups about funds available and types of grants funded in the previous year.

#### **3. Proposed changes to the *Community Services Grant Guidelines* and the *Community Festivals and Events Grants Guidelines***

Minor changes have been made to improve clarity and assist applicants understand the grant process and conditions under the following:

- *Aims and eligibility* to clarify the membership of organisations that are eligible to apply.
- *How do I apply* to alert people that this will be the last year of printed application forms.
- *Grant process and conditions* to clarify the Council may seek validation of any information provided and added under dot point 3 - *'Not all grants will be funded to the maximum amount and may only be part of the total amount requested'*.
- *Grant categories* for sport and recreation, and environment sustainability grants to assist applicants
- *Council priorities* now include - improve community transport.

In addition date and minor editing adjustments have been made

**Recommendation:**            **The Committee recommend accepting the proposed changes to the *Community Services Grant Guidelines* and the *Community Festivals and Events Grants Guidelines*.  
Moved: Cr Thomas Sounness  
Seconded: Cr Margaret Esakoff  
Motion carried unanimously**

**4.    Communication with community groups about funds available and types of grants funded in the previous year**

The Committee discussed options for improving community understanding about grants and why not all are funded each year.

There was a view that expectations needed to be managed by providing some feedback on what was funded the previous year, how many grants were successful out of the total received and that some grants applications are only part funded.

**Action:**                            **Officers to send information to community groups that overview grants funded in 2015/16 and advise that not all grants are funded or receive the full amount requested.**

Next Meeting – TBA

Meeting Closed at 5:55 pm



**Minutes  
Community Consultation Committee Meeting  
18 November 2015**

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**Purpose:**

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

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**Meeting commenced at 6:36**

**1. Present**

Cr Jamie Hyams	Chairperson
Cr Karina Okotel	Councillor
Cr Mary Delahunty	On speaker phone
Mark Holding	Community representative
Susan McKenna	Community representative
Peter Jones	Director Community Services
Gaye Stewart	Manager Community Development

**Apologies**

Cr Oscar Lobo	Councillor
Gregor Ptok	Community representative

**1. Matters considered**

- i. Summary of the 2015 Community Satisfaction survey
- ii. Quarterly update of community engagement undertaken by Council between July and September 2015
- iii. Report in the extent to which contributors to Council consultations are being advised about outcomes of consultations
- iv. Report on how participatory budgeting is used here and overseas and advise about any statutory obstacles which may impede implementation
- v. Consideration for new community representative

**2. Summary of the 2015 Community Satisfaction Survey**

A summary of the *2015 Community Satisfaction Survey* was presented. Across Victoria, the core measures in 2015 are remarkably consistent with previous trends particularly for the 2012-2013 period. The overall satisfaction with Glen Eira Council has remained stable with an indexed score of 71 in 2015 compared with 72 in 2014.

The committee noted that areas for improvement included community consultation which had dropped from an indexed score of 60 to 56.

**3. Quarterly update of community engagement undertaken by Council between July and September 2015**

The quarterly report on engagement activities which have been undertaken by Council between 1 July and 30 September 2015 was tabled. The report is formed using the four drivers for engagement that have been presented in the Community Engagement Strategy.

Discussion about what makes a successful consultation process was discussed and the approach used from the Ageing strategy was overviewed.

It was suggested that now we have been collating consultation and engagement processes for a year that it would be useful to do an analysis on what has been effective for consultation and how different approaches could be promoted across Council.

**Action: Officers to collate quarterly report data with a focus on the strategies that have been successful and prepare a report about the characteristics that made certain consultations successful and how Council could use this to inform future consultation practices.**

**4. Report on the extent to which contributors to Council consultations are being advised about outcomes of consultations**

A report was presented that provided an overview of how contributors have been advised about outcomes of consultations undertaken between January and June 2015.

The report identified that 14 engagement activities occurred in this period and that contributors were advised of the outcomes in 8 instances.

Where feedback was provided; the primary mode of feedback was written (5), with face to face feedback provided in two instances and on line in one instance. On two occasions more than one mode of feedback was utilised. Two consultations have processes that are ongoing.

The consultation method used for engagement activities that did not receive feedback (6) fell into the category of surveys. Surveys do not always present feasible or necessary feedback loops as they are often anonymous and aim to review the service received for the purpose of quality improvement.

The detail of feedback documentation was discussed and whether participants were provided with adequate information about how it was considered and the final decision.

**Recommendation: Where a matter was subject to a Council decision and decided by a Council resolution, all submitters are provided with a copy of the relevant Council minutes**

**Moved: Cr Hyams Seconded: Cr Okoteli  
Motion was passed unanimously**

**5. Report on how participatory budgeting is used here and overseas and advise about any statutory obstacles which may impede implementation**

A report was presented that provided an overview of how *participatory budgeting is used here and overseas and the statutory issues in pursuing this approach*.

The report identified that the approach has been used in South America, North America, Asia, Africa, Europe, US and Canada. It has been adopted as a way of engaging citizens and ensuring that local government spending reflects the needs of local communities. Australia has developed their own particular take on participatory budgeting that seeks informed recommendations on budget decisions through the citizen jury or panel format.

Although there are no statutory limitations or requirements for the implementation of participatory budgeting process, there are some potential restrictions that need consideration in exploring application of such a model. The most pertinent include:

- Council consists of democratically elected members who are afforded the responsibility to govern and make decisions on matters affecting their municipality and community.
- There are substantial costs associated with implementing a quality participatory budgeting process.(New Democracy Foundation estimates \$85-90,000)
- Any recommendations made by a participatory budgeting process are still required to be approved by normal Council arrangements. According to the Local Government Act 1989, Councillors are the legal authority to make decisions whilst participating as a member of the Council in a formal council meeting.

**Action: Further discussion participatory budgeting and options for Council to use this approach to be on agenda for the next meeting in February.**

**Officers to contact the 'New Democracy Foundation' to discuss options for a participatory budget process including costs and timelines.**

**6. Consideration for new community representative**

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

**7. Report - How other Councils use social media for consultation and how Councils approach could be enhanced**

This report is being prepared by Community Relations and will be presented at the next meeting of this committee in February 2016.

**8. Definition of consultation and informing the community**

Susan McKenna (community representative) sought clarification on Council's definition of consultation. In the Community Engagement Strategy; consultation is described as obtaining community feedback on analysis, alternatives and/or



decisions. This definition reflects the International Association for Public Participation (IAP2), Public Participation Spectrum.

Susan stated that the revised plans for the Booran Road Reservoir development are not currently on the Council website.

**Action:**            **Councillors present committed to raising these issues at a future *Assembly of Councillors***

**Next meeting:**        **Wednesday 11 February 2016**

**Meeting closed at 7:53pm**

## **Audit Committee Minutes of Meeting held 27th November 2015**

**Present:**

**Members:**

David Gibbs, Chairman  
Lisa Woolmer, Independent Member  
Councillor Mary Delahunty  
Councillor Michael Lipshutz

**In attendance:**

The Mayor, Councillor Neil Pilling  
Cr Thomas Sounness  
Cr Oscar Lobo

**Officers:**

Andrew Newton, Chief Executive Officer  
Peter Swabey, Chief Financial Officer  
John Vastianos, Manager Finance  
Rachel Ollivier, Group Manager, Environmental Strategy and Services (Item 3)  
Mark Collins, Manager GESAC (Item 7)  
Lynda Bredin, Manager Business Development (Item 7)

**Internal Auditor:**

Lisa Tripodi, Oakton  
Robert Collyer, Oakton

**External Auditors:**

Tim Loughnan, Sector Director, Local Government, Auditor-General's Office

**Apologies:**

Dr Craig Nisbet, Independent Member

**Minutes:**

Alon Milstein, Financial Accountant

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

At 8.45am, the Chairman welcomed Councillors, Officers, Ms Tripodi and Mr Collyer from Oakton and Mr Loughnan from the Victorian Auditor-General's Office.

The Chairman introduced Ms Tripodi and Mr Collyer to their first Audit Committee meeting.

### **1. Matters for Agenda**

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

## **2. Confirmation of Minutes and Action Items**

The minutes of the previous Audit Committee meeting held on 21<sup>st</sup> August 2015 were confirmed.

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

## **3. Clayton South Regional Landfill**

Ms Ollivier confirmed that preparations were under way for the closure and capping of the landfill site. The Audit Committee noted that a recent EPA audit found that Council had been undercharged gate fees for several years due to a coding error by the landfill site management. Ms Ollivier confirmed that an independent audit was being conducted on the landfill's charging error to ascertain the extent of the problem.

The Committee received the financial statements for the Clayton South Regional Landfill for the year ended 30 June 2015, noting the \$12m in the bank at that date and the unqualified audit opinion.

Ms Woolmer requested that Audit Committee receive a copy of the independent audit report when completed.

Ms Ollivier left the meeting at 9am.

## **4. Contract Management System**

The CFO confirmed that approximately 80% of the system functionality of the new contract management system had been implemented and that contract management policies, procedures and manuals would be completed by mid-December 2015.

The CFO also confirmed that a post implementation review would be conducted once the system had been fully implemented.

The CFO confirmed that the new Contract Management System – Open Windows, provides Council with the following capabilities:

- Integration with other Council systems;
- Integration with the procurement process;
- E-tendering;
- contractor management including: annual reviews, insurance certificates, term renewals, OH&S requirements, KPI management;
- ability to record and monitor contractor progress and performance;
- management and tracking of contract expenditure and variations;
- management of contract securities;
- monitoring of contractor compliance; and
- wide-range of reports.

## **5. Internal Audit Activity**

Ms Tripodi introduced an overview of Oakton's services and background with particular emphasis placed on their organisation's IT expertise and provision of value added services. Ms Tripodi explained the type of IT issues that will be covered by their reviews including: cloud computing, digital work, data security, social media and corporate databases.

Ms Tripodi stated the 2015-16 Draft Internal Audit Program was developed in consultation with Councils' Audit Committee Independent Members and Executive Members.

The summary of the planned draft internal audit activities for the financial years 2015-16-2017-18, together with the top 20 corporate risk descriptions were presented to Audit Committee. Mr Collyer stated that Oakton would continuously review and adjust the top risks based on experience and expertise. In addition Ms Tripodi stated the Draft Internal Program is a moving document and will identify any emerging risks continuously.

Following a question from Cr Sounness, the Chairman requested that risk issues surrounding Climate Change be incorporated into Council's Risk Management register.

Mr Collyer confirmed that both the Financial Compliance Transactional Analysis and Risk Management Framework reviews would be completed and presented at the February 2016 Audit Committee meeting. The Chairman urged Oakton to consult with the CEO regarding the Risk Management review prior to his departure from office.

Ms Woolmer highlighted that it would be good for the Audit Committee to review its approach to risk management oversight with input from Management together with Oakton.

The Chairman suggested that the CFO maintain current budget levels for the Internal Audit Program and consider opportunities for Council to utilise additional external assurances.

Councillor Lipshutz requested that when performing reviews, in particular the IT Strategy and Architecture Review, Oakton consider the cost/benefit implications of any audit recommendations.

The Chairman requested that the CFO maintain an ongoing listing of 'independent external reviews (e.g. VAGO reviews; IBAC reviews) that may be conducted upon comparable organisations for information distribution to the Audit Committee.

The Audit Committee reviewed the scope of, and approved the internal audit plan.

**6. End of year audit**

Mr Loughnan confirmed that there were no outstanding audit matters arising from the year end audit.

He also highlighted the Local Government Sector Report that was recently tabled by the Victorian Auditor-General's Office (VAGO). Mr Loughnan confirmed that Council's financial sustainability indicators were at low risk.

Mr Loughnan concluded by informing the Audit Committee of the progress of the current audit of Council's recreational facilities.

**7. Risk Management Rolling Progress Reports**

At 9:50am, the Chairman welcomed Ms Bredin and Mr Collins to the meeting.

Both managers presented their respective departmental risk management reviews. Ms Bredin presented the risk report for Business Development and Mr Collins for the Glen Eira Sports and Aquatic Centre (GESAC).

Cr Delahunty requested that the contract management function of the Caulfield Recreation Centre and Carnegie Pool be incorporated into GESAC's Risk Management Framework.

Ms Bredin and Mr Collins left the meeting at 10:45am.

**8. Change to Council's risk profile**

The Committee noted the paper on changes to Council's risk profile.

**9. Audit Committee self-assessment**

The Audit Committee self-assessment review was noted.

**10. Information Items**

The Committee noted information items that were tabled.

The Committee noted that the CEO has tabled his resignation effective 26 January 2016.

The Audit Committee recorded its good wishes and strong appreciation to the CEO for his leadership around risk and governance to Council and his proactive manner in dealing with all matters and requests relating to the Audit Committee.

## **11. Close of Meeting**

The meeting concluded at 11am.

An in camera session was held at the conclusion of the meeting between the members of the committee and the Councillors present together with the CEO and CFO. The purpose of the session was to workshop matters associated with the resignation of the CEO on 26th January 2016 including the offer of an exit interview, the process of recruitment and the risk assessment of the change.

## **12. Next Meeting**

Friday, 26 February 2016

### **Audit Committee Action Items**

<b>Meeting Date Requested</b>	<b>Item</b>	<b>Responsibility</b>	<b>Proposed Completion Date</b>
29 May 2015	Clayton Landfill be included as a standing agenda Audit Committee item with respect to any future risk updates.	Group Manager, Environmental Strategy and Services	Ongoing
21 August 2015	Post implementation review of the new Contract Management System.	Corporate Counsel and Chief Financial Officer	April 2016
27 November 2015	Distribute a copy of the Clayton South Regional Landfill independent audit report on the Landfill's finances when completed.	Group Manager, Environmental Strategy and Services	February 2016
27 November 2015	Incorporate the climate change risk into the Risk Management register.	Corporate Counsel	February 2016
27 November 2015	Register of independent external reviews (e.g. VAGO; IBAC).	Chief Financial Officer	Ongoing
27 November 2015	Contract management of the Caulfield Recreation Centre and the Carnegie pool to be incorporated into GESAC's Risk Management Framework.	Manager GESAC	February 2016

### **Schedule of meeting dates for 2016**

- 26 February 2016
- 27 May 2016
- 19 August 2016
- 25 November 2016



**GLEN EIRA  
COMMUNITY GRANTS COMMITTEE MEETING  
MINUTES**

**30 November 2015**

---

**Purpose:**

To support and assist not-for-profit community-based groups to meet identified community priorities and strengthen the Glen Eira community.

**Aims:**

- Support community initiatives committed to community strengthening.
  - Develop an accessible and inclusive community.
  - Encourage community initiatives that promote self-sufficiency and innovation.
  - Help strengthen local participation in the planning and implementation of services and programs
- 

**Assembly of Councillors Records**

**Meeting commenced at 9 am.**

**1. Present and Apologies**

**Meeting undertaken by email**

**Present**

Cr Margaret Esakoff  
Cr Jim Magee  
Cr Thomas Sounness  
Peter Jones – Director Community Services

**Apologies**

n/a

**2. Matters Considered**

**1. 2015-2016 Facilities Hire ONLY Grant application**

1.1. The Murrumbeena Cricket Club Inc.

### 3. 2015-2016 Facilities Hire ONLY Grant application

- *Murrumbeena Cricket Club Inc.*

Murrumbeena Cricket Club has applied for a Facilities Hire Grant for a total of \$1,352 to cover of the cost of using the open space and South West Rotunda at Murrumbeena Park/Reserve on Sunday 13 December 2015 (from 12 midday to 7pm). The event is for families of the cricket club to enjoy a fun day, meet other members of the club and strengthen community connections.

**Recommendation:**      **The Committee recommend funding a facility hire grant of \$1,352.00 for the Murrumbeena Cricket Club Inc. to hire Murrumbeena Park, on Sunday 13 December 2015.**

**Moved: Cr Esakoff**  
**Seconded: Cr Magee**  
**Motion passed unanimously**

Next Meeting – TBA



**Assembly of Councillors**

**20 October 2015**

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

**Meeting commenced at 7.33PM at the conclusion of the Special Council Meeting.**

**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 (Arr. 7.51PM)  
Peter Jones  
Peter Swabey  
Peter Waite  
Ron Torres  
Paul Burke

**B. Matters considered.**

- (i) Level Crossing Removal update, Frankston Line.

7.55PM the meeting adjourned to allow a Special Council Meeting to take place in relation to the security of Council property.

9.58PM the meeting resumed in the presence of:

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

- (ii) MAV State Council Motions.

- (iii) General Business by Councillors.

- (a) Cr Hyams – Minutes of the last Council Meeting, Right of Reply by Cr Magee.

- (b) Cr Hyams – Glen Eira Adult Learning Centre (GEALC), meeting with Councillors.
- (c) Cr Esakoff – Minutes of the last Council Meeting.
- (d) Cr Okotel – matters raised by an objector to a Town Planning issue.
- (e) Cr Okotel – information circulated by officers in relation to the lighting upgrade at GESAC.
- (f) Cr Okotel – information on home help services.

**Fin 10.40PM**

**Assembly of Councillors**

**17 November 2015**

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

**Meeting commenced at 6.48PM**

**A. Present**

Cr Neil Pilling, Mayor  
Cr Mary Delahunty (Arr. 7.12PM)  
Cr Margaret Esakoff  
Cr Jamie Hyams  
Cr Michael Lipshutz  
Cr Oscar Lobo  
Cr Jim Magee  
Cr Karina Okotel  
Cr Thomas Sounness

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

**B. Matters considered.**

- (i) Level Crossing Removal Authority – Frankston line – a presentation on the Frankston Line Acceleration Plan (FLAP).

7.12PM Cr Delahunty entered the briefing room.

- (ii) Rate Cap and variations.

- (iii) Council Papers for the 24 November 2015 Council Meeting comprising twenty officer reports together with standing items on the Agenda.

- (a) Agenda Item 9.2 - 1 Wahgoo Road Carnegie.

**DECLARATIONS OF INTEREST**

Cr Delahunty and Cr Esakoff declared a Conflict of Interest in this item.

7.55PM Cr Delahunty and Cr Esakoff left the briefing room.

8.06PM Cr Delahunty and Cr Esakoff returned to the briefing room.

- (b) Agenda Item 9.3 - 600-604 North Road, Ormond.

8.31PM the meeting adjourned.

8.45PM the meeting resumed in the presence of:

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

- (c) Agenda Item 9.4 - 9 & 9A Truganini Road, Carnegie.
- (d) Agenda Item 9.5 - 10 & 12 Bent Street Bentleigh.
- (e) Agenda Item 9.6 - VCAT WATCH - November 2015.
- (f) Agenda Item 9.7 - Quarterly Reporting.
- (g) Agenda Item 9.8 - VCAT- Application of Glen Eira Planning Scheme Policies.
- (h) Agenda Item 9.9 - Myrtle Street, St Kilda East Parking Safety.
- (i) Agenda Item 9.10 - North McKinnon Centre Road Grade Separation Project - EE Gunn Reserve Licence Agreement.
- (j) Agenda Item 9.11 - The Scout Association of Australia Victorian Branch – Various Lease Renewals.
- (k) Agenda Item 9.12 - New Leases to City of Moorabbin Historical Society and St John Ambulance.
- (l) Agenda Item 9.13 - Leases to various Sporting Clubs.
- (m) Agenda Item 9.14 - Financial Report for the period ending 31 October 2015.
- (n) Agenda Item 12.2 - under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.003 Eskdale Road Reconstruction, Eskdale Road, Caulfield North

- (o) Agenda Item 12.3 - under s89 (2)(d) “contractual” which relates to the awarding of the contract for Tender 2016.021 Replacement of Pool Air Handlers and associated Ducting at GESAC, 200 East Boundary Road, Bentleigh East 3165.
  - (p) Agenda Item 12.4 - 4 under s89 (2) (d) “contractual” which relates to the awarding of the contract for Tender number 2016.025 Distribution of Glen Eira News to all residents in the City of Glen Eira.
  - (q) Agenda Item 12.5 - under s89 (2)(a) “personnel” which relates to the awarding of the Citizen of the Year, Young Citizen of the Year and Community Group of the Year.
- (iv) Records of Assembly.
- (a) Cr Hyams – 6 October 2015 – Minute B(vi)(e).
  - (b) Cr Hyams – 13 October 2015 – Minute B(i)(e) delete words and amend.
- (v) General Business raised by Councillors.
- (a) Cr Delahunty – can an update on the recent meeting of the Caulfield Racecourse Reserve Trust be given. Councillors who are Trustees gave an update to the extent they were permitted to by the Trust’s Code of Conduct.
  - (b) Cr Delahunty – recent State Government announcement of additional Kinder funding in Glen Eira.
  - (c) Cr Delahunty – recent dance party at the Caulfield Racecourse.
  - (d) Cr Sounness – recent dance party at the Caulfield Racecourse. Role of the Private Building Surveyor.
  - (e) Cr Sounness – Challenges for Australian Cities conference.
  - (f) Cr Sounness – Melbourne City Council’s divestment strategy..
  - (g) Cr Sounness – article in a local government publication about Adelaide’s bike to eat program.

- (h) Cr Sounness – resilient urban communities.
- (i) Cr Sounness – MAV Rate Capping forum.
- (j) Cr Sounness – Height controls in commercial zones.
- (k) Cr Sounness – consultation, small sided soccer facility, Carnegie Swim Centre.

10.02PM Cr Pilling left the briefing room and Cr Okotel assumed the Chair.

10.05PM Cr Delahunty left the briefing room.

10.08PM Cr Delahunty returned to the briefing room.

10.10PM Cr Pilling returned to the briefing room.

10.11PM Cr Pilling resumed the Chair.

- (l) Cr Esakoff – a street tree in Beauville Street, Murrumbena.
- (m) Cr Esakoff – the NORFI planning process.
- (n) Cr Esakoff – CLOC theatre group.
- (o) Cr Hyams – a submission to the State Government’s review of the Local Government Act.
- (p) Cr Hyams – a recent article on electrical line clearance.
- (q) Cr Hyams – Height controls in commercial zones.
- (r) Cr Okotel – Grade separation – EE Gunn Reserve sports groups.
- (s) Cr Okotel – waste recovery.
- (t) Cr Okotel – Leader newspapers Letter to the Editor in relation to the refurbishment of the Hopetoun Garden Cannon.

- (u) Cr Okotel – VCAT’s application of the new requirements in relation to taking account of the levels of objectors to planning applications.
- (v) Cr Lipshutz – Yanakie Crescent, overgrown naturestrip.
- (w) Cr Lipshutz – plaques in parks and changes to the Local Law.
- (x) Cr Delahunty – development at the corner of Glen Eira Road and Hotham Street. VCAT Condition in relation to the affordable housing component of the Permit.
- (y) Cr Esakoff – Agenda Item 9.4 for the 24 November meeting. Shadow drawings.
- (z) Cr Sounness – Transport Advisory committee.

**Fin 10.51PM**

**Council Pre-Meeting**

**24 November 2015**

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

**Meeting commenced at 6.47PM**

**A. Present**

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

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

**B. Matters considered.**

- (i) Council Papers for 24 November 2015 consisting of twenty Officer reports together with standing items on the Agenda.
  - (a) Agenda Item 9.3 - 600-604 North Road, Ormond.
  - (b) Agenda Item 9.5 - 10 & 12 Bent Street Bentleigh.
  - (c) Agenda Item 9.8 - VCAT- Application of Glen Eira Planning Scheme Policies.
  - (d) Agenda Item 9.9 - Myrtle Street, St Kilda East Parking Safety.
  - (e) Agenda Item 11.1 – Request for Reports.
  - (f) Agenda Item 11.4 – Public Questions.

**Fin 7.06PM**



**9. PRESENTATION OF OFFICERS REPORTS**

- 9.1 322-328A Centre Road, Bentleigh
- 9.2 670-672 Centre Road & 51 Browns Road Bentleigh East
- 9.3 37- 39 Nicholson Street, Bentleigh
- 9.4 11-13 Bent Street, Bentleigh
- 9.5 Amendment C140 11 Mile End Road & 93 Mimosa Road Carnegie
- 9.6 10 Howe Street, Murrumbeena
- 9.7 VCAT Watch - December 2015
- 9.8 Transport Advisory Committee
- 9.9 Bendigo Avenue, Bentleigh Council Carpark Creation of Easement
- 9.10 Foundation for Youth Excellence Committee Grant Applications
- 9.11 Financial Report for the period ending 30 November 2015

## Item 9.1

322-328A Centre Road BENTLEIGH  
APPLICATION NO. GE/PP-28189/2015

File No: GE/PP-28189/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning



APPLICATION SUMMARY	
<b>PROPOSAL</b>	A nine storey building comprising 47 dwellings and retail
<b>RECOMMENDATION</b>	That Council adopts a position to oppose the proposed development at the Victorian Civil & Administrative Tribunal.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Height, scale and massing</li> <li>• Amenity impacts</li> <li>• Transition to residential area</li> <li>• Access and car parking</li> <li>• Internal amenity and layout</li> <li>• Social impacts</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Bentleigh Urban Village
<b>APPLICANT</b>	Kai Mou Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Commercial 1 Zone</li> <li>• Special Building Overlay</li> </ul>
<b>EXISTING LAND USE</b>	<ul style="list-style-type: none"> <li>• Former landscape garden supplies and retail premise</li> </ul>
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 14 properties notified</li> <li>• 118 notices sent (owners and occupiers)</li> <li>• 2 signs erected on site</li> <li>• 165 objections received at time of writing</li> </ul>
<b>Application fee payable (fee increased by the State Government in 2009)</b>	\$8315

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

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

**2. Process**

The permit applicant lodged an appeal with the Victorian Civil & Administrative Tribunal (VCAT) on Monday 23<sup>rd</sup> November 2015. The appeal was for “the failure of the responsible authority to grant the permit within the prescribed time”. The prescribed time is 60 statutory days. The application was appealed at the 67<sup>th</sup> statutory day.

Despite Council no longer being the ‘decision maker’ it must still form a position on the application. The appeal does not diminish Council’s or any objector party’s standing in the VCAT process.

**3. Recommendation**

That Council advise the Tribunal, that if it had the power to determine the application it would have issued a Notice of Refusal to Grant a Planning Permit for the construction of a nine storey building comprising 47 dwellings above 2 levels of basement car parking, use of the land for accommodation (dwellings) and associated buildings and works on land partly affected by the Special Building Overlay, reduction in the visitor and shop car parking requirements of Clause 52.06 and waiver of the loading bay requirements of Clause 52.07 for Application No. GE/PP-28189/2015 subject to the grounds contained within the Appendix.

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

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

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 Villages Policy – Adopted by Council on 18 October 2003 and approved by the Minister on 28 October 2004.

**5. Reasons For Recommendation**

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

- All written objections and matters raised at the Planning Conference
- State and Local Planning policies and controls including Council’s MSS
- Guidelines for Higher Density Residential Development (State Government)
- ResCode (as a guideline under the Commercial 1 Zone)

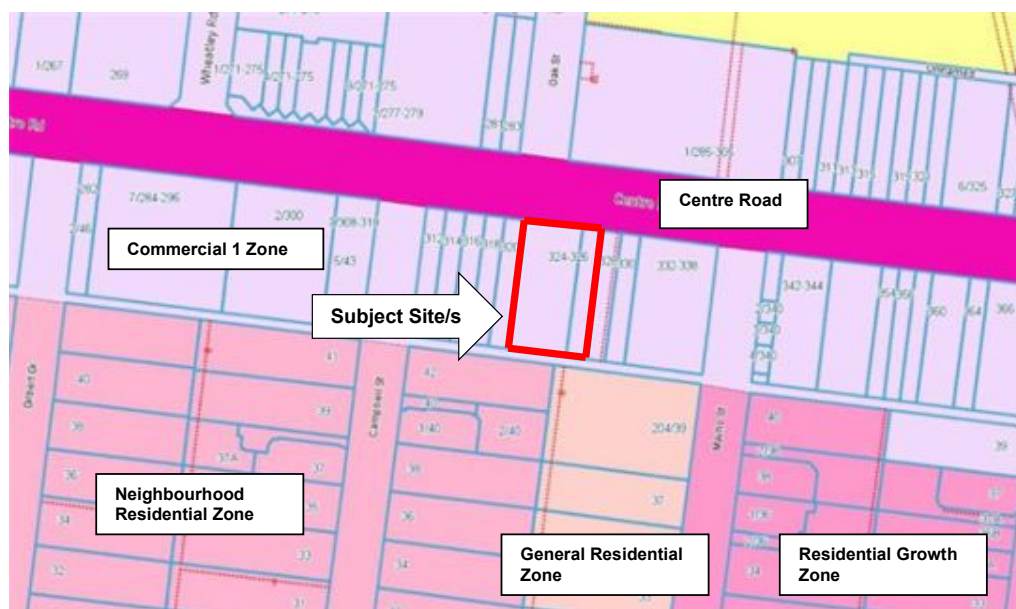
**Item 9.1 (cont'd)****Zoning and Context**

The subject site is located within the Commercial 1 Zone.

The properties immediately to the east and west have the same zoning. The wider area to the south-east is located in the General Residential Zone and the area to the south-west in the Neighbourhood Residential Zone. In these zones a lower intensity of residential development is provided by policy and mandatory height limits apply (10.5 metres and 8 metres respectively).

Commercial areas are strategic locations for higher densities of development due to their proximity to services, infrastructure and public transport. The subject site meets these criteria and is clearly a location where some form of mixed use development (i.e. commercial and residential) is an appropriate response.

More specifically, the subject site is located within 'Precinct 2 (Retail Hub)' of the Bentleigh Urban Village where buildings along Centre Road are encouraged to increase in height to provide office, commercial and residential uses. Whilst no maximum building height is specified for this precinct, policy places a strong emphasis on creating vibrant activity centres whilst ensuring protection of amenity of the surrounding area and the provision for transition in built form to neighbouring residential properties (in this case to the south).

**Height, scale and massing**

There are no mandatory height limits set in the State Government's Commercial 1 Zone. The planning scheme requires public amenity benefits and a positive contribution to Centre Road to be demonstrated by any proposed development in the area. To this extent it is considered that the proposed development would not have a positive contribution to the Bentleigh Urban Village due to its excessive height and scale. The proposed development is significantly greater in height and scale than any existing or anticipated buildings in the Bentleigh Urban Village.

**Item 9.1 (cont'd)**

The location of the subject site mid-block further exacerbates the visual dominance of the development within Centre Road and surrounding residential streets. The height and scale of the building would be particularly evident in more distant views from the residential areas to the south.

The predominant development height along Centre Road and within the retail precinct is 3-4 storeys with recessed upper levels at the front and rear. The development comprises a 3 storey podium presenting to Centre Road with a recessed tower form of 6 storeys above. Council officers have obtained independent expert urban design advice. The advice suggests that whilst the 3 storey podium base is generally consistent with the building forms along Centre Road sought by the Urban Villages Policy, the proposed rising tower form (to a height of 9 storeys) is considered disproportionate to the podium base and excessive for this location.

Amenity impacts and transition to residential zones

The subject site has a rear (south) interface with residential properties and secluded private open space areas, including a single dwelling at 42 Campbell Street and recently constructed 3 storey apartment building at 39 Mavho Street. The development is considered to be excessive and will be highly visible when viewed from the private open space areas of these residential properties to the south.

The transition to residential zones at the rear (south) of the site is simplistic in that the building adopts an envelope that meets minimum State Government ResCode requirements for rear setbacks. This may be appropriate for a building of lesser height and scale. However, in this instance, the use of the ResCode 'building envelope' results in the rear of the development presenting significant bulk and mass to residential properties within Mavho Street & Campbell Street. There will also be significant shadowing impacts.

The proposed development would require significant design changes to provide an appropriate transition to the residential area to the rear. It is not considered that this matter could be addressed by permit conditions as it would constitute a complete transformation of the development (due to the extent of changes which would be required), and significant reduction in height.

The submitted shadow diagrams show that the development will also result in significant overshadowing of commercial properties to the east and west. The existing building on the corner of Centre Road & Mavho Street has apartments with balconies at the upper levels facing the subject site.

Internal amenity and layout

The internal layout of apartments and amenity is poor. The single rising tower form of the upper levels without any provision of natural light, outlook or natural ventilation into the communal corridor would constitute a poor outcome for future residents.

There are also a number of apartments with solely south facing balconies or bedrooms which only have access to natural light via a window positioned at the end of a long corridor in the room.

The main pedestrian entry from Centre Road presents as a 37 metre deep corridor extending through the middle of the ground floor without a genuine lobby space or 'sense of address' to both residents and visitors.

**Item 9.1 (cont'd)**Access arrangement and car parking

Council's Transport Planning Department has recommended a number of changes to the car parking design and layout to ensure safe and practical vehicle access for future residents. The cumulative impacts of these recommended changes suggest that the development has not been properly thought out.

The State Government guidelines require that the proposed development provides for 80 car spaces (50 resident spaces, 9 residential visitor spaces and 21 retail spaces). The development (as proposed) incorporates 62 car spaces (50 resident spaces, 7 visitor spaces and 5 retail spaces). This results in a shortfall of 18 spaces (2 visitor spaces and 16 retail spaces).

Council's Transport Planning Department requires a minimum of 6 spaces to be provided for the retail component. The development only provides for 4 spaces for the retail component. This is not considered to be appropriate.

The proposed retail uses generates a requirement for loading facilities. The waiver of loading bay requirements has been accepted by Council's Transport Planning Department in this instance as delivery vehicles are likely to be smaller in size and can be accommodated on-street or within the rear laneway.

Equitable Development

The subject site is comprised of consolidated lots and is larger than the prevailing subdivision pattern of Centre Road. The dwelling orientation and depth of the side setbacks to the rear portion of the site would not provide a 'fair' and 'equitable' share of building separation in order to not compromise the future development potential of the adjoining smaller sites.

Social impacts

The recent State Government changes to the Planning and Environment Act 1987 require Council to have regard to the number of objections when considering whether the proposal will have a 'significant social effect'.

In this instance, the proposed development received significant community attention and opposition primarily due its relative scale to existing and approved buildings in the Bentleigh Urban Village and poor transition and amenity impacts to neighbouring residential areas to the south. Under the legislation, the fact that a high number of objections (165 in total) have been received does not in itself mean that the development will have a 'significant social effect'.

Whilst it is recommended that the application be opposed for the reasons outlined above, it is not considered that the development would have unreasonable social effects in terms of the following tests outlined by the State Government:

- the demand for or use of community facilities and services;
- access to social and community facilities;
- choice in housing, shopping, recreational and leisure services;
- community safety and amenity; and/or
- the needs of particular groups in the community, such as the aged.

**Item 9.1 (cont'd)**Flooding Risk

The application has been referred to Melbourne Water who has no objections subject to conditions including modifications to the vehicle access and drainage system to avoid flooding of the basement.

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

**ADDRESS: 322-328A CENTRE ROAD, BENTLEIGH**  
**APPLICATION NO: GE/PP-28189/2015**

**1. Proposal**

Features of the proposal include:

- Demolition of all existing buildings
- 9 storey mixed use building comprising 47 dwellings (15 x one bedroom, 29 x two bedroom, 2 x three bedroom and 1 x four bedroom)
- Ground floor retail area of 531m<sup>2</sup>
- Two levels of basement car parking comprising 62 car spaces and storage
- 39 bicycle parking spaces at ground floor
- Vehicle access via the rear laneway
- Pedestrian access from Centre Road
- Maximum building height of 28.19 metres (Note: the height excludes a lift overrun that projects approx. 1.5 metres above the remainder of the building)

**2. Public Notice**

- 14 properties notified
- 118 notices sent (owners and occupiers)
- 2 signs erected on site
- 165 objections received (at time of writing)

The objectors' concerns are summarised as follows:

- The commercial zone should have height restrictions
- Height and scale of building is excessive for Bentleigh
- Development in Bentleigh is increasing too rapidly
- Loss of neighbourhood character
- Poor transition in height and setbacks to residential area
- Development does not provide an 'active' retail frontage
- Overlooking and overshadowing
- Visual bulk and dominance of building within streetscape
- Development will detract from nearby heritage dwellings
- Flooding
- Traffic congestion – street parking is already inadequate
- Poor internal amenity
- Design is not sustainable
- Inadequate parking provided on site
- Strain on infrastructure
- Noise from a/c units
- Loss of outlook



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

- No objection to the waiver of 2 visitor spaces given the majority of visitor parking is provided on site for residents.
- Retail customers would not be expected to park in the basement car park therefore it is reasonable to provide staff parking only on site. A minimum of 6 retail use spaces must be provided for the 531m<sup>2</sup> of shops.
- Ground floor setbacks from the rear boundary should be increased to provide for minimum trafficable width within the laneway.
- The design of car spaces, aisles and support columns must be in accordance with the planning scheme.
- Residents of the development would be ineligible for resident parking permits.

Urban Design

- The proposed form of 9 storeys sits higher than any existing and anticipated development in the Urban Village and does not present the appropriate urban design response to 'fit' within its existing and emerging surrounding urban pattern.
- The development does not provide any benefits or positive contributions due to excessive height and scale.
- The main pedestrian entry presents as a 37m deep corridor extending through the middle of the ground floor without a genuine lobby space or 'sense of address' to both residents and visitors.
- The proposed internal corridor arrangement provides no opportunity for access to natural light or ventilation on any Level.
- The 3 storey podium base is generally consistent with the surrounding forms along Centre Road and is compatible with the 'traditional high street' form sought by the Urban Villages Policy.
- The massing at the rear of the building is overbearing and excessive and will result in the building appearing highly dominant within the surrounding area.
- The proposal does not provide for 'equitable development' by compromising the future development potential of the adjoining smaller sites.

Building

- Construction Management Plan required.

Waste Services

- Waste Management Plan (WMP) approved.

**Item 9.1 (cont'd)**Melbourne Water

- No objections subject to floor levels being constructed to minimum height above the flood level.
- The basement entry / exit including a 'flood-proof' apex.
- The drainage system designed to prevent flooding of the basement.

VicRoads

- No objections subject to any existing redundant vehicle crossovers on Centre Road being removed and reinstated.

**4. Planning Conference**

The Conference, chaired by Cr Lipshutz, provided a forum where all interested parties could elaborate on their respective views. Objectors mainly emphasised their original reasons for objecting. There was no representation by the permit applicant. It is considered that the main issues arising from the discussions were:

- The proposed height and scale of the development is excessive
- Loss of neighbourhood character
- The car parking design and layout is not safe or practical and there is non-compliance with a number of standards.
- Noise from air conditioning units and condensers, fans associated with the garbage chute and collection.
- The development will cast extensive shadows to residential properties to the south
- There should be height controls in the Bentleigh commercial area to limit development.
- Traffic congestion during school hours. It would be extremely difficult for vehicles to exit the development from the narrow one way laneway, onto Mavho Street and then onto Centre Road.
- Safety concerns for pedestrians due to the increased number of vehicles in the area.
- Impacts to heritage areas to the south-east.
- Impacts to smaller local businesses due to the large size of the retail component
- The development presents excessive visual bulk to Centre Road and residential properties to the south.
- Reduction of parking for the retail use should not be allowed given existing parking shortages in the surrounding area.
- The development will result in a loss of outlook and views of the sky.
- The density is extreme relative to recent development approvals in the area and would not provide for diversity of housing types and layouts.
- The development has not been designed to provide for 'equitable development'
- The potential for site contamination as a result of the previous landscape garden supplies use.
- It has not been demonstrated that the development including basement have been designed to prevent flooding
- Full allowance of car parking should be provided on site in accordance with the planning scheme
- Strain on infrastructure

**Item 9.1 (cont'd)**

- Public services such as schools are already at maximum capacity.
- Overlooking into neighbouring private open space of 42 Campbell Street and 39 Mavho Street.
- Residential amenity of Bentleigh should be protected.
- The laneway should be one way in / one way out due to difficult of access to and from the site from Mavho Street and Campbell Street.

**5. Grounds of Opposition**

1. The proposal is not consistent with State Planning Policies for Urban Design and Housing Diversity and the Local Planning Policy for Housing and Residential Development as stated in Clauses 15, 16.01-4 and 21.04 of the Glen Eira Planning Scheme as:
  - The development fails to respect the built form characteristics of the area;
  - The development fails to enhance the public realm;
  - The development fails to provide housing diversity and choice; and
  - The development fails to provide a satisfactory standard of urban design.
2. The design and built form of the proposal does not accord with the Design Guidelines for Higher Density Residential Development having regard to:
  - Element 1 – Urban Context;
  - Element 2 – Building Envelope;
  - Element 3 – Street pattern and street-edge quality;
  - Element 4 – Circulation and Services;
  - Element 5 – Building Layout and Design, and
  - Element 6 – Open Space and Landscape Design.
3. The proposal does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) as its height, scale, massing and bulk would be overly dominant within the streetscape and would not adequately respect the low scale character of the surrounding residential area to the south.
4. The proposed design response fails to 'fit' within its existing and emerging context and scale. The proposed form of 9 storeys sits higher than any existing and anticipated development in the Bentleigh Urban Village.
5. The development fails to provide an appropriate transition to the neighbouring residential areas, and is considered to be an overdevelopment of the site. The massing at the rear of the building is overbearing and excessive and will result in the building appearing highly dominant within the surrounding area.
6. The proposed rising tower form is disproportionate to the podium base which is considered a poor infill development response.
7. The proposal does not provide for 'fair and equitable development' by compromising the future development potential of the adjoining smaller sites.

**Item 9.1 (cont'd)**

8. The pedestrian entry and corridor extending through the middle of the ground floor fails to provide a genuine lobby space or 'sense of address' to both residents and visitors.
9. The proposed development does not provide for an appropriate amount of on-site car parking (for retail customers) in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
10. The proposed car park design and layout does not meet the Design Standards of Clause 52.06 of the Glen Eira Planning Scheme or Australian Standard AS2890.1: 2004
11. The development configuration with respect to internal arrangement and amenity is poor as it results in a single rising tower form without any natural light, outlook or natural ventilation into the communal corridor. The design results in poor internal amenity due to dwelling orientation, layout, solar access and outlook.

**Item 9.1 (cont'd)****Crs Hyams/Magee**

That Council advise the Tribunal, that if it had the power to determine the application it would have issued a Notice of Refusal to Grant a Planning Permit for the construction of a nine storey building comprising 47 dwellings above 2 levels of basement car parking, use of the land for accommodation (dwellings) and associated buildings and works on land partly affected by the Special Building Overlay, reduction in the visitor and shop car parking requirements of Clause 52.06 and waiver of the loading bay requirements of Clause 52.07 for Application No. GE/PP-28189/2015 subject to the following Grounds of Opposition:

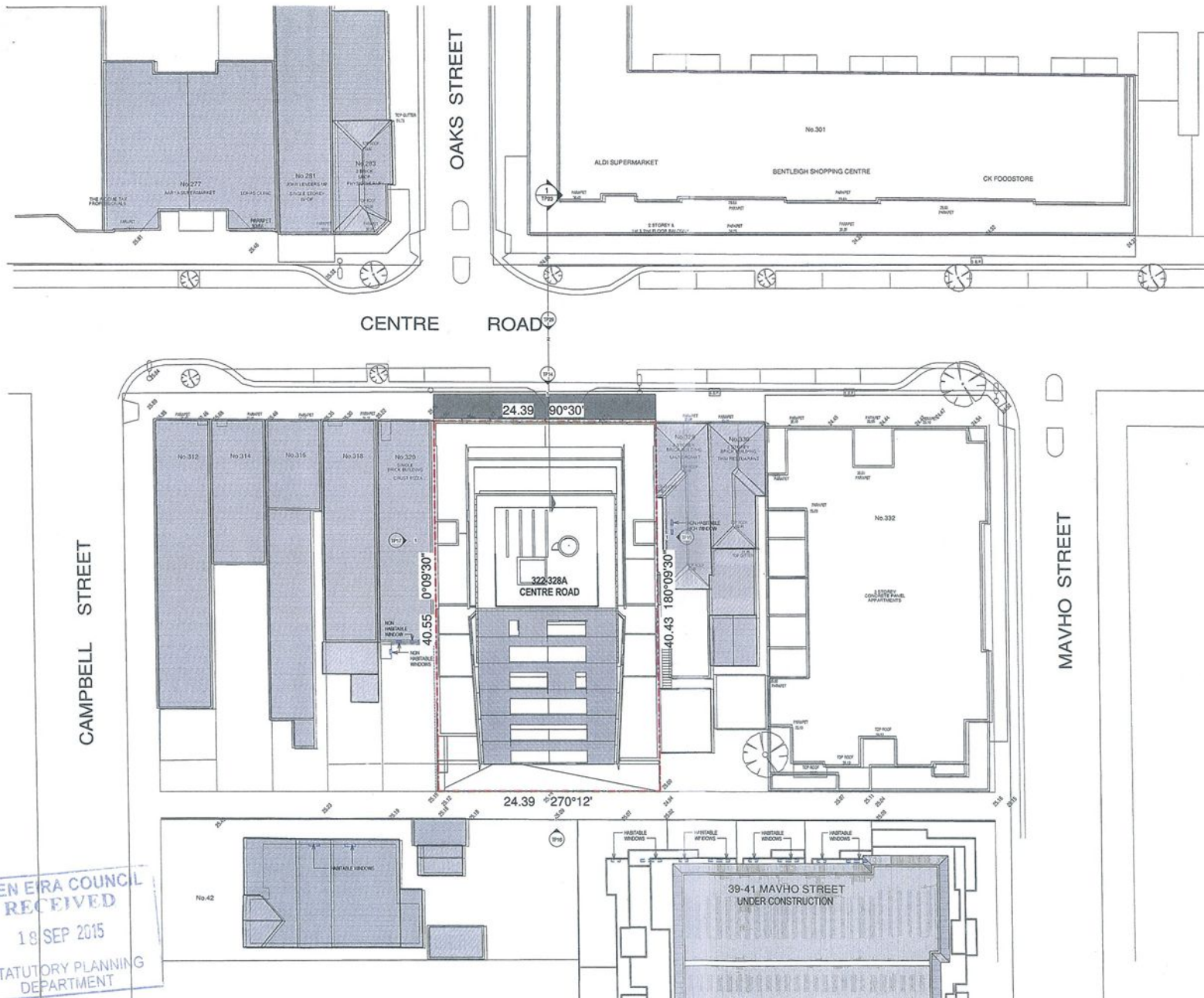
**Grounds of Opposition**

1. The proposal is not consistent with State Planning Policies for Urban Design and Housing Diversity and the Local Planning Policy for Housing and Residential Development as stated in Clauses 15, 16.01-4 and 21.04 of the Glen Eira Planning Scheme as:
  - The development fails to respect the built form characteristics of the area;
  - The development fails to enhance the public realm;
  - The development fails to provide housing diversity and choice; and
  - The development fails to provide a satisfactory standard of urban design.
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  - Element 3 – Street pattern and street-edge quality;
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  - Element 5 – Building Layout and Design, and
  - Element 6 – Open Space and Landscape Design.
3. The proposal does not satisfy the intent and objectives of the Urban Village Policy (Clause 22.05 of the Glen Eira Planning Scheme) as its height, scale, massing and bulk would be overly dominant within the streetscape and would not adequately respect the low scale character of the surrounding residential area to the south.
4. The proposed design response fails to 'fit' within its existing and emerging context and scale. The proposed form of 9 storeys sits higher than any existing and anticipated development in the Bentleigh Urban Village.

**Item 9.1 (cont'd)**

5. The development fails to provide an appropriate transition to the neighbouring residential areas, and is considered to be an overdevelopment of the site. The massing at the rear of the building is overbearing and excessive and will result in the building appearing highly dominant within the surrounding area.
6. The proposed rising tower form is disproportionate to the podium base which is considered a poor infill development response.
7. The proposal does not provide for 'fair and equitable development' by compromising the future development potential of the adjoining smaller sites.
8. The pedestrian entry and corridor extending through the middle of the ground floor fails to provide a genuine lobby space or 'sense of address' to both residents and visitors.
9. The proposed development does not provide for an appropriate amount of on-site car parking (for retail customers) in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
10. The proposed car park design and layout does not meet the Design Standards of Clause 52.06 of the Glen Eira Planning Scheme or Australian Standard AS2890.1: 2004
11. The development configuration with respect to internal arrangement and amenity is poor as it results in a single rising tower form without any natural light, outlook or natural ventilation into the communal corridor. The design results in poor internal amenity due to dwelling orientation, layout, solar access and outlook.
12. The proposed development will result in unreasonable overshadowing impacts onto the residential properties to the south.

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



GLEN EIRA COUNCIL  
RECEIVED  
18 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT

Rev	Description	Date
-----	-------------	------

TOWN PLANNING  
**hayball**

Hayball Pty Ltd  
4/125 Shute Street Southbank  
Victoria Australia 3006  
T 03 9599 3644  
F 03 9599 3708  
www.hayball.com.au

AREV Registered Directors  
Len Hayball, Richard Leonard  
Robert Stark, Tom Jordan,  
Sarah Buckenridge, David Tweedie  
Directors Luc Bald  
ABN 84 006 354 261

322-328A CENTRE ROAD  
BENTLEIGH

TITLE  
SITE PLAN

PROJECT NO 1970  
DRAWN BY Author  
CHECKED Checker  
DATE PRINTED 16/09/2015 2:40:13 PM  
SCALE 1:200 @ A1 1:400 @ A3

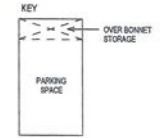
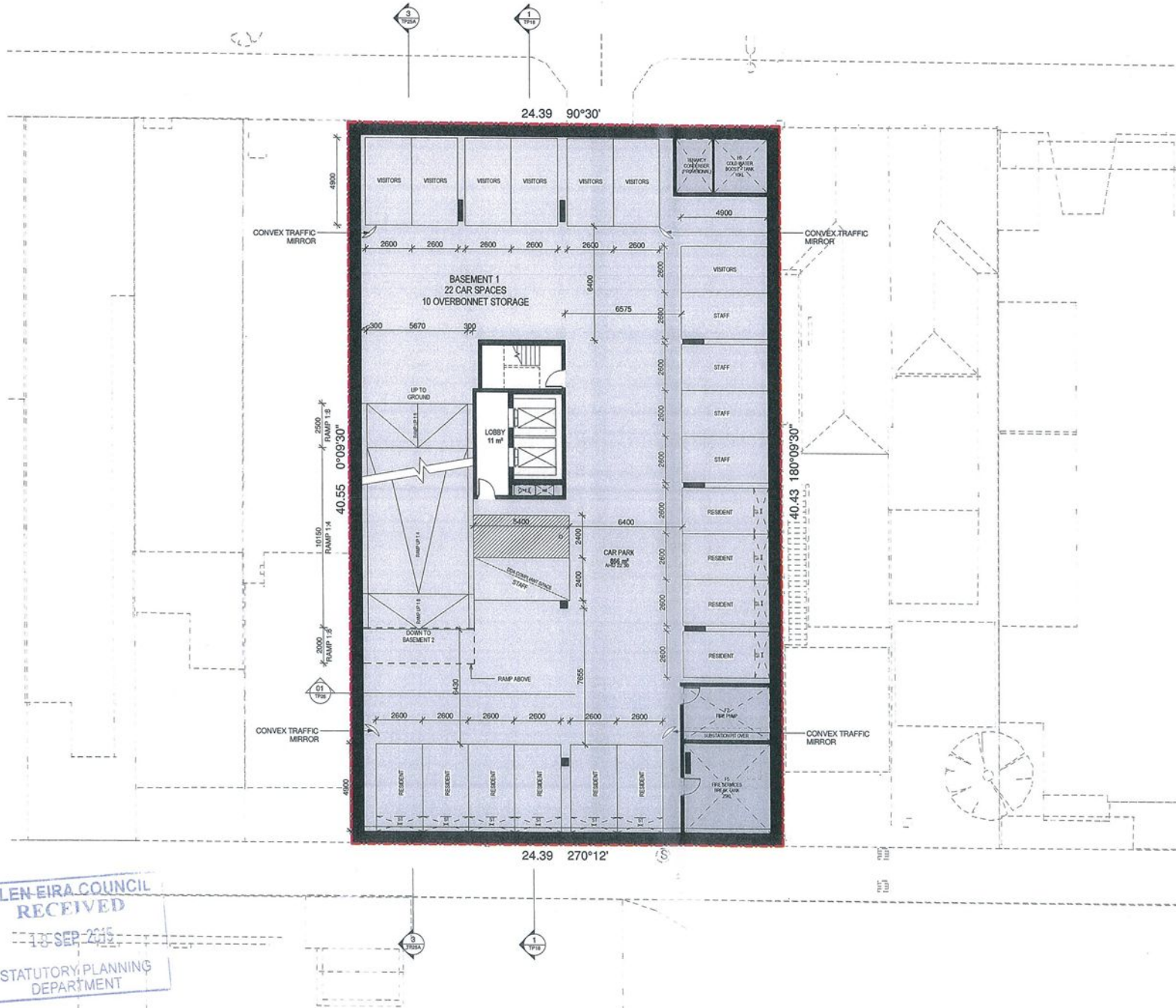
PROJECT 1970 DWG NO TP01 1







GLEN EIRA COUNCIL  
RECEIVED  
18 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT



Rev	Description	Date
1	RPI AMENDMENTS	16.09.2015

TOWN PLANNING  
**hayball**

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ASIN 64 004 394 261

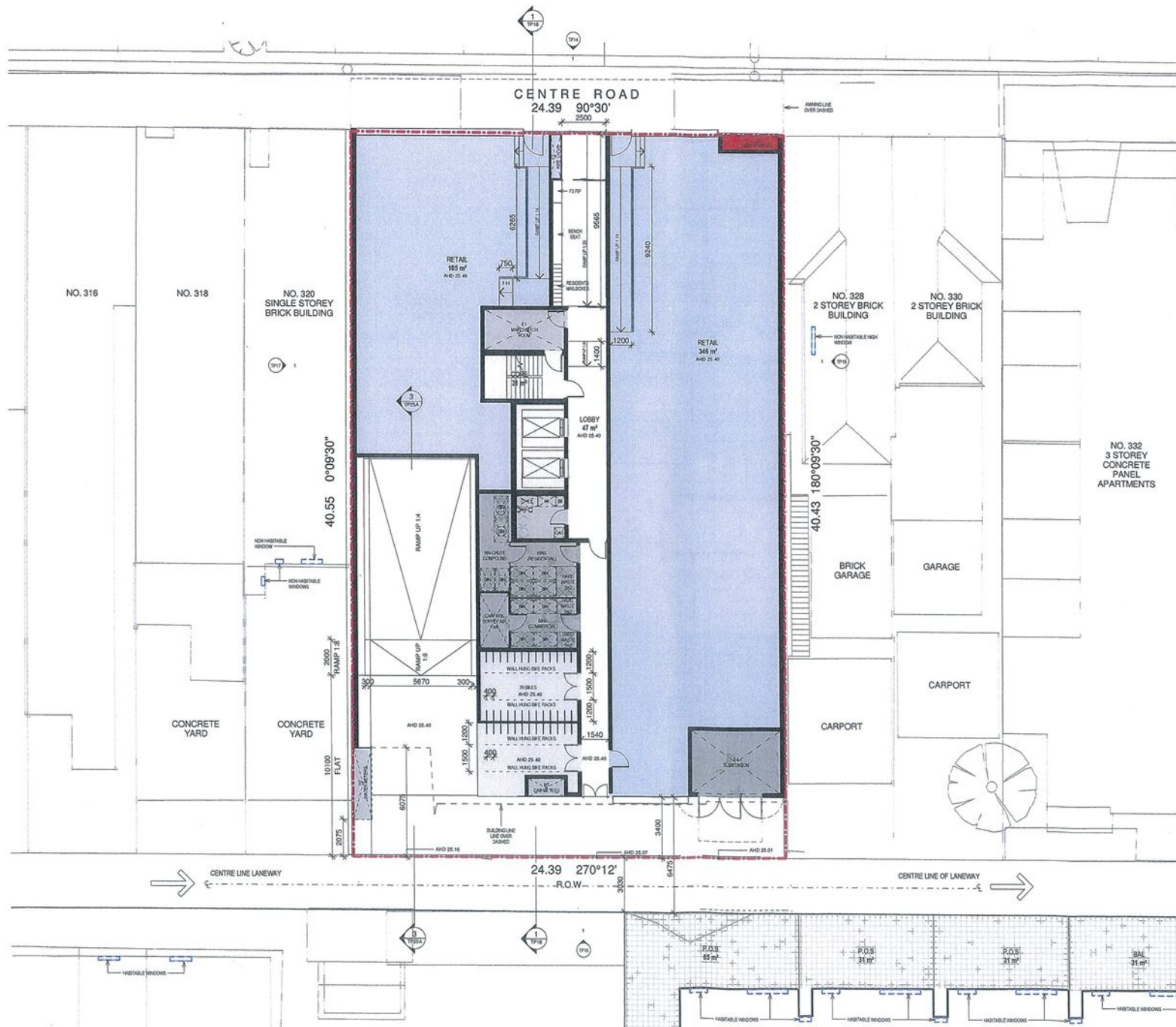
Subsidiary Companies shall verify all dimensions before any construction. If any dimensions are not as shown, the contractor shall be responsible for the correction. The contractor shall be responsible for the correction. The contractor shall be responsible for the correction.

322-328A CENTRE ROAD  
BENTLEIGH

TITLE  
BASEMENT 1

PROJECT NO 1970  
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SCALE 1:100 @ A1 1:200 @ A3

PROJECT 1970 DWG NO TP03 1



Rev	Description	Date
1	RPI AMENDMENTS	16.09.2016

**TOWN PLANNING**  
**hayball**

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Directors Luc Gidd  
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**322-328A CENTRE ROAD**  
**BENTLEIGH**

**GROUND LEVEL**

**PROJECT NO 1970** **DWG NO TP04** **1**







Rev	Description	Date
1	WPI AMENDMENTS	16.09.2015

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PROJECT 1970 DWG NO TP06 1







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1	RPI AMENDMENTS	16.09.2015

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BENTLEIGH  
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TITLE  
LEVEL 4  
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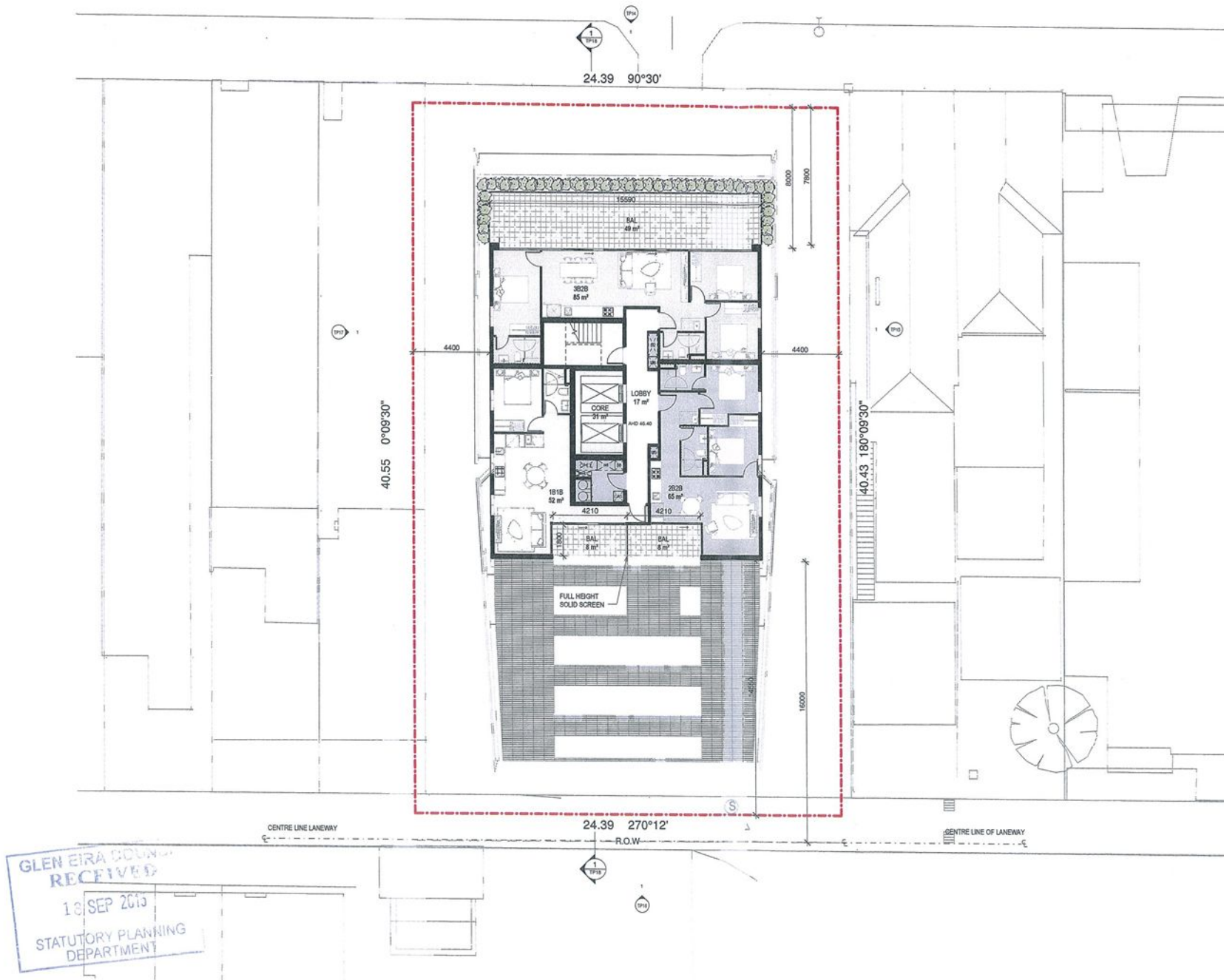
PROJECT 1970 DWG NO TP08 1











Rev	Description	Date
1	REVISIONS	18.09.2015

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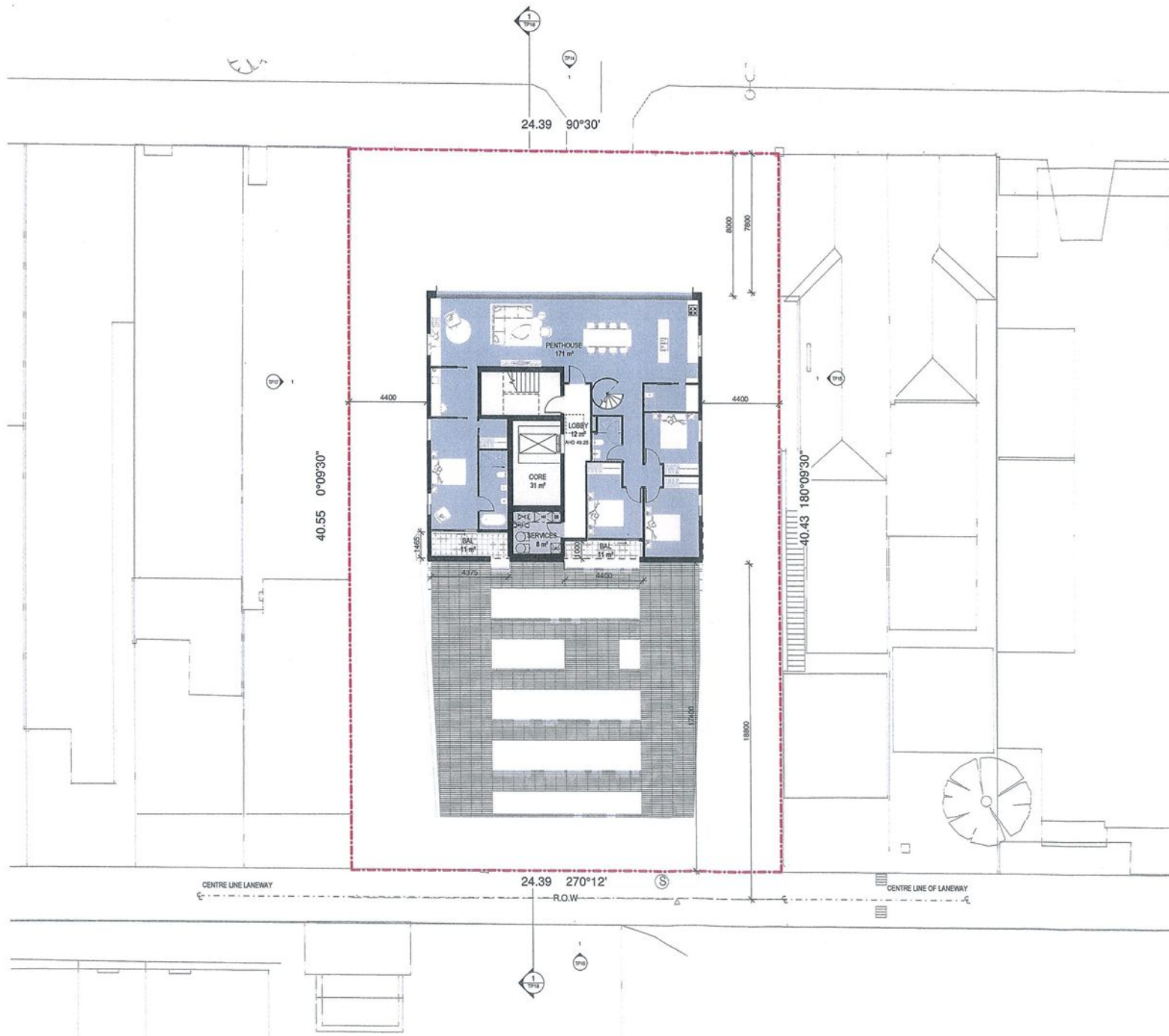
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322-328A CENTRE ROAD  
BENTLEIGH

TITLE  
LEVEL 7

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DWG NO TP11 1



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Directors Lic 6552  
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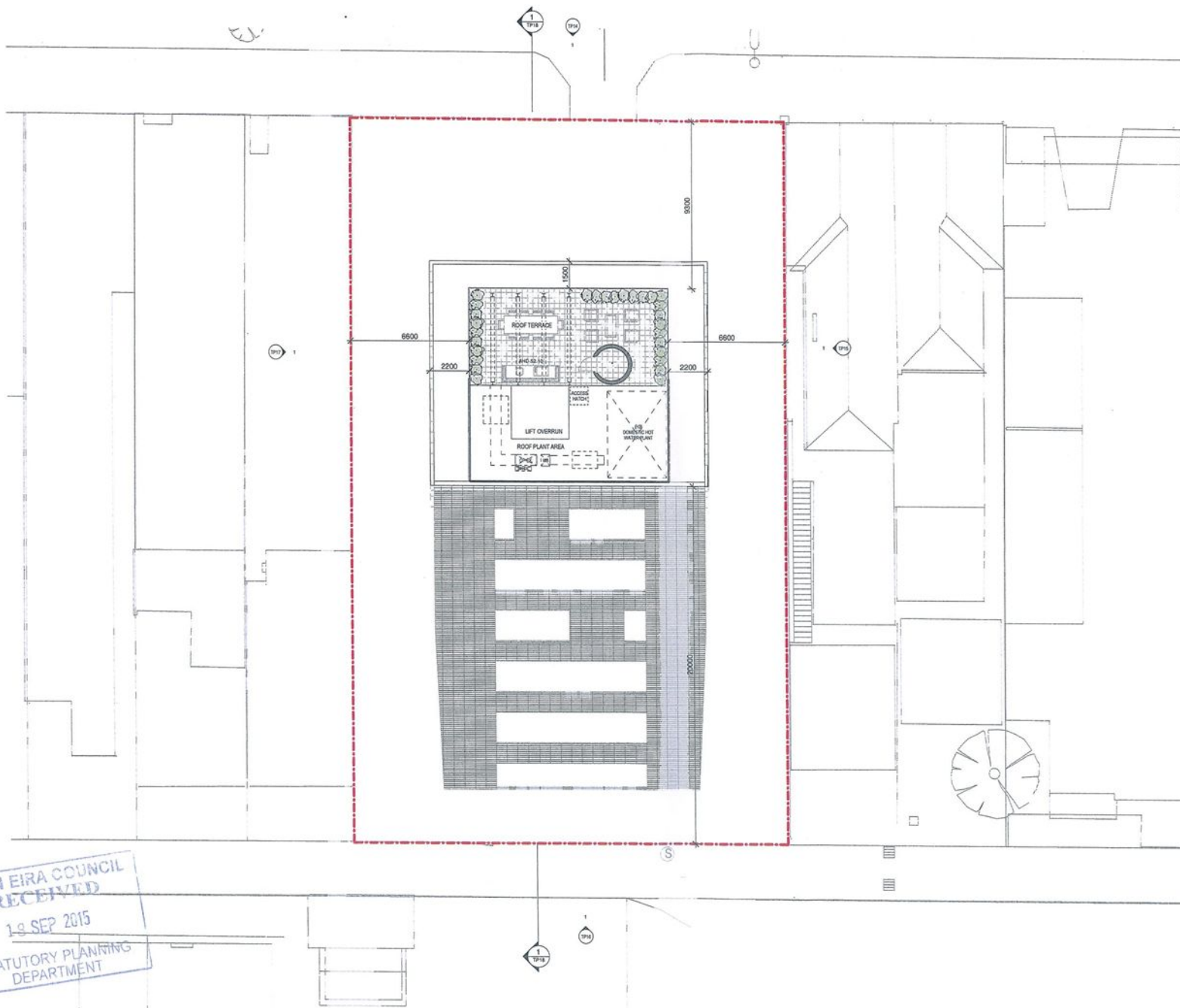
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LEVEL 8  
MUNICIPALITY OF BENTLEIGH  
DEPARTMENT

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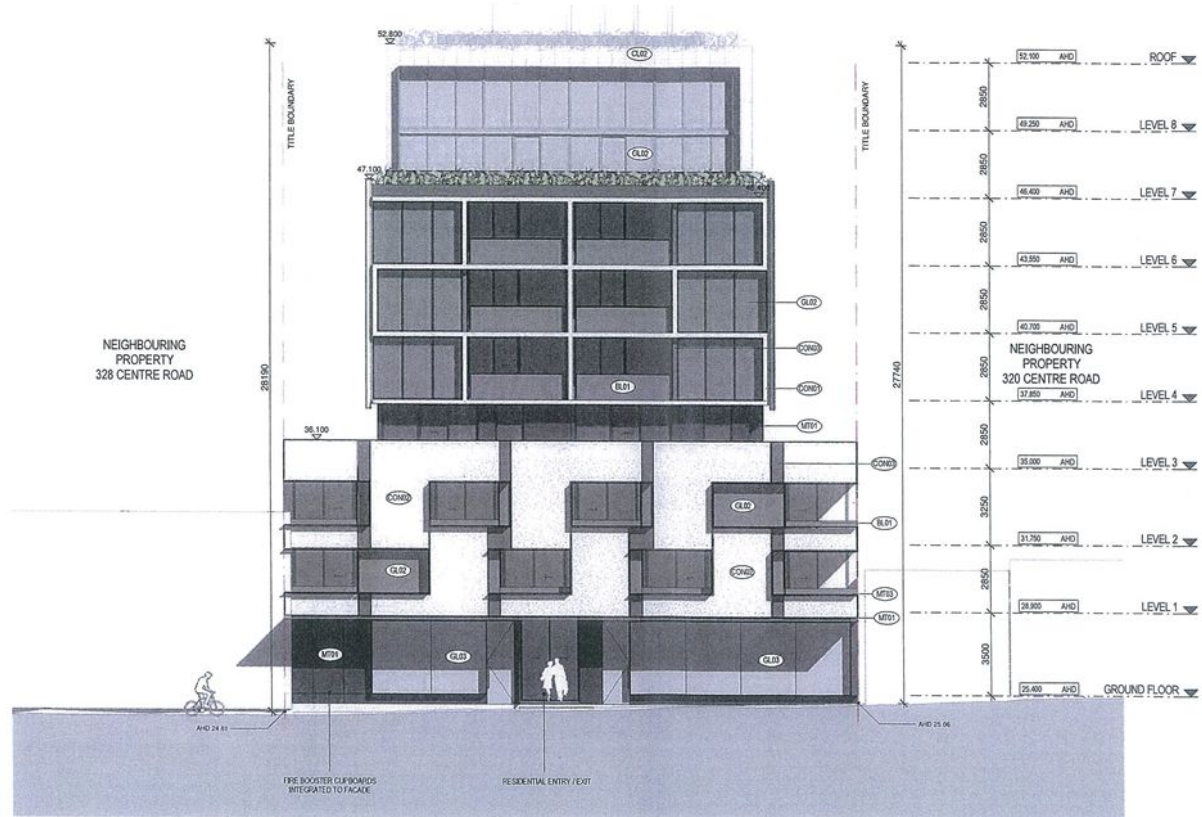
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MATERIAL SCHEDULE	
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CON02	PRECAST CONCRETE - 30% BRIGHTON LIGHT - TEXTURED FINISH
CON03	PRECAST CONCRETE - CHARCOAL INTEGRATED COLOUR
GL01	GLAZING - CLEAR
GL02	GLAZING - GREY BODY TINT
GL03	SHOPFRONT GLAZING - CLEAR
MT01	METAL PANEL - CHARCOAL
MT03	POWDERCOATED METAL SHROUDS - SELECTED COLOUR

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1	RPT AMENDMENTS	16.09.2015

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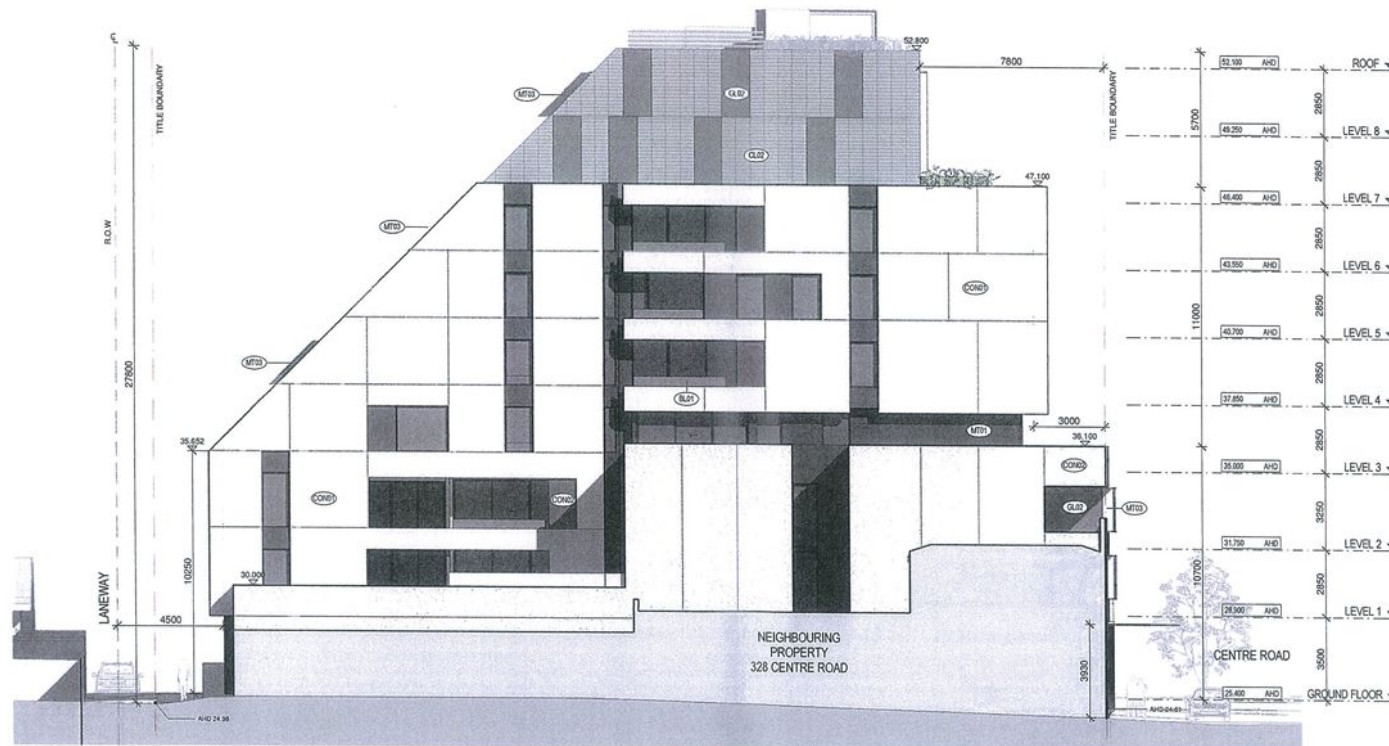
322-328A CENTRE ROAD  
BENTLEIGH

TITLE  
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MATERIAL SCHEDULE	
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CON02	PRECAST CONCRETE - 30% BRIGHTON LIGHT - TEXTURED FINISH
CON03	PRECAST CONCRETE - CHARCOAL INTEGRATED COLOUR
GL01	GLAZING - CLEAR
GL02	GLAZING - GREY BODY TINT
GL03	SHOPFRONT GLAZING - CLEAR
MT01	METAL PANEL - CHARCOAL
MT03	POWDERCOATED METAL SHROUDS - SELECTED COLOUR



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Author's Declaration: I, the undersigned, being a duly qualified and licensed architect, hereby certify that the above is a true and correct copy of the original drawing as submitted to the Council for consideration and approval.

322-328A CENTRE ROAD  
 BENTLEIGH

TITLE  
 ELEVATIONS - EAST

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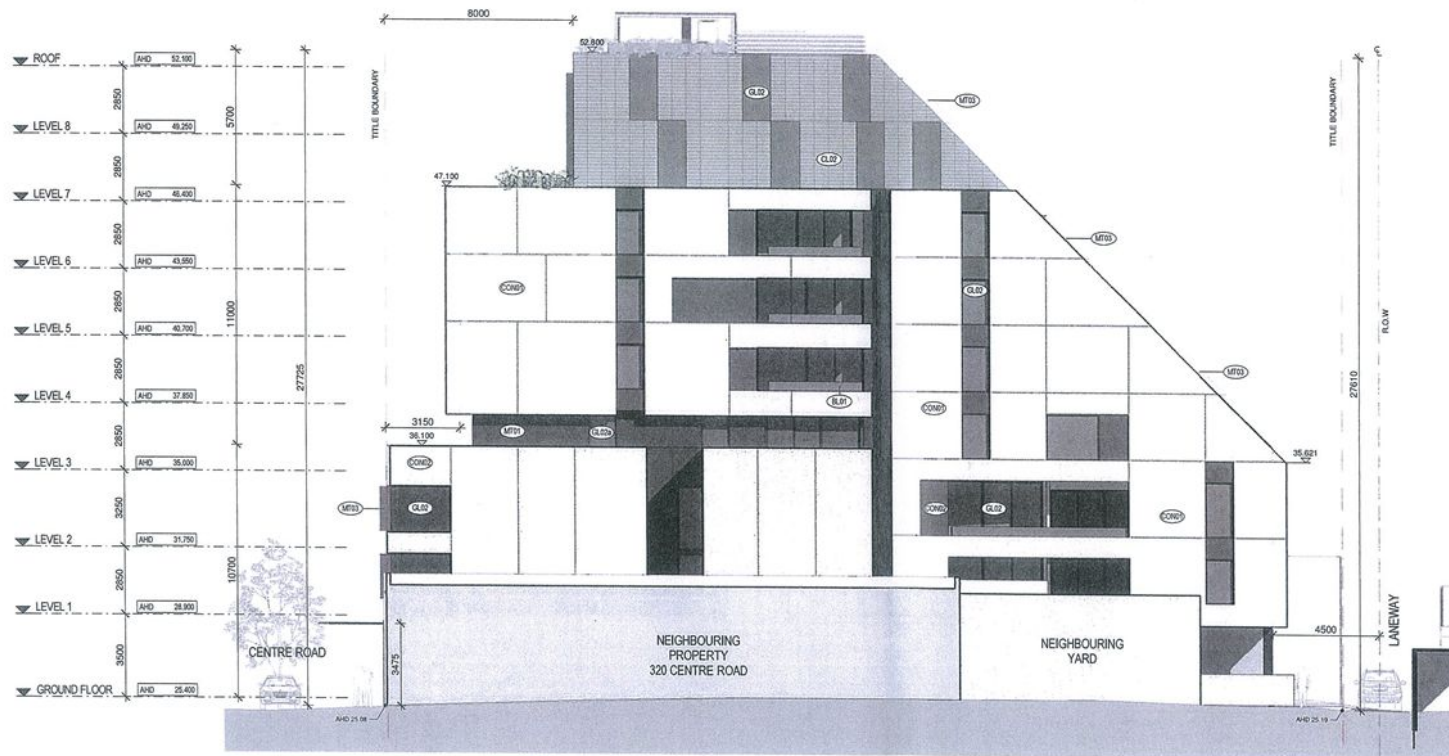
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PROJECT DWG NO TP16



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GL01	GLAZING - CLEAR
GL02	GLAZING - GREY BODY TINT
GL03	SHOPFRONT GLAZING - CLEAR
MT01	METAL PANEL - CHARCOAL
MT03	POWDERCOATED METAL SHROUDS - SELECTED COLOUR



Rev	Description	Date
1	REPLACEMENTS	16.09.2015

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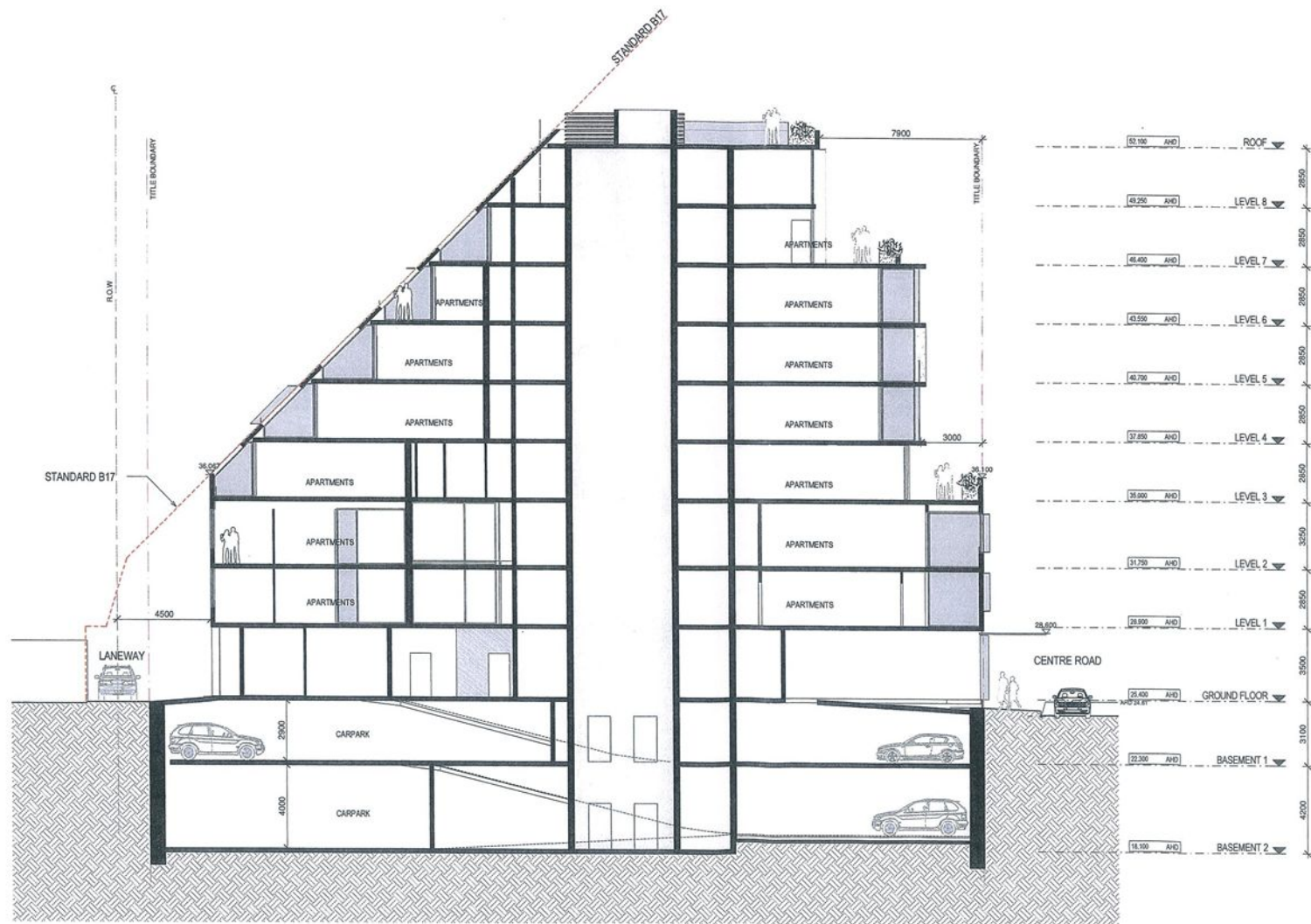
322-328A CENTRE ROAD  
 BENTLEIGH

TITLE  
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322-328A CENTRE ROAD  
 BENTLEIGH  
 16 SEP 2015

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## Item 9.2

**670-672 CENTRE ROAD & 51 BROWNS  
ROAD BENTLEIGH EAST  
APPLICATION NO. GE/PP-28181/2015**

**File No: GE/PP-28181/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning**



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Construction of a part-three and part-five storey building comprising one convenience restaurant, five shops, sixty-seven (67) dwellings and a reduction in the associated car parking requirements
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Neighbourhood character</li> <li>• Car parking and traffic</li> <li>• The intent and objectives of the Commercial 1 Zone and General Residential Zone</li> <li>• Internal amenity</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Housing Diversity Area Policy – Bentleigh East Neighbourhood Centre
<b>APPLICANT</b>	Centreway Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	Commercial 1 Zone General Residential Zone, Schedule 1
<b>EXISTING LAND USE</b>	670-672 Centre Road – vacant (formally Foodies convenience store) 51 Browns Road – single dwelling
<b>PUBLIC NOTICE</b>	29 properties notified 79 notices sent (owners and occupiers) 8 signs erected on site 11 objections received
<b>Application fee payable (fee increased by the State Government in 2009)</b>	\$8,315

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to grant a planning permit for Application No. GE/PP-28181/2015 allowing the land to be constructed for a part-three and part-five storey building comprising one convenience restaurant, five shops, up to sixty-three (63) dwellings, reduction in the associated convenience restaurant and shop car parking requirements, waiver in the loading bay requirements, removal of an easement and alteration of access to a road in a Road Zone, Category 1 in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne
- ResCode

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

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

The key issues influencing the recommendation are as follows:

Background

The portion of the site that consists of 670-672 Centre Road has planning approval for a five-storey building comprising up to 50 dwellings, five shops and a convenience restaurant. This permit was granted at the direction of VCAT in April, 2015. It does not include the residential property at 51 Browns Road. Construction for this approval has not commenced.

**Item 9.2 (cont'd)**

The previous application at 670-672 Centre Road was considered simultaneously by VCAT for the application at 658 Centre Road, which allowed the construction of a four-storey building comprising 45 dwellings, 6 shops and a convenience restaurant. Construction associated with this development has finished.

Planning Policy and Zoning

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

The subject site is located within the Commercial 1 Zone (670-672 Centre Road) and General Residential Zone (51 Browns Road). The site is located within the Bentleigh East Neighbourhood Centre.

The Commercial 1 Zone applies to commercial centres and also allows residential development. No height limit applies within this zone. The General Residential Zone has a 10.5 metre height limit (3 storeys).

The application proposes 67 dwellings, comprising 60 x one bedroom dwellings, 6 x two bedroom dwellings and 1 x three bedroom dwelling. This is considered an inappropriate outcome that fails to afford an adequate level of housing diversity. Conditions of permit are recommended to ensure more two and three bedroom dwellings.

Height, scale and massing

The subject site is made up of two individual land parcels, comprising a total site area of 2,056 square metres.

The application proposes a part five-storey building that will front both Centre Road and Browns Road. The height of the building (16 metres) is commensurate with the previous approval.

The southern portion of the building fronting Browns Road has a building height of 9.3 metres (three-storey building).

The proposed building height is considered acceptable in the context of the development along Centre Road.

Notwithstanding this, the development expectations along Browns Road are lesser due to residential context. Having regard to this, it is recommended that greater setbacks to Browns Road be included to ensure an appropriate level of transition between the General Residential Zone and Commercial 1 Zone. This will necessitate a loss of dwellings.

Amenity impacts to adjoining properties

Due to the site's location, the site has the benefit of relatively non-sensitive interfaces to the north, east and west. Notwithstanding this, the subject site adjoins three dwellings to the south at 49 Browns Road (one double-storey building and two single-storey dwellings). The secluded private open spaces for all three-dwellings adjoin the common boundary of the subject site.

**Item 9.2 (cont'd)**

The proposal is considered to be generally responsive to this interface, with no walls sited the southern boundary, while the side boundary setbacks comply with the State Government Guidelines.

Notwithstanding this, overlooking opportunities from the proposed development exist at first floor. It is recommended that these windows be screened to avoid overlooking as a condition of permit.

Due to the height of the existing boundary fencing, the proposed development will not result in any additional overshadowing of the secluded private open spaces of 49 Browns Road.

Internal amenity

The layout and design of the development will result in functional, well-proportioned dwellings with good access to daylight, direct sunlight and adequately proportioned balconies. The number of dwellings with south facing balconies has been minimised to a reasonable extent based on the orientation and constraints of the site.

Notwithstanding this, a condition of permit is recommended to improve the solar access to rooms and areas that are enclosed from natural daylight.

A condition of permit is recommended to ensure that each dwelling is afforded six cubic metres of storage space.

Parking and Traffic

State Government Guidelines suggest 112 on-site spaces is required. The breakdown requirement is as follows:

- 68 resident spaces (based on 1 car space per 2 bedroom dwelling and 2 car spaces per 3 bedroom dwelling);
- 13 residential visitor spaces (based on 1 space per 5 dwellings);
- 12 convenience restaurant spaces (based on 0.3 spaces per patron); &
- 19 shop spaces (based on 4 spaces per 100 square metres of leasable floor area).

The application proposes 104 car spaces, thereby resulting in a shortfall of 8 spaces. The allocation of the car spaces between the uses is unclear due to the inconsistency between the development plans and traffic report.

The parking provision as proposed has been justified by the permit applicant based on:

- Access to public transport;
- Provision of bicycle parking on site; and
- Availability of on street parking, based on the conclusions of the parking and traffic report prepared by the permit applicant's traffic engineer.

**Item 9.2 (cont'd)**

Council's Transport Planning have advised that the provision of 104 car spaces is appropriate. Coupled with the reduction in the number of dwellings, conditions of permit are recommended to ensure that the allocation between the uses is appropriate for the context. Full compliance for residents and residential visitors car spaces (12) is required, while 13 car spaces are required staff members and 9 car spaces for the customers of the commercial tenancies.

Additionally, a number of conditions are recommended to ensure that vehicles can safely access the site in accordance with the State Government Guidelines.

The application requires the provision of 27 bicycle spaces (14 for residents, 7 for residential visitors and 6 between staff for the convenience restaurant and shop).

The application proposes 28 bicycle spaces within the basement level. Conditions of permit are required to ensure that the design of the bicycle parking spaces is appropriate.

**Remediation works**

The subject site was previously used as a petrol station. Due to the extensive level of basement excavation proposed, it is recommended that an environment audit be undertaken to ensure remediation works are undertaken. This is consistent with the previous planning approval.

**Easement**

The application seeks the removal of an easement adjacent the southern boundary of 670-672 Centre Road. The relevant servicing authority has not objected to the proposed removal of the easement. VCAT has granted approval for the removal of the easement under the current permit. Therefore, the removal of the easement is considered acceptable.

**Management Plan Requirements**

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

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

**ADDRESS: 670-672 Centre Road & 51 Browns Road, Bentleigh East**  
**APPLICATION NO: GE/PP-28181/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Demolition of the existing buildings
- Construction of a part three & part five storey building
- 67 dwellings, comprising 1, 2 and 3 bedroom dwellings
- 6 tenancies, comprising of shops and a convenience restaurant
- 94 car spaces within two levels of basement car parking
- 10 car spaces at ground level
- Maximum building height 16 metres

**2. Public Notice**

- 29 properties notified
- 79 notices sent (owners and occupiers)
- 8 signs erected on site
- 11 objections received

The objectors' concerns are summarised as follows:

- Neighbourhood character
- Traffic and car parking
- Height, massing and bulk
- Overdevelopment
- Cumulative impact of other recently approved developments of this density
- Overlooking
- Noise

**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:

*Asset Engineering*

- All redundant crossovers reinstated.

*Landscape Assessment Officer*

- Post-construction landscaping required

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

- Adequate number of parking spaces proposed.
- Modification to design layout of car parks required.

*Waste Management*

- Private collection required.

**4. Planning Conference**

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

- Cumulative impact of developments in the area will compromise long term car parking and traffic.
- Vehicular and pedestrian safety due to the increase in cars in the area.
- Reduction in loading bay requirements will put further cars on the street.
- Impacts on Council infrastructure.

**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 TP04-TP14 Revision A prepared by Perkins Architects dated August 31 2015) but modified to show:

Car parking

- a) The car parking allocation for each use must be:
  - Not less than one (1) car space per one or two bedroom dwelling;
  - Not less than two (2) car spaces per three (3) or more bedroom dwelling;
  - One residential visitor car space per five dwellings;
  - 13 spaces allocated to the staff of the commercial tenancies (2 per shop and 3 for the convenience restaurant);
  - 9 spaces (on the ground floor) allocated for customers of the commercial properties; and
  - 1 disabled car spaces to be shared between the commercial tenancies.
- b) All accessways, ramp grades, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
- c) The tandem car spaces associated with car spaces 25-30 swapped to allow the 5.4 metre long car spaces adjacent the aisle.
- d) Provision of 800 millimetre blind aisle extensions at the end of all parking bays.
- e) Provision of an intercom system for visitor access to the car park in a location to the satisfaction of the Responsible Authority.

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

- f) The street setbacks (to Browns Road) associated with dwellings B001 and B002, increased by a minimum of 1.0 metre and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- g) The street setbacks (to Browns Road) associated with dwellings B101, B102, B103 increased by a minimum of 1.5 metres and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- h) The street setbacks (to Browns Road) associated with dwellings B201 and B202 increased by a minimum of 2.0 metres and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- i) The street setbacks (to Browns Road) associated with dwelling 3.01 increased by a minimum of 3.0 metres and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- j) Dwellings B001 and B002 amalgamated into a three-bedroom dwelling and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- k) Dwellings B101, 102 and 103 amalgamated into two dwellings and absorbed within the building envelope. One of the dwellings must consist of three bedrooms, with any consequential changes to the satisfaction of the Responsible Authority.
- l) Dwellings B201 and B202 amalgamated into one dwelling and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- m) Dwellings C307 and C308 amalgamated into a three-bedroom dwelling and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- n) The first floor south facing bedroom windows associated with dwellings B103 and B104 fixed with obscure glazing to 1.7 metres above finished floor level, or otherwise to the satisfaction of the Responsible Authority.
- o) The balconies of all dwellings to be a minimum 8 square metres with a 1.6 metre dimension and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- p) Provision of a north facing highlight window for the bedrooms associated with dwellings B301 and B302.
- q) The bathrooms, toilets and ensuites associated with all units on the uppermost floor to have provisions for a skylight (or similar) where no windows or direct access to daylight is provided.
- r) Deletion of boundary fence notations.
- s) Provision of a schedule of construction materials, external finishes and colours (incorporating paint samples).
- t) Each dwelling provided with six cubic metres of storage space.
- u) Nine residential visitor and customer bicycle parking spaces located at ground level and designed to the satisfaction of the Responsible Authority.
- v) Each commercial tenancy provided with accessible toilet facilities within each premises.



**Item 9.2 (cont'd)**

w) A Landscape Plan in accordance with Condition 11.

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

2. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
3. Disabled access to the building must be provided to the satisfaction of the Responsible Authority.

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

4. The amenity of the area must not be adversely affected by the use or development as a result of the:
  - (a) transport of materials, goods or commodities to or from the land; and/or
  - (b) appearance of any building, works, stored goods or materials; and/or
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and/orin any other way, to the satisfaction of the Responsible Authority.
5. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. The Permit holder must ensure that all dwellings within the development are protected from noise associated with any on-site mechanical plant equipment, consistent with the requirements of the State Environment Protection Policy N-1.
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.

**Item 9.2 (cont'd)**

- (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:
- (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. 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) All existing retained vegetation to be identified.
  - (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.

**Item 9.2 (cont'd)**

- (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) 6 smaller trees through the subject site
  - (ii) 3 trees within the front setback of 51 Browns Road
- or 9 trees in locations to the satisfaction of the Responsible Authority.
- Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.
12. The landscaping as shown on the endorsed Landscape Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
13. 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.
14. 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.
15. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
16. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
17. The car parking allocation for the approved development must be:
- Not less than one (1) car space per one or two bedroom dwelling;
  - Not less than two (2) car spaces per three (3) or more bedroom dwelling;
  - One residential visitor car space per five dwellings;
  - 13 spaces allocated to the staff of the commercial tenancies (2 per shop and 3 for the convenience restaurant);
  - 9 spaces (on the ground floor) allocated for customers of the commercial properties; and
  - 1 disabled car spaces to be shared between the commercial tenancies.

**Item 9.2 (cont'd)**

18. Before the development is occupied the provision and design of bicycle parking facilities must comply with Clause 52.34 of the Glen Eira Planning Scheme and AS2890.3-1993 (including the type, location, layout, access paths, signage) or otherwise to the satisfaction of the Responsible Authority. This includes the provision of showers and change rooms when required by Clause 52.34.
19. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
20. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.
21. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note F.
22. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
23. Construction or carrying out of buildings and works associated with the development (excluding remediation works for the purpose of the environmental audit) hereby approved must not occur until, to the satisfaction of the Responsible Authority:
  - A certificate of environmental audit is issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
  - An environmental auditor appointed under the Environment Protection Act 1970 makes a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for the sensitive use.

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

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

**Item 9.2 (cont'd)**

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

Public Transport Victoria conditions

24. The existing bus stop and associated infrastructure on Centre Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.
25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Centre Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

VicRoads Conditions

26. Additional vehicle access to or from any lot must not be achieved directly from Centre Road.
27. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.
28. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings and works hereby approved.
29. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
30. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
  - a. Formed to such levels and drained so that they can be used in accordance with the plan.
  - b. Treated with an all-weather seal or some other durable surface.
31. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto roadway).
32. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6m inside the property to allow vehicles to store clear of Centre Road and Browns Road pavements and footpaths.
33. The removal of easement approval will expire if:
  - Two (2) years after the date of this Permit if the plan of removal of easement is not certified within that time; or
  - Five (5) years after the date of certification of the plan of the removal of easement.

The Responsible Authority may extend the times for expiry of this approval (pertaining to the removal of easement) referred to above if a request is made in writing by the owner or occupier of the subject land before this Permit expires or within six (6) months afterwards.

**Item 9.2 (cont'd)**

34. This use and development Permit will expire if:

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

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

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

**Item 9.2 (cont'd)**Notes:

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

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

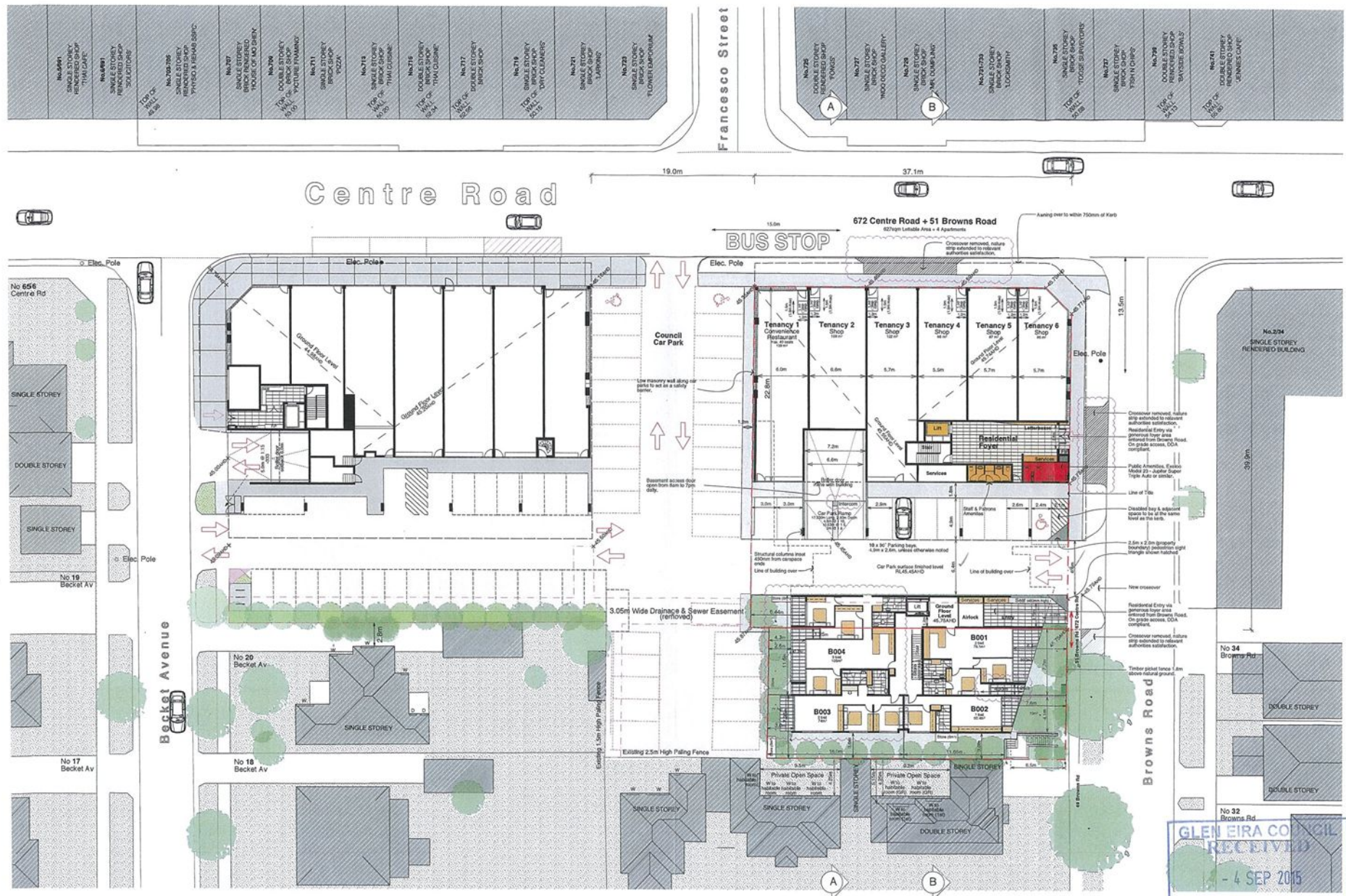
- B. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria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

**Crs Delahunty/Sounness**

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

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





GLEN EIRA COUNCIL  
RECEIVED  
- 4 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT  
P04

**BCentral** Development Group 672 Centre Road + 51 Browns Road, East Bentleigh  
Perkins Architects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Enlo@perkinsarchitects.com.au

Ground Floor Plan 1:200 @ A1  
Date: Aug 31, 2015

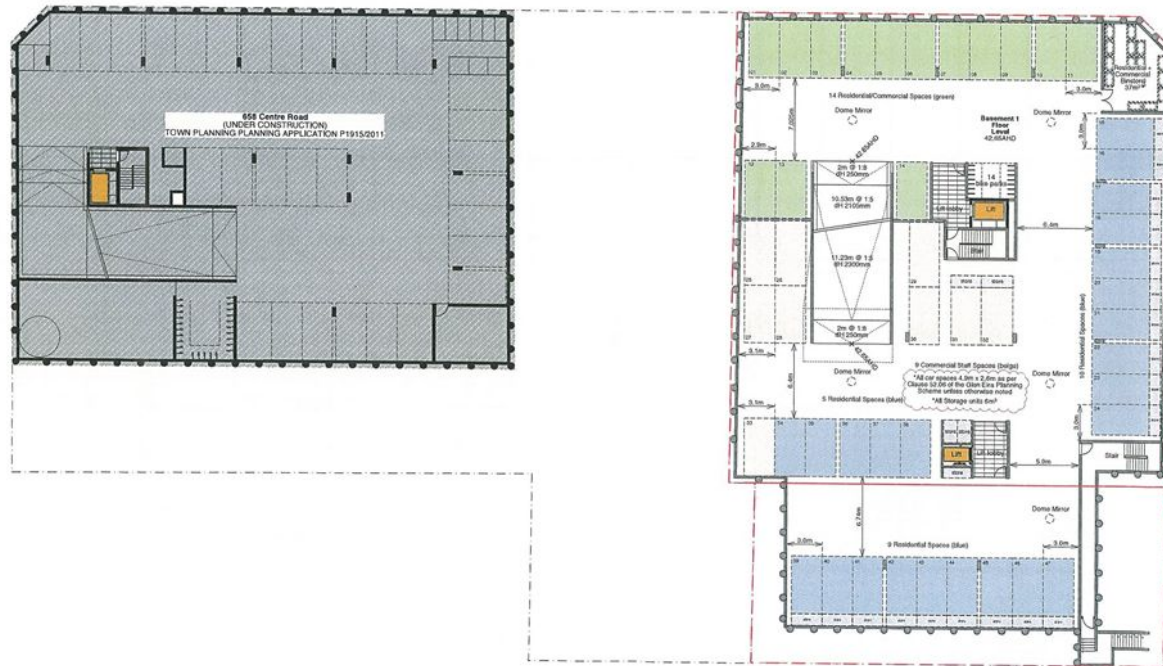
Amend: A - RFI response



Centre Road

Becket Avenue

Browns Road



GLEN EIRA COUNCIL  
RECEIVED  
- 4 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT

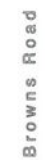
**BCentral** Development Group 672 Centre Road + 51 Browns Road, East Bentleigh

PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

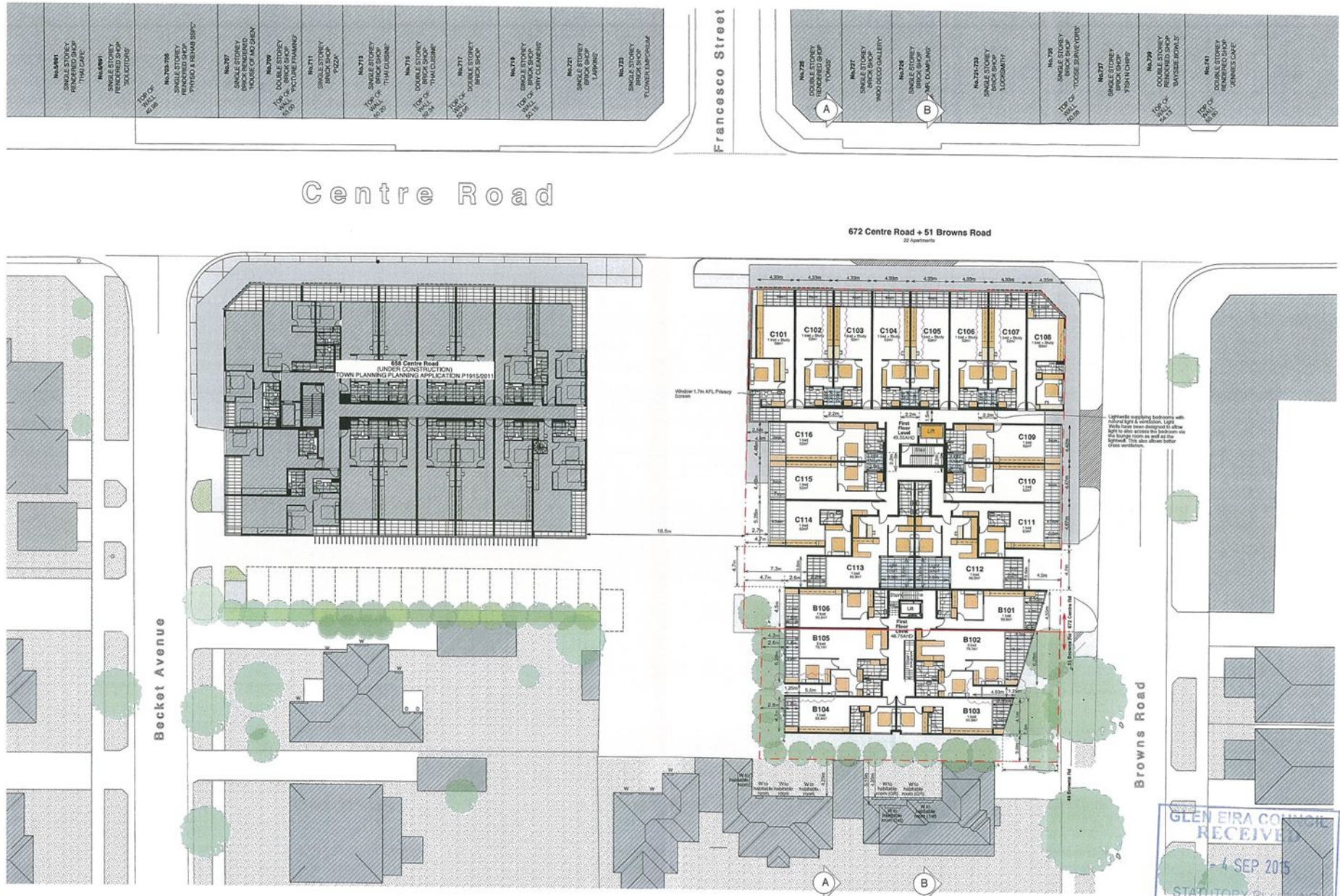
File name: Go C:\PR-tp01-PB-Plans.vax

Basement 1 Upper Plan 1:200 @ A1  
Date: Aug 31, 2015

TP05  
Amend: A - RFI response







**BCentral Development Group 672 Centre Road + 51 Browns Road, East Bentleigh**

PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

File name: G:\C288\p01-P8-P8rns.vwx

**First Floor Plan 1:200 @ A1**  
Date: Aug 31, 2015

Amend: A - RFI response

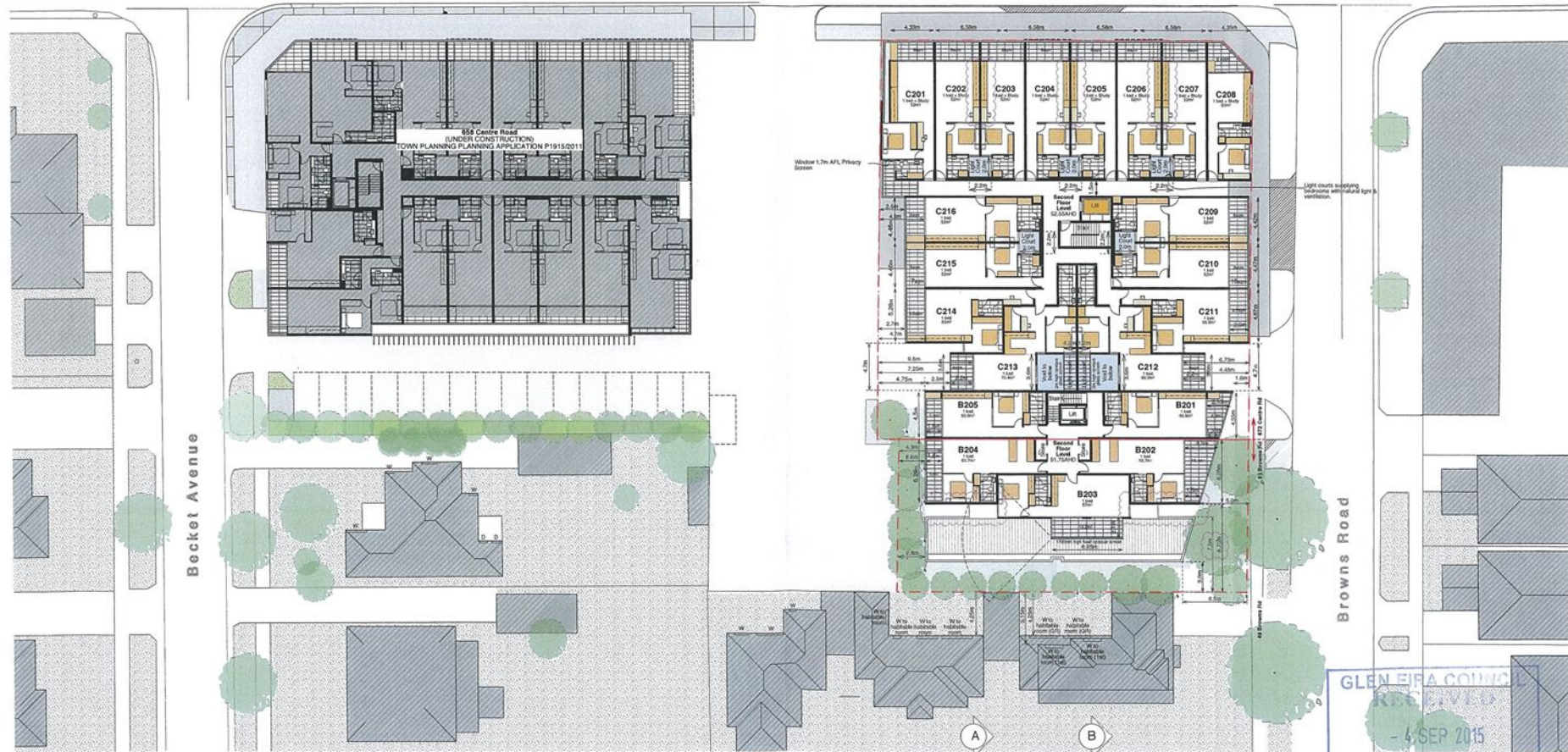




Francesco Street



Centre Road



**BCentral** Development Group 672 Centre Road + 51 Browns Road, East Bentleigh

PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

File name: Go CDRB-tp01-FB-Floor.vwx

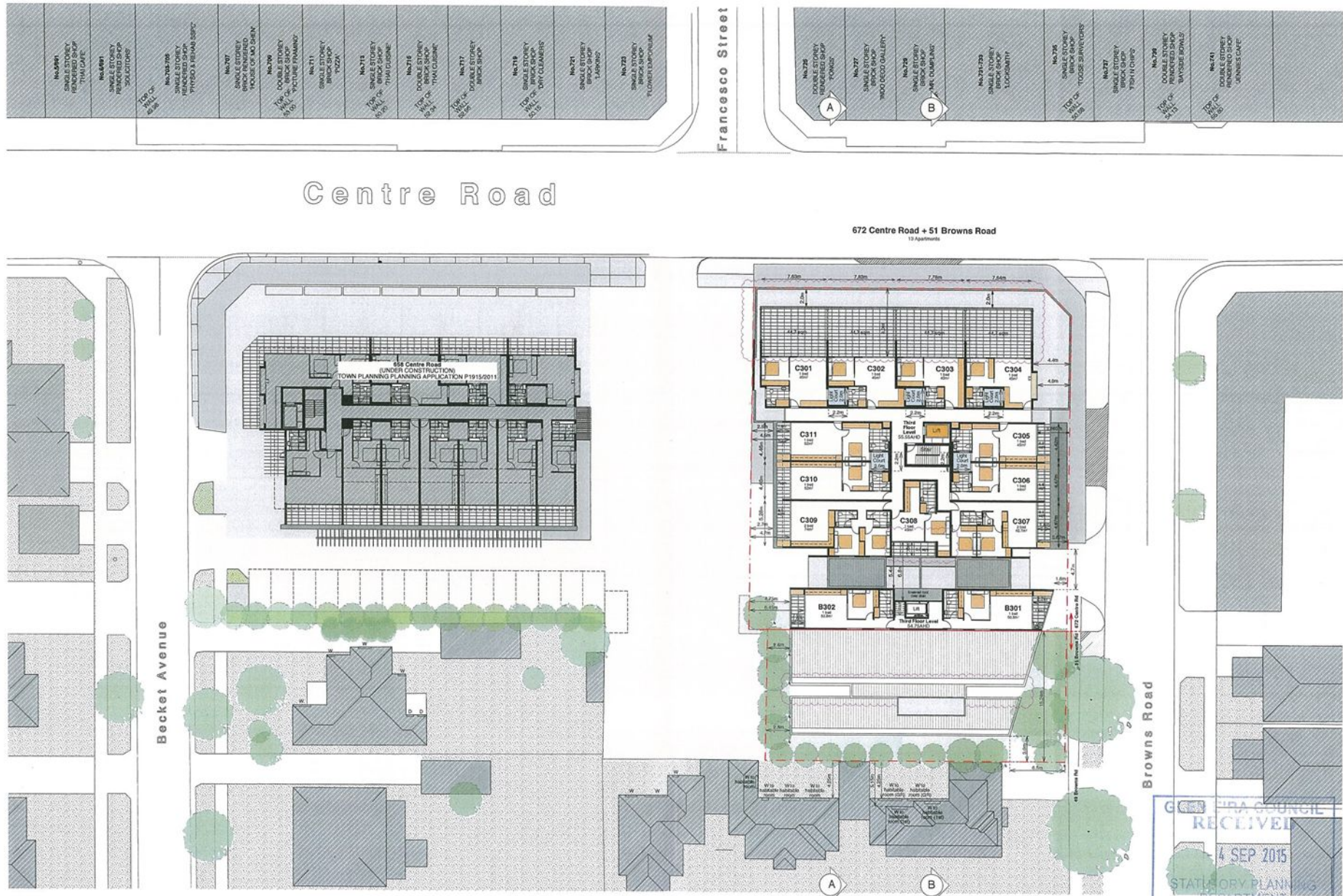
Second Floor Plan 1:200 @ A

Date: Aug 31, 2015

GLEN EIRA COUNCIL  
RECEIVED  
- 4 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT TP08

Amend: A - RFI response





# **BCentral** Development Group 672 Centre Road + 51 Browns Road, East Bentleigh

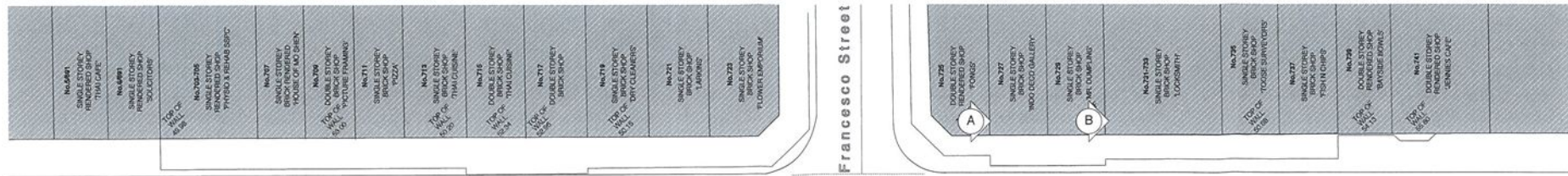
PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

File name: Go C309-g01-03-Plans.rvt

Third Floor Plan 1:200 @ A1  
Date: Aug 31, 2015

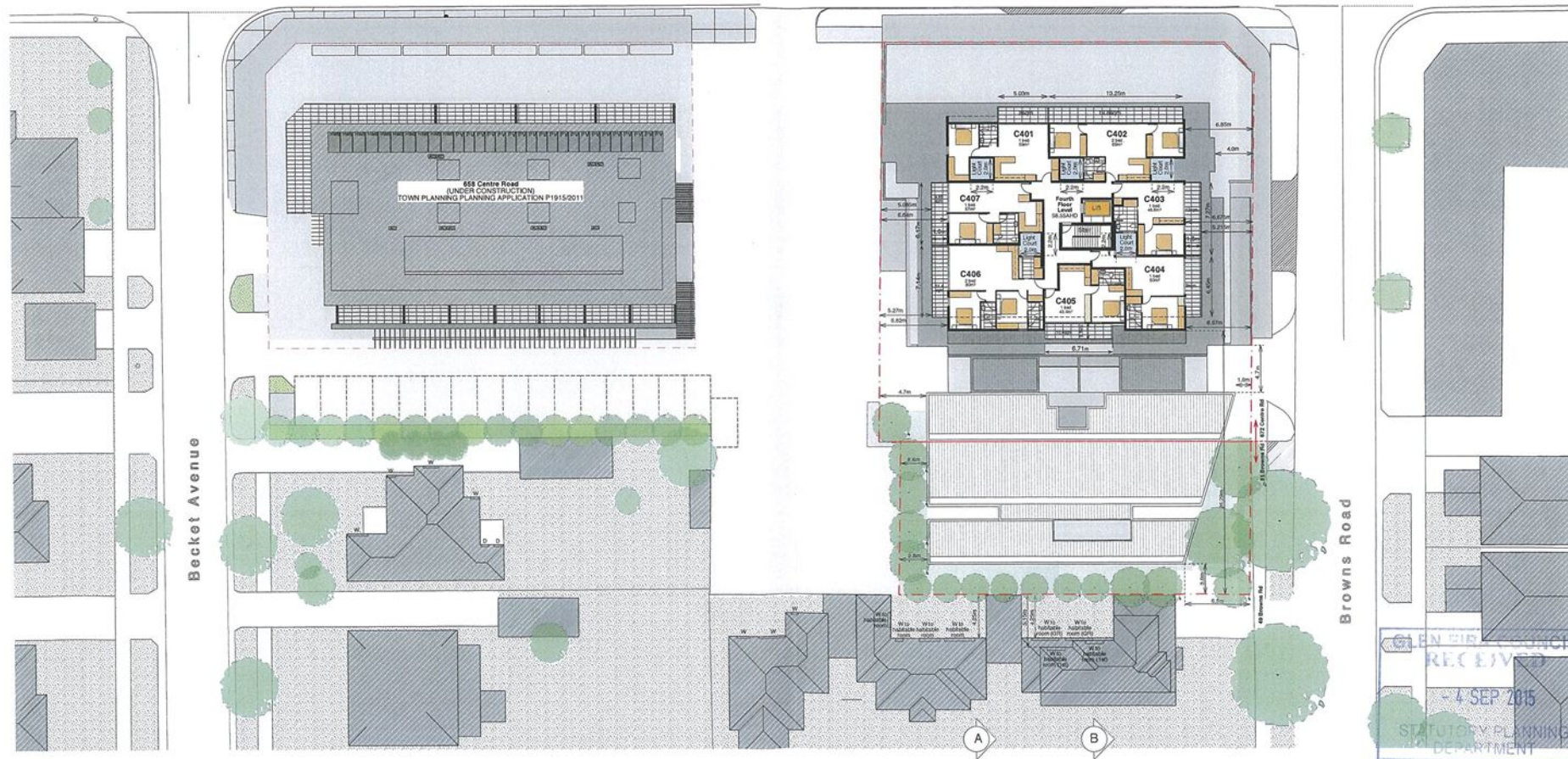
TP09  
Amend: A - RFI response





Centre Road

672 Centre Road + 51 Browns Road  
7 Apartments



**BCentral** Development Group 672 Centre Road + 51 Browns Road, East Bentleigh

PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

File name: Go C389-tp01-P8-Plans.vwx



Fourth Floor Plan 1:200 @ A1  
Date: Aug 31, 2015

**TP10**

Amend: A - RFI response

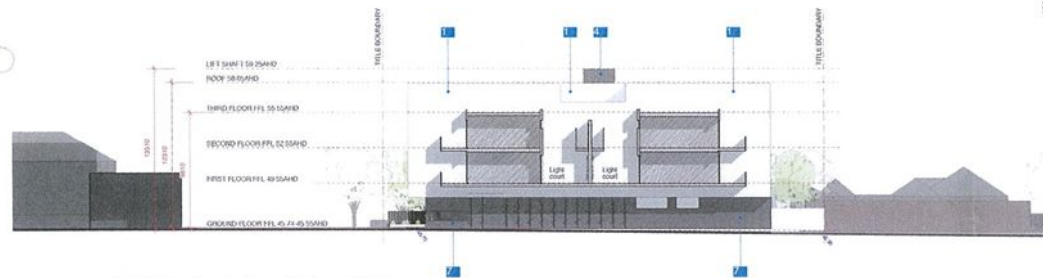








North Elevation Centre Road



North Elevation (looking at 51 Browns Rd building)

#### Material / Colour Schedule

Item	Description	Colour
1	Swiss stone concrete block	Colour: Cream White
2	Coloured precast concrete	Colour: Light Grey
3	Brickwork concrete	Natural Concrete
4	Standing seam metal cladding	Colour: Charcoal
5	Vertical timber cladding	Colour: Medium Natural
6	Timber Natural Pine Cement	Colour: Light Charcoal
7	Rendered concrete	Colour: Charcoal
8	Aluminium facade panels to street level	Colour: Dark Grey Metallic
9	Aluminium facade panels to street level	Colour: Pure White
10	Painted steel	Colour: Dulux 'Domino'
11	Translucent glass balustrade (in aluminium frame)	Colour: White frosted glass in Multiplex Balustrade Frame
12	Clear glass	Clear
13	Aluminium window frames, Colour: Anthracite Grey	Colour: Matt Black
14	Mosaic tiled roof	Colour: Black
15	Clay with painted metal backing	Colour: Light Green
16	Coloured structural off form concrete	Colour: Charcoal



View from corner of Centre Road and Browns Road



View from corner of Centre Road and Council carpark

## BCentral Development Group 672 Centre Road + 51 Browns Road, East Bentleigh

PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

File name: Go-CR69-1001-F6-Elevations.vax

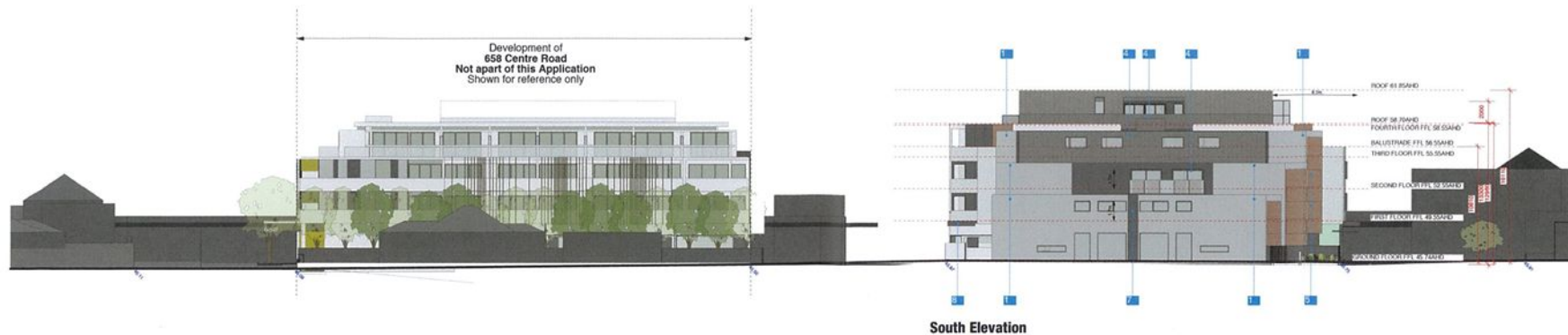
Elevations / 3D Views approx 1:200 @ A1  
Date: 26 Jun 2015

TP13

Amend: TP Application

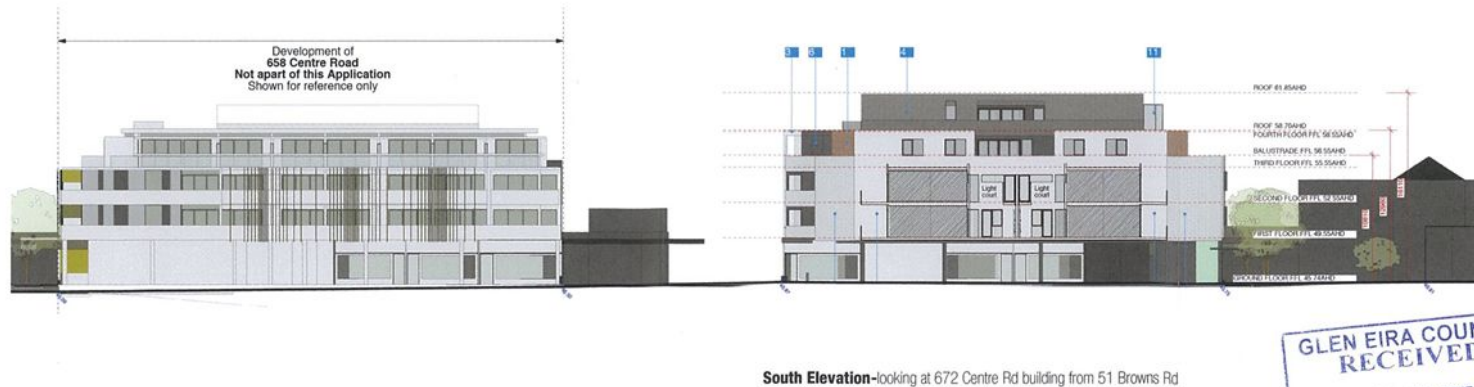






#### Material / Colour Schedule

Switch	Description	Colour
1	Rendered concrete finish 1.	Colour: White
2	Coloured precast concrete	Colour: Light Grey
3	Shaded off form concrete	Natural Concrete
4	Standing seam metal cladding	Colour: Charcoal
5	Vertical timber cladding	Colour: Medium natural timber stain
6	Coloured Natural Fibre Cement Facade Panel	Colour: Light Charcoal
7	Rendered concrete	Colour: Charcoal
8	Aluminium fence panels to street setting	Colour: Dark Grey Metallic
9	Aluminium fence panels to street setting	Colour: Pure White
10	Painted steel	Colour: Dulux 'Domino'
11	Translucent glass infill in aluminium frames	Colour: White frosted glass in Meltopia Bronze Paint Frame
12	Clear glass	Clear
13	Aluminium window frames, Dulux powdercoat finish	Colour: Meltopia Bronze Paint
14	Mosaic tiled roof	Colour: Black
15	Glass with painted colour backing	Colour: Light Green
16	Coloured shaded off form concrete	Colour: Charcoal



**BCentral** Development Group 672 Centre Road + 51 Browns Road, East Bentleigh

PerkinsArchitects 153 High Street Prahran 3181 P9510 9697 F9510 8858 Einfo@perkinsarchitects.com.au

File name: Go CPER-1001-16-Elevations.vsx

Elevations / 3D Views approx 1:200 @ A1  
Date: 26 Jun 2015

TP15  
Amend: TP Application



## Item 9.3

**37-39 NICHOLSON STREET BENTLEIGH**  
**APPLICATION NO. GE/PP-28191/2015**

**File No: GE/PP-28191/2015**  
**Enquiries: Rocky Camera**  
**Acting Manager Statutory Planning**



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

<b>PROPOSAL</b>	Construction of a part three, part four-storey building comprising ten (10) dwellings
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Neighbourhood Character</li> <li>• Amenity impacts on adjoining properties</li> <li>• The intent and objectives of the Residential Growth Zone</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Bentleigh Urban Village
<b>APPLICANT</b>	San Chuan (Australia) Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	Residential Growth Zone
<b>EXISTING LAND USE</b>	Two single dwellings
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 11 properties notified</li> <li>• 40 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

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No. GE/PP-28191/2015 allowing the construction of a part three, part four-storey building comprising ten (10) dwellings above basement level 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 Villages Policy – Adopted by Council on 6 January 2016 and approved by the Minister on 19 January 2006.

**4. Reasons For Recommendation**

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

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

The key issues influencing the recommendation are as follows:

Planning Policy and Zoning

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

The subject site and all surrounding properties are located within the Residential Growth Zone and the Bentleigh Urban Village. The Residential Growth Zone allows for the consideration of a building up to 13.5 metres (four storeys).

It is considered that the proposed development is an appropriate outcome having regard to the policy context.

**Item 9.3 (cont'd)**Height, scale and massing

The subject site is made up of two individual land parcels, yielding a total site area of 1,249 square metres. The four-storey component of the site is relatively small in area (only associated with one dwelling) and is located centrally to the site.

The proposal has a maximum building height of 13.1 metres (below the 13.5 metre building height maximum). This is considered acceptable in the policy context and prevailing developments.

The proposal is well articulated and will present as two separate buildings to the Nicholson streetscape and adjoining properties. This ensures that the cumulative impact of the scale and massing of the proposal is acceptable

Amenity impacts to adjoining properties

The proposal is considered to be generally responsive to its residential interfaces, with no walls on boundaries proposed. A small area of the second floor associated with dwelling G08 does not comply with the setback requirements. This is recommended to be rectified as a condition of permit.

Further conditions of permit area recommended ensuring that the setbacks across all levels are increased to the most sensitive interfaces (in particular to the north and west) which are characterised by open space areas for the adjoining dwellings.

Similarly, the extent of paving and decking areas adjacent the southern and western property boundaries is recommended to be reduced to allow for greater landscaping opportunities.

The development has been designed to avoid any unreasonable overlooking of adjoining properties. However, the privacy screening annotations detailed on the plans do not accurately comply with the State Government Guidelines. This will be rectified as a recommended condition of permit.

The overshadowing impacts of the proposed development are minimal and will comply with the State Government Guidelines.

Internal amenity

The layout and design of the development will result in functional, well-proportioned dwellings with good access to daylight, direct sunlight and adequately proportioned balconies.

Each dwelling has provisions for individual lifts to ensure accessibility between levels for people with limited mobility.

A condition of permit is recommended to ensure that entrances to each dwelling are provided with some shelter to improve the sense of address.

Parking and Traffic

State Government guidelines suggest 19 on site spaces for the dwellings based on 1 car space per 2 bedroom dwelling and 2 car spaces per 3 bedroom dwelling. A total of 20 spaces are provided on site for the resident parking, while two additional visitor car spaces are provided in accordance with the guidelines.

**Item 9.3 (cont'd)**

A condition of permit is required to allow for a splay area on both sides of the vehicle accessway to ensure safe vehicle access. This can be accommodated without a total redesign of the vehicle accessway.

State Government Guidelines suggest the provision of three bicycle spaces (two for residents and one for visitors). No areas of bicycle parking area indicated on the plans. This is recommended to be rectified as a condition of permit.

Management Plan Requirements

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

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

**ADDRESS: 37-39 Nicholson Street, Bentleigh**  
**APPLICATION NO: GE/PP-28191/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Demolition of the two existing dwellings
- Basement car parking comprising of 22 car spaces (two for each dwelling) plus two visitor car spaces
- 10 dwellings consisting of:
  - One (1) x two bedroom dwelling
  - Six (6) x four bedroom dwellings
  - Three (3) x five bedroom dwellings
- Vehicular access adjacent southern property boundary
- 55% site coverage.
- Maximum overall building height of 13 metres.

**2. Public Notice**

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

The objectors' concerns are summarised as follows:

- Overlooking and noise
- Overshadowing
- Neighbourhood character

**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:

*Asset Engineering*

- All redundant crossovers reinstated

*Landscape Assessment Officer*

- 13 trees required throughout the site post-construction.



**Item 9.3 (cont'd)***Transport Planning*

- Adequate number of parking spaces proposed.
- Modification to design layout of car parks required.

*Waste Management*

- Council collection required.

**4. Planning Conference**

The Conference, chaired by Cr Esakoff, provided a forum where all interested parties could elaborate on their respective views. The objector did not attend the meeting.

**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 TP04-TP10 Revision 2 prepared by Stoll Long Architects and dated 7.8.15) but modified to show:

**Car park and access**

- a) The proposed vehicle crossover shifted north approximately 1.2 metres to allow for the provision of a 2.0 metre wide splitter island between the subject site and 35 Nicholson Street. The first 2.5 metres of the driveway is to align accordingly, with any consequential changes to the satisfaction of the Responsible Authority.
- b) All accessways, ramp grades, kerbs and car spaces designed and dimensioned in accordance with Clause 52.06 of the Glen Eira Planning Scheme.
- c) Provision of pedestrian sight triangles measuring 2.5 metres along the accessway and 2.0 metres along the property frontage on both sides of the vehicle accessway. No objects greater than 600 millimetres in height can be located in these areas.
- d) Provision of a convex mirror on the angled wall to the south-east of the car spaces associated with dwelling G03.

**General**

- e) All first and second floor south and west facing habitable room windows and balconies screened in accordance with ResCode Standard B22 (overlooking). The screening methods must be clearly delineated on the floor plans and elevations.
- f) The ground floor northern boundary setback of the living area associated with dwelling G06 increased to a minimum of 2.5 metres and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- g) The ground floor northern boundary setback of the kitchen associated with dwelling G08 increased to a minimum of 2.5 metres and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.

**Item 9.3 (cont'd)**

- h) The first floor south-western bedroom associated with dwelling G03 setback a minimum of 4.5 metres from the western boundary and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- i) The first floor north-western bedroom associated with dwelling G06 setback a minimum of 4.5 metres from the western boundary and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- j) The first floor north-western bedroom associated with dwelling G08 setback a minimum of 3.8 metres from the northern boundary and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- k) The second floor built form (including balconies) associated with dwelling G08 setback a minimum of 4.5 metres from the northern boundary and absorbed within the building envelope. Any consequential changes are to the satisfaction of the Responsible Authority.
- l) The ground floor decking area of all dwellings adjacent the western property boundary setback a minimum of 1.5 metres from the western property boundary. This area is to remain clear for landscaping purposes.
- m) The ground floor paving area of dwellings G01 and G02 setback a minimum 1.5 metres from the southern property boundary. This area is to remain clear for landscaping purposes.
- n) Removal of indicative landscaping from the development plans.
- o) Provision of a porch feature over the entrances of each dwelling.
- p) Provision of visitor bicycle parking in a location to the satisfaction of the Responsible Authority in accordance with Clause 52.34 of the Glen Eira Planning Scheme.
- q) The location of any substation (if required) to be clearly show on the plans and integrated within the building envelope, basement or basement ramp to the satisfaction of the Responsible Authority;
- r) Deletion of boundary fence notations.
- s) A notation on the plans that written confirmation by a Licensed Land Surveyor will be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
- t) A schedule of construction materials, external finishes and colours (incorporating paint samples).
- u) Delineation of separate Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) for the neighbouring Juniper trees within 41 Nicholson Street (identified as trees 1 and 2 within the Galbraith & Associates arborist report dated 22 June 2015) at a radius of 2.0 metres from the base of each trunk.
- v) Delineation of root sensitive at / above grade paving where any part of paving / drive comes within 2.0 metre radius of the neighbouring Juniper trees sited within 41 Nicholson Street (identified as trees 1 and 2 within the Galbraith & Associates arborist report dated 22 June 2015).

**Item 9.3 (cont'd)**

- w) Provision of a landscape plan in accordance with Condition 4.

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

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required.
3. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 13.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
4. 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) Front setback; x 5 trees
    - (ii) Throughout the site; x 6 trees
    - (iii) 2 trees within a raised planter box in the central communal courtyard.  
Planting volumes of the planter boxes (including length, width and depth) are to be specified.

or 13 trees in locations to the satisfaction of the Responsible Authority.  
Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.
5. 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.
6. 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.

**Item 9.3 (cont'd)**

7. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the neighbouring Juniper trees located within 41 Nicholson Street at a radius of 2.0 metres from the base of the trunk to define their 'tree protection zone'.

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.

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.

8. Root sensitive at / above grade paving such as 'on-ground' or no-dig' paving (or similar) are to be used where any part of the proposed paving comes within 2.0 metre radius of the neighbouring Juniper trees sited within 41 Nicholson Street.
9. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
10. 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 4.5 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.
11. 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.

**Item 9.3 (cont'd)**

12. No excavation is to come within 3.2 metres of the existing street tree 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.
13. Car parking allocated at the following rates:
  - 1 and 2 bedroom dwellings – 1 car space per dwelling.
  - 3 or more bedroom dwellings – 2 car spaces per dwelling.
  - Visitors (residential) – 1 car space per 5 dwellings.
14. 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.
15. 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.
16. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
  - (a) Delivery and unloading points and expected frequency;
  - (b) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (c) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (d) Any requirements outlined within this permit as required by the relevant referral authorities;

**Item 9.3 (cont'd)**

- (e) Hours for construction activity in accordance with any other condition of this permit;
  - (f) Measures to control noise, dust, water and sediment laden runoff;
  - (g) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (h) Any construction lighting to be baffled to minimise intrusion on adjoining lots.
17. Prior to the 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.
18. 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.
19. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
20. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.
21. Privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.

**Item 9.3 (cont'd)**

22. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that “Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)”. The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
23. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.
24. 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.

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Conditions End

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

- A. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment. If other modifications are proposed, they must be identified and be of a nature that 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 150mm of the title boundary as per the definition in Clause 55.04-2 of the Glen Eira Planning Scheme. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968, i.e. Council will not deliberate on which option prevails but rather the permit holder and adjoining owners will need to cooperatively resolve which of the above outcomes is mutually acceptable.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

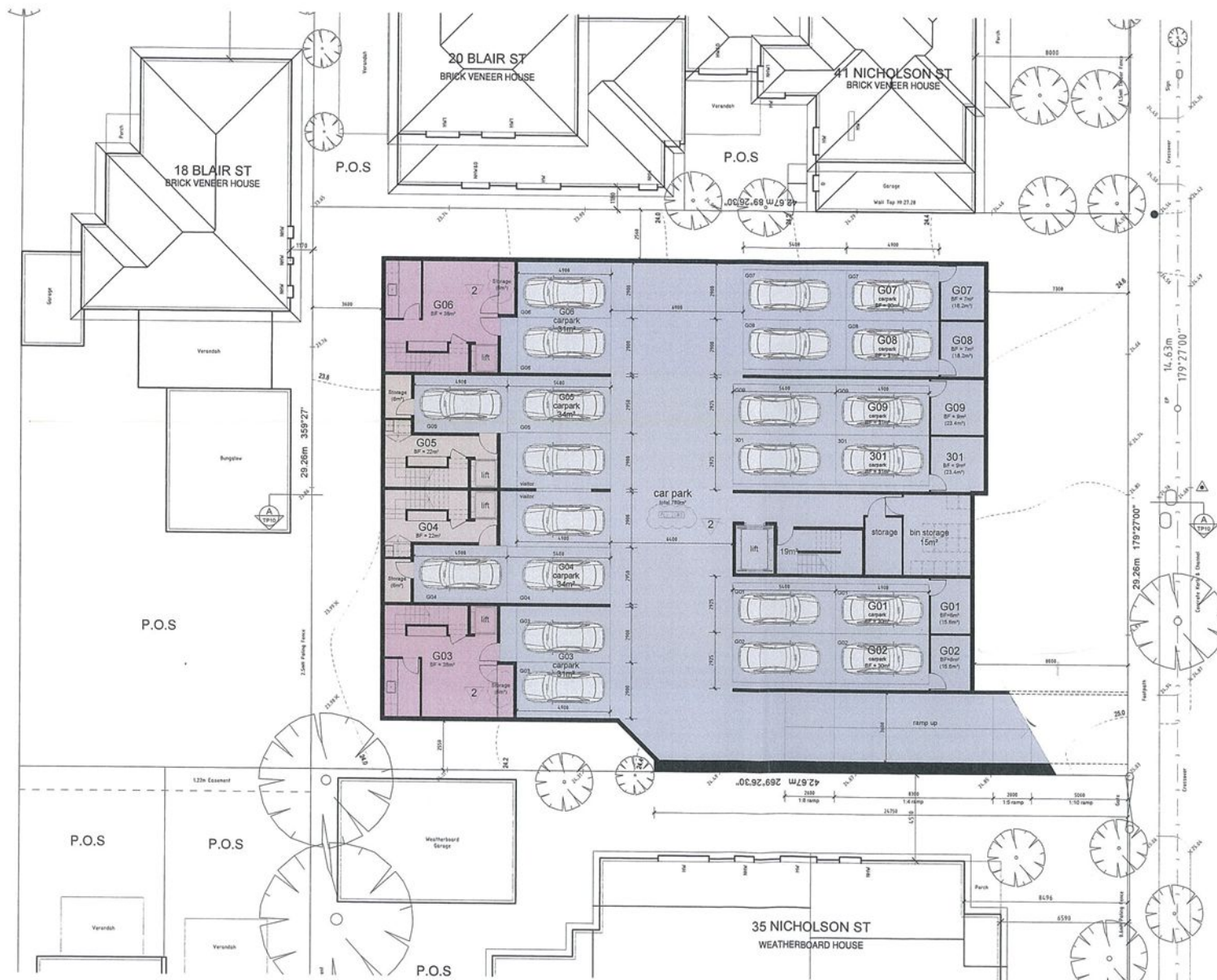


**Item 9.3 (cont'd)**

**Crs Magee/Esakoff**

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

**The MOTION was put and CARRIED.**



NO.	DATE	DESCRIPTION
1	15.08.15	Issued for construction
2	24.08.15	TP submission
3	27.08.15	Amendment for TP 001

TOWN PLANNING DRAWING  
NOT FOR CONSTRUCTION

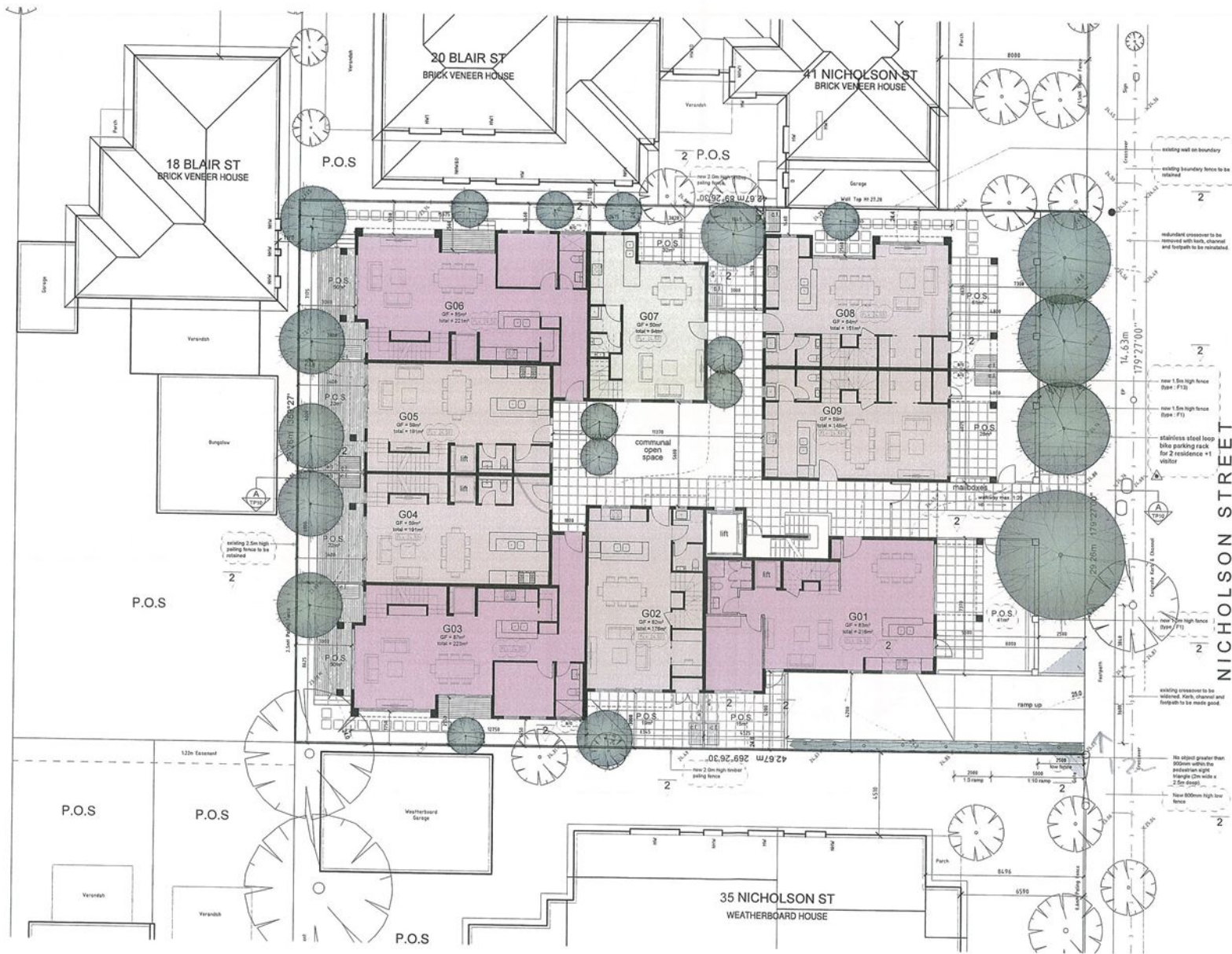
**stoll long** architecture  
99 Drummond Street  
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e sla@stoll-long.com.au  
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PROJECT NAME  
Residential Development  
at  
No. 37-39 Nicholson Street  
Bentleigh

CLIENT  
Sanc Group

DRAWING TITLE  
Basement Floor Plan

DWG NO	REVISION
TP04	2
PROJECT NO.	151086
FILE	151086/1086-TP03-0
SCALE	1:100 (A1, 1:200 (A3)
DRAWN	DL, KE
CHECKED	CS



DEVELOPMENT SUMMARY				
	2 Bed Townhouse	4 Bed Townhouse	5 Bed Townhouse	4 Bed Apartment
Total	1	5	3	1

Total of 9 townhouses & 1 apartment  
 Carpark with 22 carspaces  
 Total Site Area = 1246m<sup>2</sup>  
 Total Building Area = 689m<sup>2</sup>  
 Site Coverage = 54.8%  
 Impervious Surface = 929m<sup>2</sup> (74.4%)

Area Schedule (in m <sup>2</sup> )			
	Townhouse / Apartment Total Area	Carpark & Storage	P.O.S.
G01	216	36	73
G02	176	36	27
G03	223	31	50
G04	193	34	35
G05	193	34	35
G06	221	31	50
G07	94	37	32
G08	150	38	82
G09	146	40	50
Apartment 301	128	40	40

REVISIONS		
NO	DATE	DESCRIPTION
1	17.05.15	Issued for Approval
2	25.05.15	TP Submission
3	27.05.15	Amendment for TP 601

TOWN PLANNING DRAWING  
NOT FOR CONSTRUCTION

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 w www.stallion-long.com.au

PROJECT NAME  
 Residential Development  
 at  
 No. 37-39 Nicholson Street  
 Bentleigh

CLIENT  
 Sanc Group

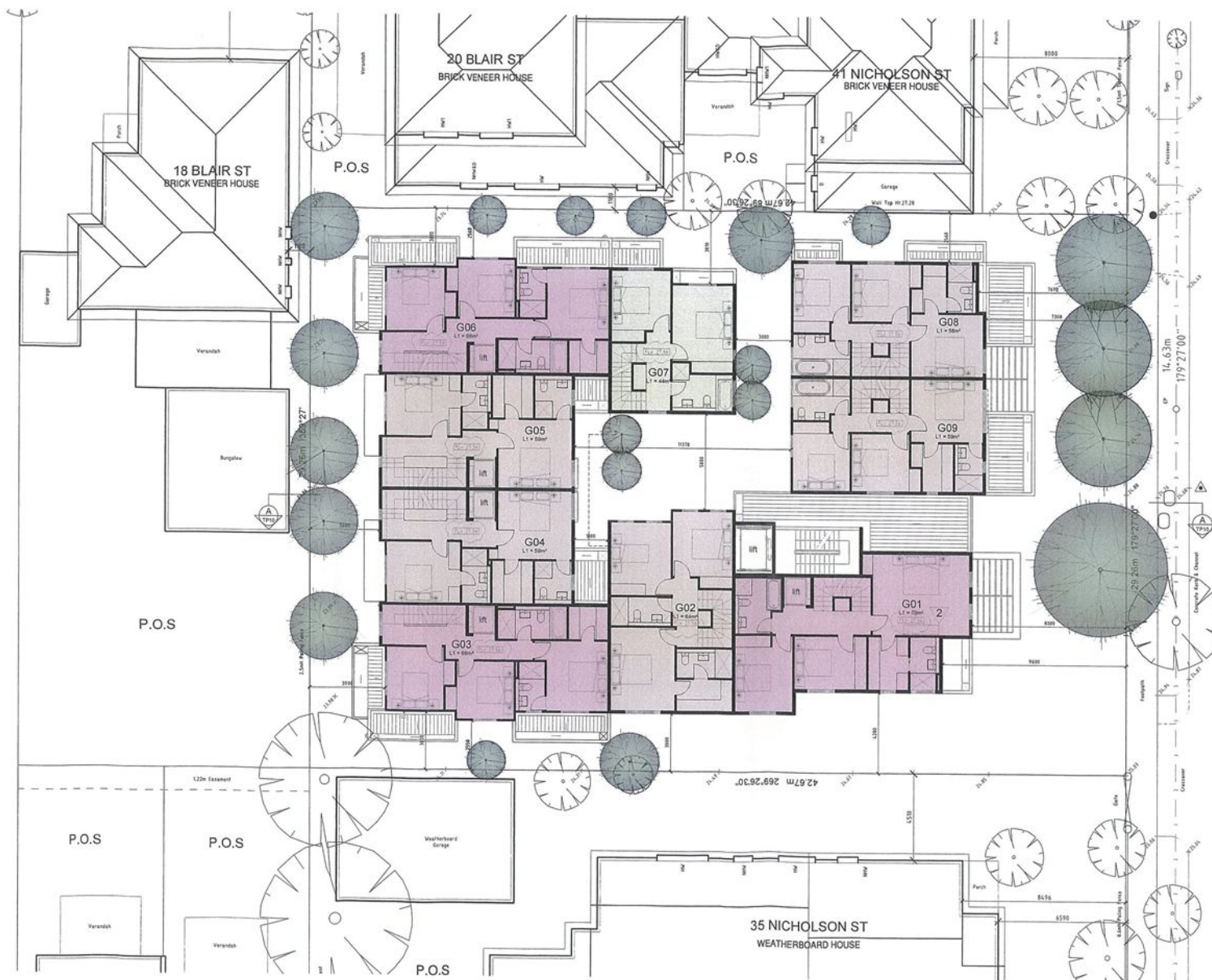
DRAWING TITLE  
 Ground Floor Plan

DWG NO  
**TP05**

REVISION  
**2**

PROJECT NO. 151884  
 FILE 151884/151884-TP01-0  
 SCALE 1:100 (A1, 1200x900)  
 DRAWN DL, KC  
 CHECKED CS





REVISIONS		
NO	DATE	DESCRIPTION
0	15/08/16	Issued for development
1	24/08/16	TP submission
2	27/08/16	Amendment for TP 401

TOWN PLANNING DRAWING  
NOT FOR CONSTRUCTION

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PROJECT NAME  
 Residential Development  
 at  
 No. 37-39 Nicholson Street  
 Bentleigh

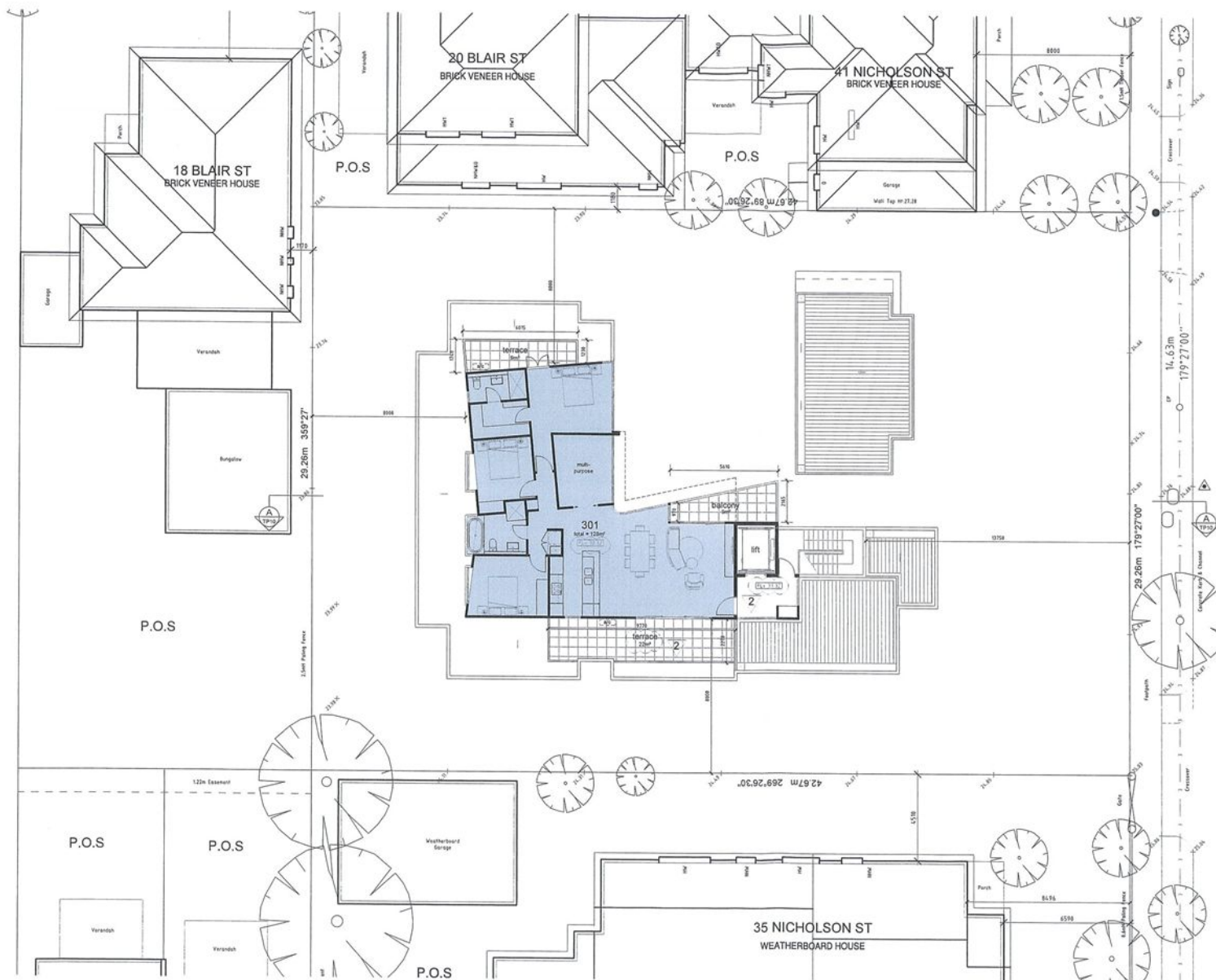
CLIENT  
 Sanc Group

DRAWING TITLE  
 Level 1 Floor Plan

DWG NO	REVISION
TP06	2
PROJECT NO.	151086
FILE	151086/1086-TP03-0
SCALE	1:100 (A1, 1:200 (A3)
DRAWN	DL, KC
CHECKED	CS







NO.	DATE	DESCRIPTION
1	17.05.05	Issued for discussion
2	20.05.05	TP submission
3	27.08.05	Amendment for TP 001

TOWN PLANNING DRAWING  
NOT FOR CONSTRUCTION

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PROJECT NAME  
 Residential Development  
 at  
 No. 37-39 Nicholson Street  
 Bentleigh

CLIENT  
 Sanc Group

DRAWING TITLE  
 Level 3 Floor Plan

DWG NO	REVISION
TP08	2
PROJECT NO.	15084
FILE	15084/1086-TP03-2
SCALE	1/80@A1 1/200@A3
DRAWN	DL, KE
CHECKED	CS



#### FINISHES SCHEDULE



- F1 Face brickwork - Bondi Stone Express
- F2 Precast concrete with texture finish
- F3 Select render & paint finish to external wall. Colour - Resene Half Tea 955-015-083
- F4 Select render & paint finish to external wall. Colour - Purity 923-007-254
- F5 Steelwork to be painted Resene Fendley 923-007-254
- F6 Selected cladding with exposed joints, paint finish. Paint colour Resene Brown Bramble or 8038-044-024
- F7 Metal roof Colorbond Woodland Grey custom sub.
- F8 1.7m high glass balustrade.
- F9 1.7m high obscure glass balustrade.
- F10 Concrete cladding with exposed joints, paint colour - Resene Ashburn 955-004-005
- F11 New 2.0m timber paling fence
- F12 New 1.5m timber paling fence
- F13 Max. 1.5m high metal clad fence/gate
- F14 Existing timber fence retained
- F15 Max. 1.8m high metal clad fence/gate
- F16 Stainless steel infill sheet
- F17 Stainless steel infill sheet
- F18 Stainless steel infill sheet
- F19 Stainless steel infill sheet
- F20 Stainless steel infill sheet

#### GENERAL NOTES

- G1 All typical external doors & windows to be made of black powdercoated aluminium frames unless stated otherwise.
- G2 All typical external windows and glazed doors to have clear glass unless stated otherwise.
- G3 All rainwater heads and downpipes to be painted to match adjacent wall unless stated otherwise.
- G4 All roof and gutters to be Colorbond Woodland Grey unless stated otherwise.

#### REVISIONS

NO.	DATE	DESCRIPTION
1	15.05.20	Issued for discussion
2	26.05.20	TP submission
3	01.06.20	Amendment for TP 091

#### TOWN PLANNING DRAWING NOT FOR CONSTRUCTION

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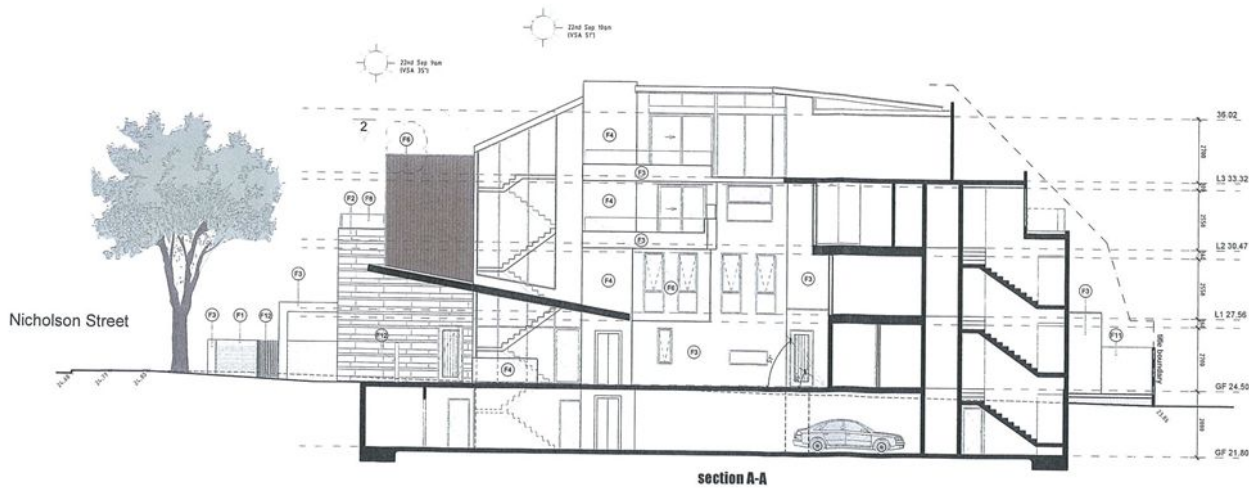
PROJECT NAME  
**Residential Development  
at  
No. 37-39 Nicholson Street  
Bentleigh**

CLIENT  
**Sanc Group**

DRAWING TITLE  
**Proposed Streetscape Elevation  
Elevations**

DWG NO	REVISION
<b>TP09</b>	<b>2</b>
PROJECT NO. 15186	
FILE 15186/MS-TP09-1	
SCALE as shown	
DRAWN DL, KZ	
CHECKED CS	





REVISIONS		
NO	DATE	DESCRIPTION
1	15/06/15	Issue for discussion
2	25/06/15	TP submitted
3	07/08/15	Amendment for TP 01

TOWN PLANNING DRAWING  
NOT FOR CONSTRUCTION

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w [www.stallion-long.com.au](http://www.stallion-long.com.au)

PROJECT NAME  
Residential Development  
at  
No. 37-39 Nicholson Street  
Bentleigh

CLIENT  
Sanco Group

DRAWING TITLE  
Elevations  
Section A-A

DWG NO  
**TP10**

REVISION  
**2**

PROJECT NO. 151086  
FILE 151086/1086-TP09-0  
SCALE 1:100 (A1, 1200x900)  
DRAWN DL, KE  
CHECKED PK

## Item 9.4

11 - 13 Bent Street BENTLEIGH  
APPLICATION NO. GE/PP-28491/2015

File No: GE/PP-28491/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	A four storey building containing 34 dwellings above basement car park and a reduction in the standard car parking requirement
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Car parking and traffic</li> <li>• Impacts to the street</li> <li>• Construction management (given impending upgrade to railway infrastructure)</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Urban Villages Policy
<b>APPLICANT</b>	Urbis Pty Ltd
<b>PLANNING SCHEME CONTROLS</b>	<ul style="list-style-type: none"> <li>• Residential Growth Zone</li> </ul>
<b>EXISTING LAND USE</b>	Two blocks each containing three (3) units
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 10 properties notified</li> <li>• 37 notices sent (owners and occupiers)</li> <li>• 2 signs erected on site</li> <li>• 2 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$5088

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

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

**2. Recommendation**

That Council:

- Issues a Notice of Decision to Grant a Planning Permit for Application No.GE/PP-28491/2015 allowing the construction of a four storey building containing up to 34 dwellings above basement car park and a reduction in the standard car parking requirement 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 Villages Policy – Adopted by Council on 18 October 2003 and approved by the Minister on 28 October 2004

**4. Reasons For Recommendation**

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

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

The key issues influencing the recommendation are as follows:

Zoning and Height

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 proposed height of the building is 12.8 metres to the top of the parapet, with a lift overrun/plant screen extending beyond this (overall height of 14.5 metres). This is compliant with the requirements, given there is a slope in the land. A condition recommended in the Appendix ensures that the development is checked by a private Land Surveyor during construction and final inspection stage to ensure compliance with the mandatory height limit.

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

Bent Street contains a mixture of single dwellings and unit developments. A planning permit has been issued for 15 Bent Street directly to the north of the site for a four storey building (construction has yet to commence). Similarly, to the east of the site at 14-18 Bent Street there has been a planning permit issued allowing a four storey development (construction has yet to commence). This proposal is not dissimilar to recent approvals in Bent Street.

A good level of articulation along the Bent Street frontage has been provided in the design. In order to comply with ResCode and reduce the dominance of the building to the street, further setbacks are recommended for some areas at ground, first and second, and third floors.

There is a substation shown in the front setback of the building, which will have an unsightly appearance to the streetscape. As such, it is recommended that the substation be relocated to the basement or elsewhere on the site where it is less dominant.

On-site Impacts

The dwellings at first, second and third floors have been provided with private open space areas in the form of balconies and are shown to have a minimum of 8 square metres. However when scaling the plans, the balconies are much smaller than what is nominated. A condition is recommended in the Appendix to ensure that the sizes of the balconies comply with ResCode.

It is noted that whilst not every ground floor apartment has a private space area of 40 square metres, every dwelling at ground floor has been provided with useable outdoor space. In addition, there are adequate landscaping opportunities around the perimeter of the site which will soften the appearance of the building both externally and internally to the site.

The majority of dwellings have been provided with north, east or west facing private open space areas, however given the orientation of the site some will have south facing private open space areas. This has been limited to three (3) units. This is considered acceptable.

Impact on Adjoining Properties

The proposed setbacks to the north and south are in compliance with the State Government requirements.

In order to ensure there is no unreasonable overlooking opportunities onto the adjoining properties to the north and south, conditions form part of the appendix requiring screening in accordance with ResCode.

Parking and Traffic

The State Government parking guidelines suggest 44 on site spaces for the proposal based on 1 car space per 2 bedroom dwelling and 2 car spaces per 3 bedroom dwelling. A total of 45 spaces are provided on site (in two levels of basement) for the resident parking.

**Item 9.4 (cont'd)**

Under the same standards, the site generates a rate of 6 on-site visitor car parking spaces. A total of four (4) on site visitor car parking spaces have been provided on site. As such, a waiver of two (2) visitor spaces is proposed.

The reduction of the two (2) on site visitor spaces provision has been justified based on:

- Access to public transport (a train station being within short walking distance of the site);
- Provision of bicycle parking on site (more than the required amount);
- Availability of on street parking, based on the conclusions of the parking and traffic report prepared by the permit applicant's traffic engineer.

Council's Transport Planning Department stated that they would not object to the application subject to the one extra residential space being converted to an on-site visitor car parking space (thereby providing a total of 5 on-site visitor spaces and the full complement of residential spaces). This is recommended as a condition of permit in the Appendix.

Council's Transport Planning Department are also generally satisfied with the car parking layout of the proposal, subject to the laneway at the rear of the site being trafficable, and some further minor modifications to the basement all of which form recommended in conditions in the Appendix.

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 5 canopy trees along the site frontage and 6 canopy trees along the northern boundary be planted post construction.

Council's Parks Services Department requires that the significant nature strip tree at the front of 13 Bent Street be protected during construction. It is noted that a street tree in front of 11 Bent Street was in poor health and therefore has recently been removed by Council's Parks Services Department. This has occurred irrespective of the development proposal.

**Proposed Upgrade to Railway Track**

Given the impending upgrade to the railway line which is due to commence in 2016, the application was referred to the State Government Level Crossing Removal Authority. They did not object to the application, but have indicated that access to the site may be limited over the 2016-2017 period. This information will form a note in the Appendix.

**Management Plan Requirements**

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

**Item 9.4 (cont'd)**

A Waste Management Plan (WMP) was submitted with the application. It outlined that private waste collection would be utilised. Council's Waste Management Department has confirmed this is appropriate.

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

**ADDRESS: 11-13 Bent Street, BENTLEIGH**  
**APPLICATION NO: GE/PP-28491/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Basement car parking over 2 levels providing for 45 residential spaces and 4 visitor spaces
- Reduction of 2 visitor spaces sought
- Vehicular access via the road to the rear (west) of the site
- Ground floor comprising of 9 dwellings
- First floor comprising of 10 dwellings
- Second floor comprising of 9 dwellings
- Third floor to comprising of 6 dwellings
- 7 x 1 bedroom apartments
- 17 x 2 bedroom apartments
- 10 x 3 bedroom apartments
- Maximum overall building height of 12.8 metres (with a lift overrun projecting to 14.5 metres)

**2. Public Notice**

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

The objectors' concerns are summarised as follows:

- Cumulative impact of other recently approved developments of this density.
- Traffic and car parking.
- Construction management concerns-given works proposed to railway.
- Appearance of the proposed building over time will deteriorate.

**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:

*Asset Engineering*

- Road to the rear to be constructed to Council's satisfaction
- Redundant crossovers reinstated



**Item 9.4 (cont'd)***Landscape Assessment Officer*

- 11 trees required throughout the site post-construction

*Transport Planning*

- Adequate number of parking spaces proposed (subject to the extra on-site residential space being converted to an on-site visitor space)
- Modification to design layout of access/basement required

*Recreation Services*

- Bicycle parking required on site

*Building Surveyor*

- Construction Management Plan required

*Waste Management*

- Proposed Waste Management Plan acceptable

**4. Planning Conference**

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

- Traffic and parking impacts arising from this development and recent approvals in the area (cumulative impact of development)
- Erosion of neighbourhood character (period homes being lost)
- Frustration with the planning process.

**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 'Town Planning Submission, 11-13 Bent Street, Bentleigh', Sheets TP1.03, TP1.04, TP1.05, TP1.06, TP1.07, TP1.08, TP1.09, TP2.01, TP2.02, TP3.01, TP3.02, TP3.03, Received by Council on 10 September 2015, prepared by Hayball Architects) but modified to show:

Built Form/Landscaping:

- (a) A note on the plans stipulating that written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority at frame stage inspection and at final inspection verifying that the development does not exceed 14.5 metres in height above natural ground level.
- (b) The Bent Street setback to the easternmost bedrooms of Units G05, G07 and G08 modified to an overall minimum distance of 7.5 metres with this change absorbed within the remainder of the building envelope.

**Item 9.4 (cont'd)**

- (c) The Bent Street setback (including balconies) to Units 106, 108, and 109 modified to an overall minimum distance of 7.5 metres with this change absorbed within the remainder of the building envelope.
- (d) The Bent Street setback of the balconies associated with Units 205, 207 and 208 modified to an overall minimum distance of 7.5 metres with this change absorbed within the remainder of the building envelope.
- (e) The Bent Street setback to Units 304, 305 and 306 (including balconies) modified to an overall minimum distance of 10 metres with this change absorbed within the remainder of the building envelope.
- (f) All balconies must have a minimum dimension of 1.6 metres with a minimum area of 8 square metres. Any consequential changes must be absorbed within the remainder of the building envelope.
- (g) The relocation of the substation in the south-eastern corner of the site to the basement or to the rear of the site to the satisfaction of the Responsible Authority.
- (h) The south and north facing habitable room windows and/or balconies with the exception of those on the ground floor to have fixed, obscure glazing to a minimum height of 1.7 metres above finished floor level with this noted on the elevations.
- (i) A Landscape Plan in accordance with Condition 2.
- (j) A street tree protection fence noted on plan for the street tree at the front of 11 Bent Street to a radius of 7 metres from the base of the trunk of the tree.
- (k) The location of any services/metres to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority.

**Transport Planning/Access:**

- (l) Conversion of one (1) residential space to an on-site visitor space, marked on the plans accordingly.
- (m) The right of way at the rear of the site, along the entire western boundary, be fully constructed (trafficable and drained) and noted as such at the cost of the owner/ permit holder/applicant.
- (n) The first 2 metres of the accessway ramp, within the property boundary, noted as being no steeper than 1:20 and containing no objects and the central island within this location relocated further into the site to the satisfaction of the Responsible Authority.
- (o) The 2 metre wide landscaping area at the rear of the building, for a distance of 6 metres south of the accessway ramp, modified to be fully trafficable and constructed at the same level as the accessway ramp (i.e. 1:20) and noted as such. This area must also be assigned as 'No Stopping' and noted as such on the plans.
- (p) An electronic swept path assessment using the B85th vehicle be undertaken by a suitably qualified traffic engineer to demonstrate access between the right of way at the rear (the land 3.66 metres west of the property boundary) and the accessway ramp.
- (q) The central island of the accessway increased to 600mm in width.
- (r) The width of the accessway ramp (including the 300mm kerbs and central island) clearly dimensioned on the plans.

**Item 9.4 (cont'd)**

- (s) The widths of the other accessway ramps clearly dimensioned on the plans (i.e. to include the 300mm kerbs and 5.5 trafficable accessway width).
- (t) Removal of the wheel stops from the car parking bays.
- (u) The columns within the basement car parks located no less than 250mm and extend no more than 1.25m from the car park aisles. The columns must be dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.
- (v) The 1:8 transition at the base of the ramp between basements level 1 and 2 increased to a minimum 2.5 metres.
- (w) A minimum height clearance of 2.1 metres must be provided above the accessway ramps and within the basement car parks.
- (x) An intercom system incorporated into the plans and provided within the central island at the entrance to the basement accessway ramp on the ground floor to allow for visitor access to the basement car park. The intercom system must be set back a minimum of 3 metres from the right of way. The intercom system must include video with remote access from each apartment and noted on the plan as such.
- (y) The design and layout of the bicycle parking spaces must accord with Clause 52.34 of the Glen Eira Planning Scheme and dimensioned on the plans.

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

2. Before the commencement of buildings and works, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to, and approved by the Responsible Authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
  - (a) A 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) 5 x trees within eastern site frontage and;
    - (ii) 6 x trees along the side northern boundary

or 11 trees in locations to the satisfaction of the Responsible Authority.

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

**Item 9.4 (cont'd)**

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.

5. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 14.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
8. 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:
  - (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. Any privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
12. 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.
13. 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.



**Item 9.4 (cont'd)**

14. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
15. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree of 11 Bent Street at a radius of 7 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.
16. 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.

17. No excavation is to come within 5 metres of the existing street tree at 11 Bent Street 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.

**Item 9.4 (cont'd)**

18. 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.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.
20. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
21. The car parking allocation for the approved development must be:
  - Not less than one (1) car space per one or two bedroom apartment;
  - Not less than two (2) car spaces per three (3) or more bedroom apartment;
  - Visitor spaces (5) marked accordingly.
22. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
23. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.
24. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)
25. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.

**Item 9.4 (cont'd)**

26. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.
27. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that "Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)". The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.
28. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.
29. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
30. Written confirmation from a suitably qualified Traffic Engineer demonstrating that the basement layout and vehicle access complies with Clause 52.06 of the Glen Eira Planning Scheme.

**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. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

**Item 9.4 (cont'd)**

- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- F. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
- G. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council's Engineering Services Department.
- 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. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 14.5 metres height above natural ground level. This must be provided at frame stage inspection and at final inspection.
- J. Council's Asset Management Department Advise:
- The Road to the rear must be designed, drained and constructed to Council standards at the developer's cost to Council satisfaction.
  - The redundant vehicle crossings must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
  - 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 channel.
  - All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
  - 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.

**Item 9.4 (cont'd)****K. 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.
- Balustrades to be a minimum of 1 metre from finished floor level.
- Fire rating and sound insulation between units to be assessed by relevant Building Surveyor.
- Pre-cautions and projections over street alignment under regulation 604 and 504 to be assessed by relevant Building Surveyor.
- 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.
- Ventilation to basement to be assessed by relevant Building Surveyor.

**L. Council's Buildings & Properties Department Advise:**

- 23A Bent Street does not provide legal access out to Bent Street, this is not a road but alternatively is a freehold lot owned by Council.
- Access via the Council car park to the south is also restricted on Sundays as the car park and road is occupied under licence by Rotary for a Sunday market.

**M. State Government Level Crossing Removal Authority advise:**

- Ideally construction at the same time as the level crossing removal should be avoided. The LXRA will be restricting access at this location from December 2015 through to the end of September 2016.
- The timing on construction of this proposed development should not occur before the main occupation (June/July 2016) as the temporary excavation for the cutting will be deeper than this 7m.
- Foundations for the proposed four storey building to consider the adjacent cutting which at a 5m offset from the boundary is 7m deep. Future foundations should not increase loading on this retaining wall.
- We recommend that foundations are below the influence zone so not to increase loading on this wall and are therefore recommended to be installed at least 2m below surface level.



**Item 9.4**

**Crs Hyams/Magee**

**That Council:**

**Issues a Notice of Decision to Grant a Planning Permit for Application No.GE/PP-28491/2015 allowing the construction of a four storey building containing up to 34 dwellings above basement car park in accordance with the following 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 ‘Town Planning Submission, 11-13 Bent Street, Bentleigh’, Sheets TP1.03, TP1.04, TP1.05, TP1.06, TP1.07, TP1.08, TP1.09, TP2.01, TP2.02, TP3.01, TP3.02, TP3.03, Received by Council on 10 September 2015, prepared by Hayball Architects) but modified to show:**

**Built Form/Landscaping:**

- (a) A note on the plans stipulating that written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority at frame stage inspection and at final inspection verifying that the development does not exceed 14.5 metres in height above natural ground level.**
- (b) The Bent Street setback to the easternmost bedrooms of Units G05, G07 and G08 modified to an overall minimum distance of 7.5 metres with this change absorbed within the remainder of the building envelope.**
- (c) The Bent Street setback (including balconies) to Units 106, 108, and 109 modified to an overall minimum distance of 7.5 metres with this change absorbed within the remainder of the building envelope.**
- (d) The Bent Street setback of the balconies associated with Units 205, 207 and 208 modified to an overall minimum distance of 7.5 metres with this change absorbed within the remainder of the building envelope.**
- (e) The Bent Street setback to Units 304, 305 and 306 (including balconies) modified to an overall minimum distance of 10 metres with this change absorbed within the remainder of the building envelope.**
- (f) All balconies must have a minimum dimension of 1.6 metres with a minimum area of 8 square metres. Any consequential changes must be absorbed within the remainder of the building envelope.**
- (g) The relocation of the substation in the south-eastern corner of the site to the basement or to the rear of the site to the satisfaction of the Responsible Authority.**
- (h) The south and north facing habitable room windows and/or balconies with the exception of those on the ground floor to have fixed, obscure glazing to a minimum height of 1.7 metres above finished floor level with this noted on the elevations.**

**Item 9.4 (cont'd)**

- (i) **A Landscape Plan in accordance with Condition 2.**
- (j) **A street tree protection fence noted on plan for the street tree at the front of 11 Bent Street to a radius of 7 metres from the base of the trunk of the tree.**
- (k) **The location of any services/metres to be clearly shown on the plans (to have limited visibility from the streetscape) and in a location to the satisfaction of the Responsible Authority.**

**Transport Planning/Access:**

- (l) **Conversion of one (1) residential space to an on-site visitor space, marked `on the plans accordingly.**
- (m) **The right of way at the rear of the site, along the entire western boundary, be fully constructed (trafficable and drained) and noted as such at the cost of the owner/ permit holder/applicant.**
- (n) **The first 2 metres of the accessway ramp, within the property boundary, noted as being no steeper than 1:20 and containing no objects and the central island within this location relocated further into the site to the satisfaction of the Responsible Authority.**
- (o) **The 2 metre wide landscaping area at the rear of the building, for a distance of 6 metres south of the accessway ramp, modified to be fully trafficable and constructed at the same level as the accessway ramp (i.e. 1:20) and noted as such. This area must also be assigned as 'No Stopping' and noted as such on the plans.**
- (p) **An electronic swept path assessment using the B85th vehicle be undertaken by a suitably qualified traffic engineer to demonstrate access between the right of way at the rear (the land 3.66 metres west of the property boundary) and the accessway ramp.**
- (q) **The central island of the accessway increased to 600mm in width.**
- (r) **The width of the accessway ramp (including the 300mm kerbs and central island) clearly dimensioned on the plans.**
- (s) **The widths of the other accessway ramps clearly dimensioned on the plans (i.e. to include the 300mm kerbs and 5.5 trafficable accessway width).**
- (t) **Removal of the wheel stops from the car parking bays.**
- (u) **The columns within the basement car parks located no less than 250mm and extend no more than 1.25m from the car park aisles. The columns must be dimensioned on the plans, in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.**
- (v) **The 1:8 transition at the base of the ramp between basements level 1 and 2 increased to a minimum 2.5 metres.**
- (w) **A minimum height clearance of 2.1 metres must be provided above the accessway ramps and within the basement car parks.**

**Item 9.4 (cont'd)**

- (x) **An intercom system incorporated into the plans and provided within the central island at the entrance to the basement accessway ramp on the ground floor to allow for visitor access to the basement car park. The intercom system must be set back a minimum of 3 metres from the right of way. The intercom system must include video with remote access from each apartment and noted on the plan as such.**
- (y) **The design and layout of the bicycle parking spaces must accord with Clause 52.34 of the Glen Eira Planning Scheme and dimensioned on the plans.**
- (z) **One additional visitor car space is to be provided within basement 1 to the satisfaction of the Responsible Authority.**

**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) **5 x trees within eastern site frontage and;**
  - (ii) **6 x trees along the side northern boundary**

**or 11 trees in locations to the satisfaction of the Responsible Authority.**

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

**Item 9.4 (cont'd)**

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.

5. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 14.5 metres in height above natural ground level. This must be provided at frame stage inspection and at final inspection.
6. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
8. 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:

**Item 9.4 (cont'd)**

- (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:**
  - (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;**

**Item 9.4 (cont'd)**

- (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. Any privacy screens must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
- 12. 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.
- 13. 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.
- 14. The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works.
- 15. Prior to the commencement of the buildings and works (including demolition), a tree protection fence must be erected around the street tree of 11 Bent Street at a radius of 7 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 9.4 (cont'd)**

- 16. 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.**

- 17. No excavation is to come within 5 metres of the existing street tree at 11 Bent Street 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.**

- 18. 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.**

**Item 9.4 (cont'd)**

- 19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose.**
- 20. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.**
- 21. The car parking allocation for the approved development must be:**
  - Not less than one (1) car space per one or two bedroom apartment;**
  - Not less than two (2) car spaces per three (3) or more bedroom apartment;**
  - Visitor spaces (6) marked accordingly.**
- 22. All disused or redundant vehicle crossings must be removed and the area re-instated with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.**
- 23. Any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/developer to the satisfaction of the relevant authority. All costs associated with any such modifications must be borne by the applicant/developer.**
- 24. Prior to the completion of the basement floor construction, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement floor has been constructed in accordance with the endorsed plans (prior to the construction of the levels above being commenced.)**
- 25. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.**
- 26. Prior to the completion of the ramp to the basement, written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the basement ramp has been constructed in accordance with the endorsed plans.**
- 27. Prior to the occupation of the approved development, a permanent sign must be erected by the applicable planning permit holder in a prominent position in the car park and in any foyer/s stating that “Residents of this development will not be issued Residential Parking Permits (including visitor parking permits)”. The sign must measure approximately 0.2 square metres in area, to the satisfaction of the Responsible Authority.**

**Item 9.4 (cont'd)**

28. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note D.
29. During the construction of the buildings and works allowed by this permit, the laneway(s) adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
30. Written confirmation from a suitably qualified Traffic Engineer demonstrating that the basement layout and vehicle access complies with Clause 52.06 of the Glen Eira Planning Scheme.

**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. All matters relating to the boundary fences shall be in accordance with the provisions of the Fences Act 1968.
- D. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).
- E. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

**Item 9.4 (cont'd)**

- 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.
- 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.** Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying that the development does not exceed 14.5 metres height above natural ground level. This must be provided at frame stage inspection and at final inspection.
- J.** Council's Asset Management Department Advise:
- The Road to the rear must be designed, drained and constructed to Council standards at the developer's cost to Council satisfaction.
  - The redundant vehicle crossings must be removed and footpath, nature strip and kerb and channel of the road reinstated matching the conditions of those abutting.
  - 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 channel.
  - All stormwater runoff must be connected to Council underground drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
  - Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.

**Item 9.4 (cont'd)**

- 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.

**K. 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.
- Balustrades to be a minimum of 1 metre from finished floor level.
- Fire rating and sound insulation between units to be assessed by relevant Building Surveyor.
- Pre-cautions and projections over street alignment under regulation 604 and 504 to be assessed by relevant Building Surveyor.
- 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.
- Ventilation to basement to be assessed by relevant Building Surveyor.

**L. Council's Buildings & Properties Department Advise:**

- 23A Bent Street does not provide legal access out to Bent Street, this is not a road but alternatively is a freehold lot owned by Council.
- Access via the Council car park to the south is also restricted on Sundays as the car park and road is occupied under licence by Rotary for a Sunday market.

**Item 9.4 (cont'd)****M. State Government Level Crossing Removal Authority advise:**

- Ideally construction at the same time as the level crossing removal should be avoided. The LXRA will be restricting access at this location from December 2015 through to the end of September 2016.
- The timing on construction of this proposed development should not occur before the main occupation (June/July 2016) as the temporary excavation for the cutting will be deeper than this 7m.
- Foundations for the proposed four storey building to consider the adjacent cutting which at a 5m offset from the boundary is 7m deep. Future foundations should not increase loading on this retaining wall.
- We recommend that foundations are below the influence zone so not to increase loading on this wall and are therefore recommended to be installed at least 2m below surface level.

**The MOTION was put and CARRIED.**



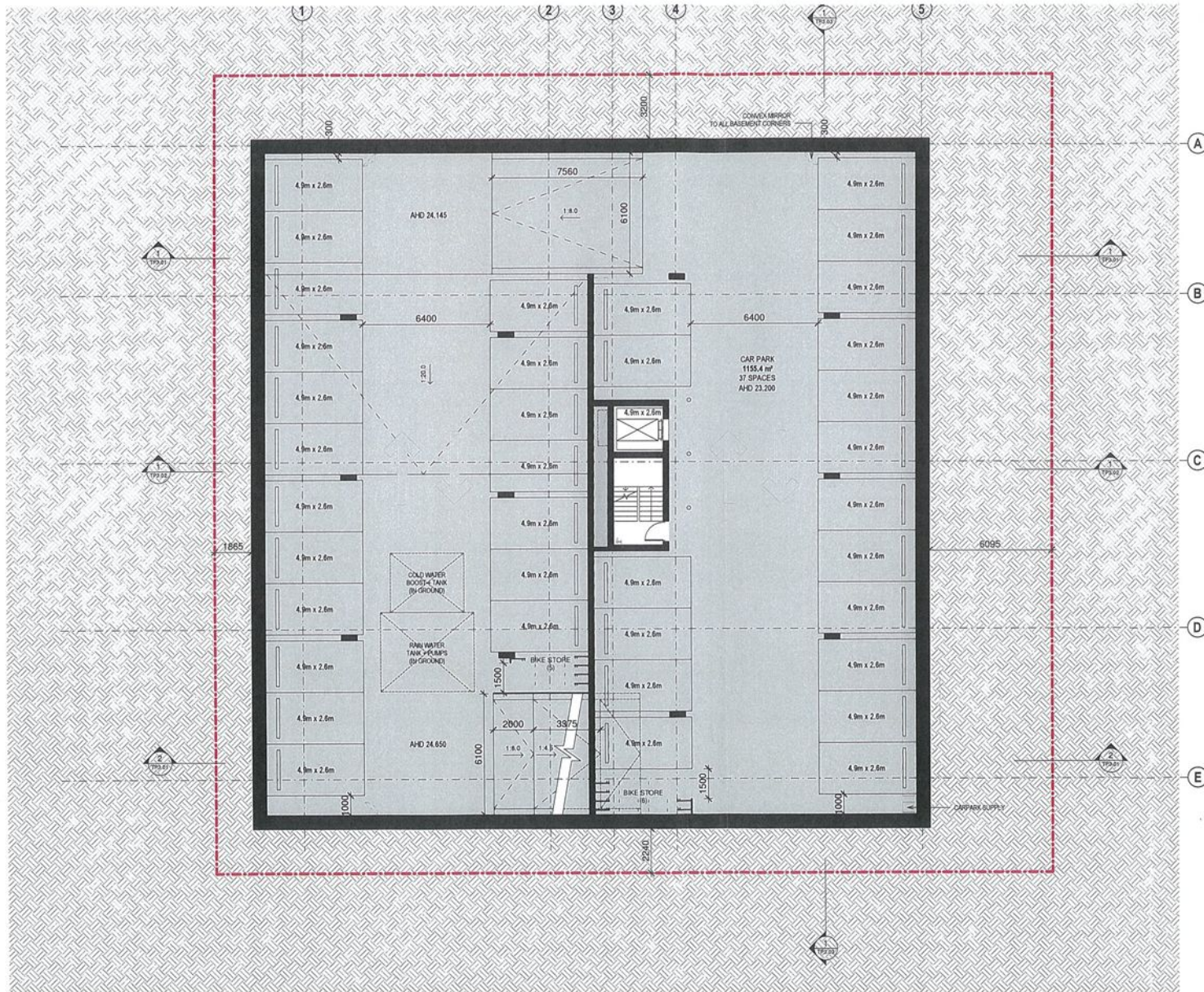
### 3.0 ARCHITECTURAL DRAWINGS

TP1.03 - BASEMENT 2

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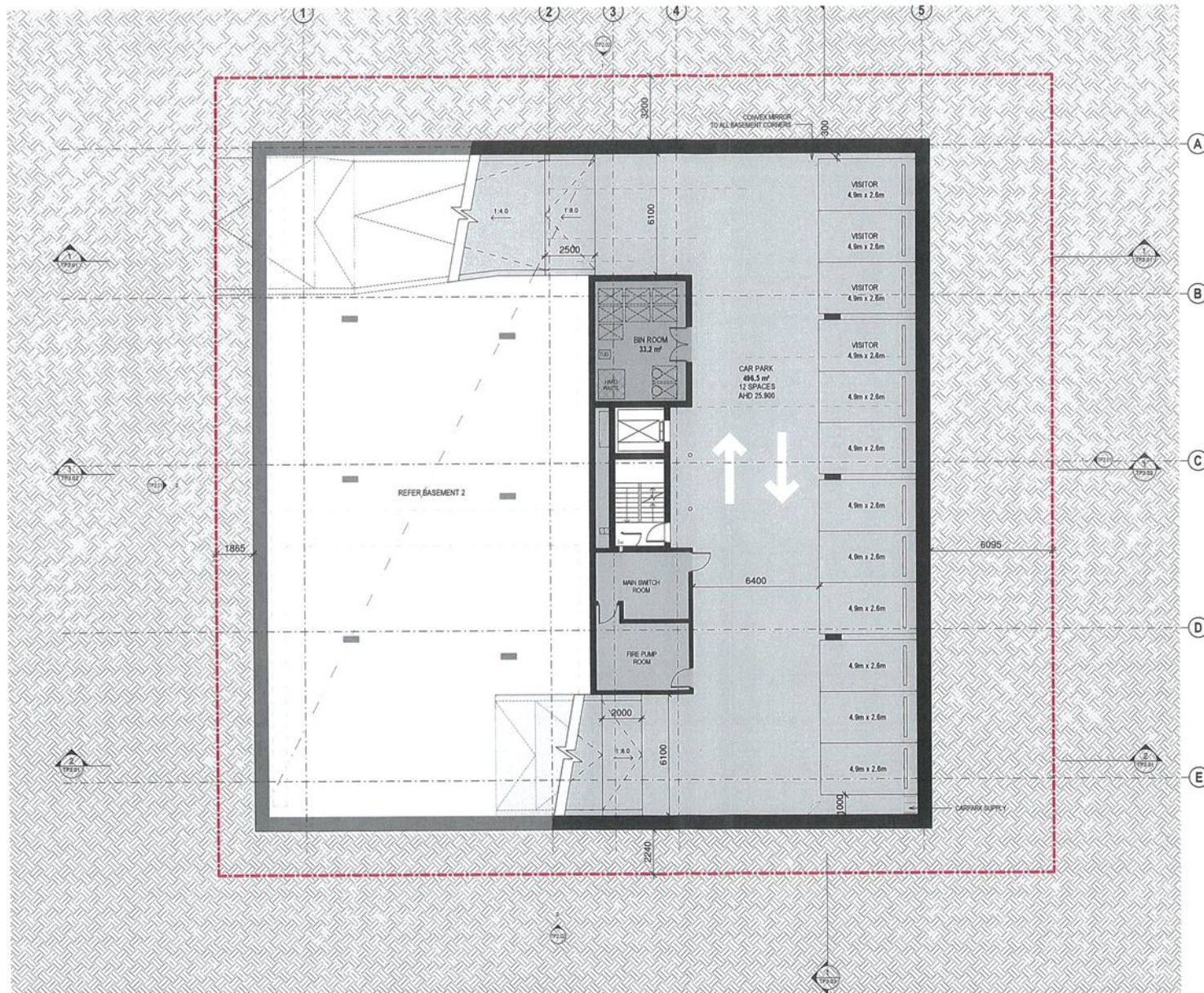
### 3.0 ARCHITECTURAL DRAWINGS

#### TP1.04 - BASEMENT 1

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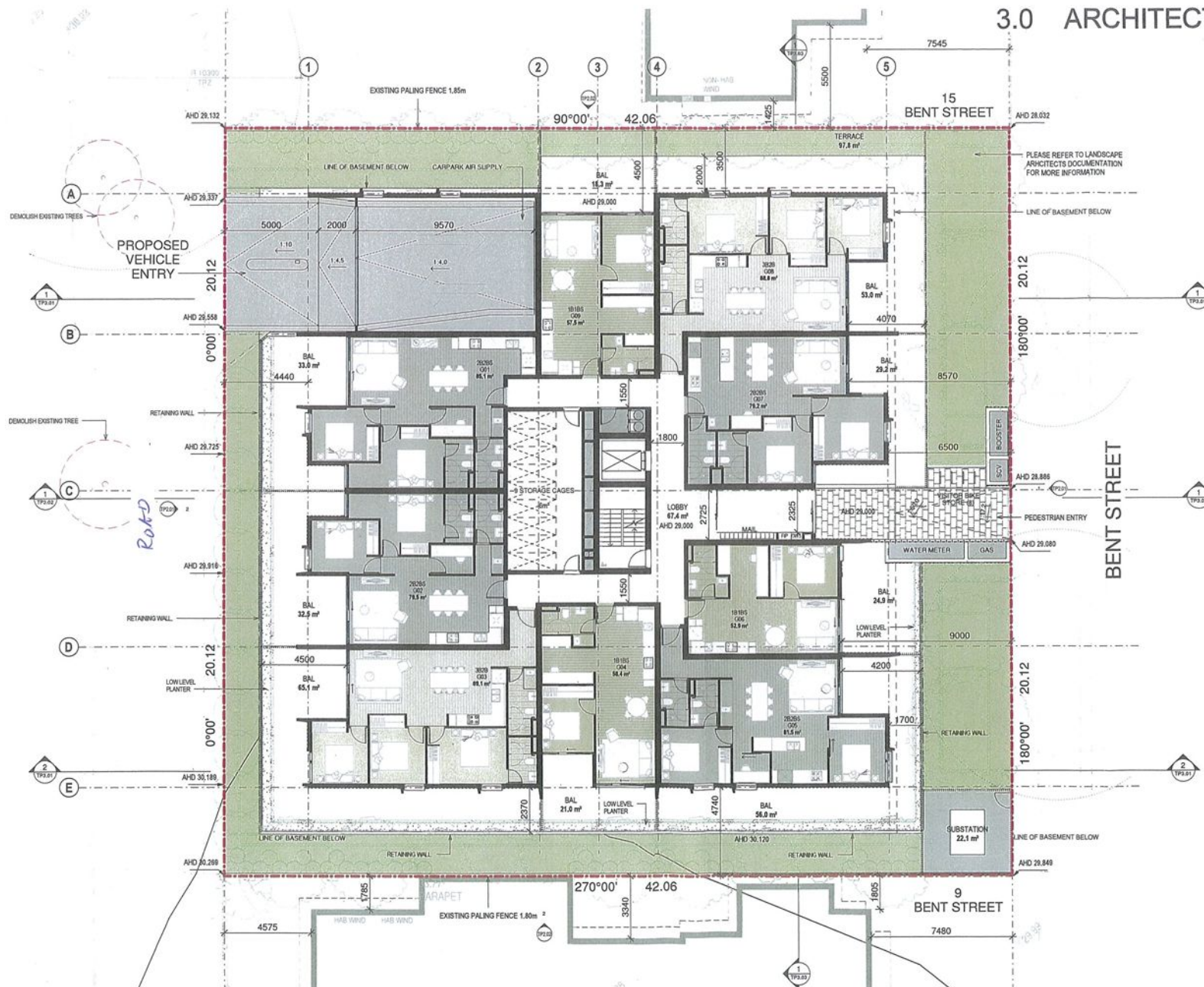
#### TP1.05 - GROUND LEVEL

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- ☒ BAL
- ☐ LOBBY
- ☐ CAR PARK
- ☐ BICYCLE
- ☐ STORE
- ☐ SERVICES
- ☐ CORE
- ☐ BIN ROOM
- ☐ GAS
- ☐ SUBSTATION
- ☐ TERRACE

58% SITE COVERAGE  
21% SITE PERMEABILITY



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DEPT 10/10/14



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- ☒ 1B1B
- ☒ 1B1BS
- ☒ 2B1B
- ☒ 2B2B
- ☒ 2B2BS
- ☒ 3B2B
- ☒ BAL
- ☒ LOBBY
- ☒ CAR PARK
- ☐ BICYCLE
- ☐ STORE
- ☒ SERVICES
- ☐ CORE
- ☒ BIN ROOM
- ☒ GAS
- ☒ SUBSTATION
- ☒ TERRACE

BENT STREET

Scale 1:200 @ A3

Scale 1:200 @ A3

10 SEP 25 2015

STATUTORY PLANNING  
DEPARTMENT

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- ☐ 1B1B
- ☒ 1B1BS
- ☐ 2B1B
- ☐ 2B2B
- ☐ 2B2BS
- ☐ 3B2B
- ☐ BAL
- ☐ LOBBY
- ☐ CAR PARK
- ☐ BICYCLE
- ☐ STORE
- ☐ SERVICES
- ☐ CORE
- ☐ BIN ROOM
- ☐ GAS
- ☐ SUBSTATION
- ☐ TERRACE

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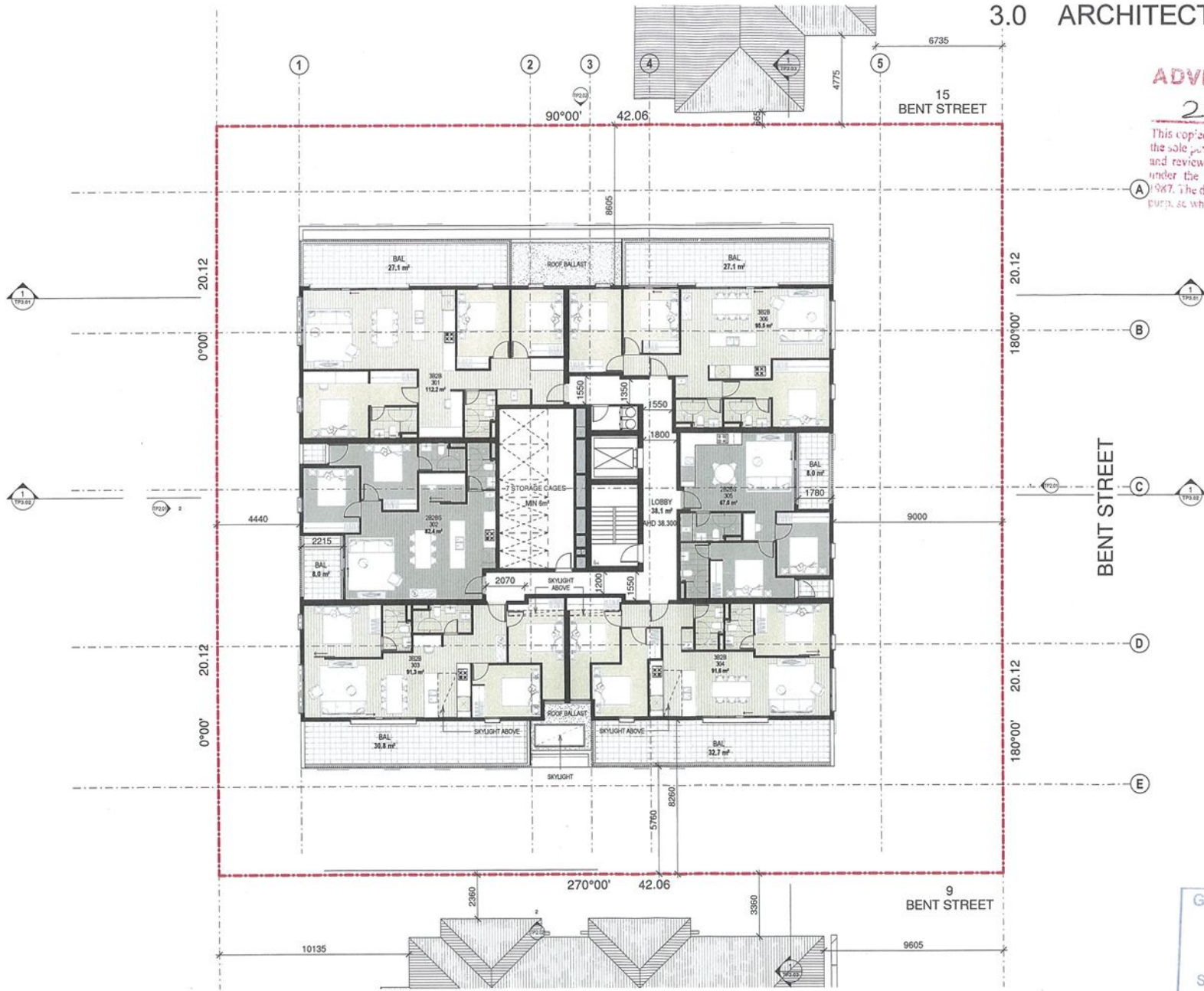
TP1.08 - LEVEL 3

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- 2B2BS
- 3B2B
- BAL
- LOBBY
- CAR PARK
- BICYCLE
- STORE
- SERVICES
- CORE
- BIN ROOM
- GAS
- SUBSTATION
- TERRACE



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DEPARTMENT



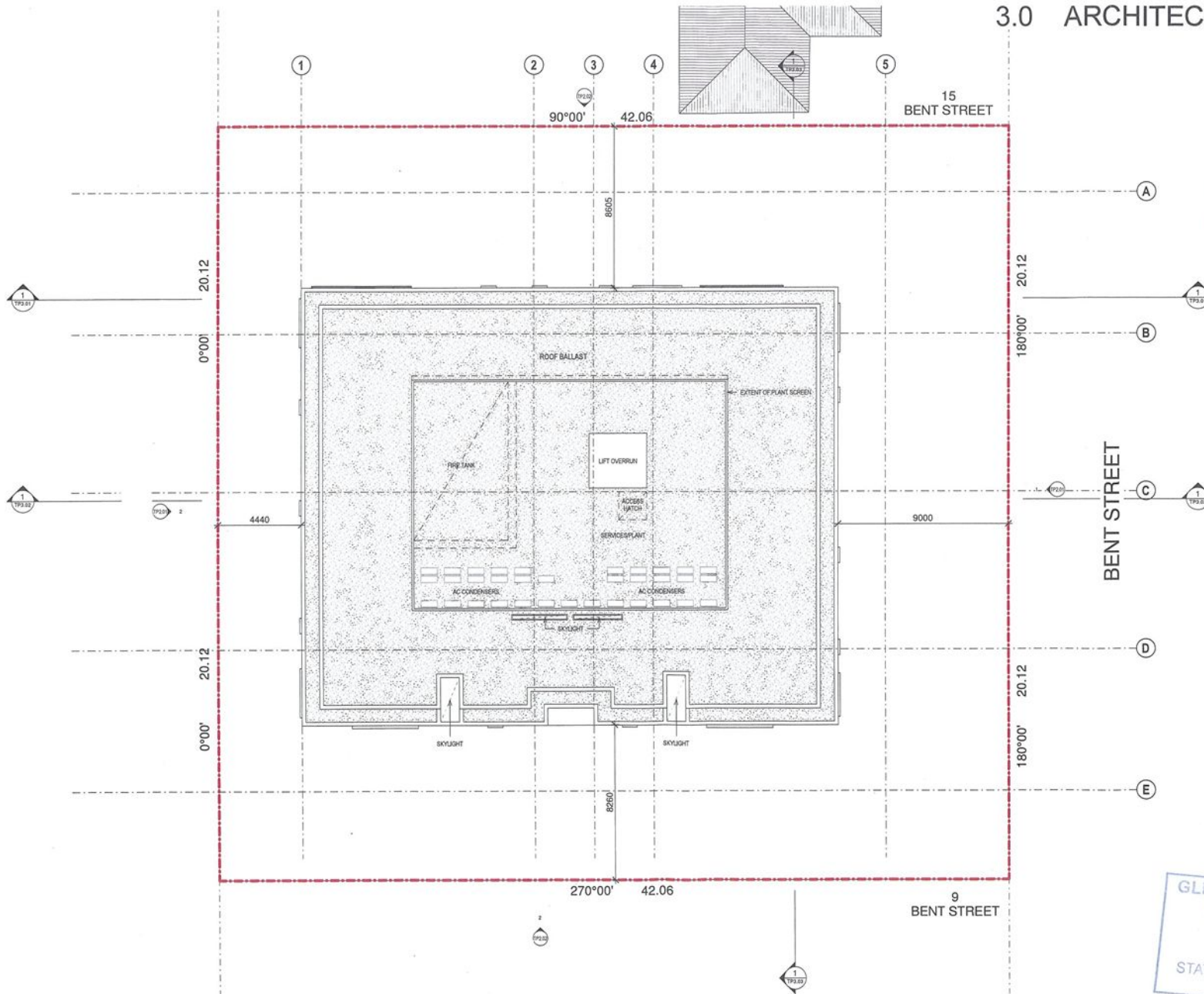
### 3.0 ARCHITECTURAL DRAWINGS

#### TP1.09 - ROOF PLAN

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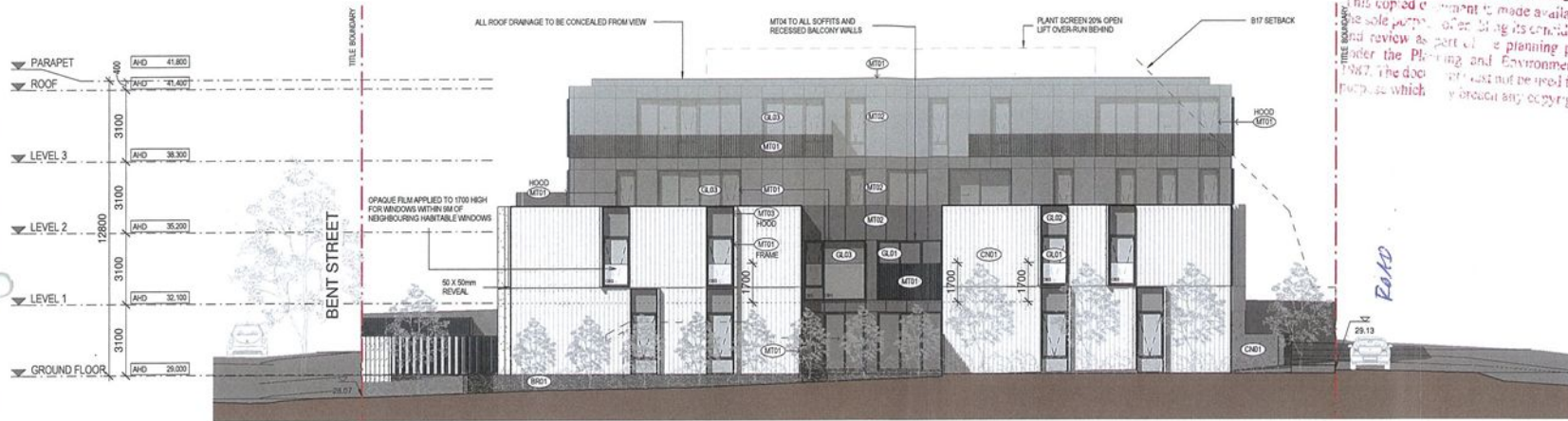


### 3.0 ARCHITECTURAL DRAWINGS TP2.02 - NORTH + SOUTH ELEVATION

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1 NORTH ELEVATION  
TP104

MATERIAL SCHEDULE	
MATERIAL MARK	Material: Finish/ Colour
BR01	BRICKWORK - WARM CHARCOAL
CON01	PRECAST CONCRETE - BRIGHTON LITE 100% - CUSTOM FLUTED PROFILE - 50MM REVEAL - NATURAL FINISH
GL01	GLASS - REAR GLAZED - LIGHT GREY TINT
GL02	GLASS - REAR GLAZED - COLOURBACK GLASS / SHADOW BOX - WARM CHARCOAL TONE
GL03	GLASS - REAR GLAZED - DARK GREY TINT
MT01	POWDERCOAT - WARM CHARCOAL TONE TO MATCH MT02
MT02	EXTERNAL WALL CLADDING SYSTEM - PRE-FINISHED 9MM FIBRE CEMENT PANEL (VITRAPANEL OR SIMILAR) - WARM CHARCOAL TONE
MT03	METAL HOODS & FINS - STAINLESS STEEL FINISH
MT04	EXTERNAL WALL CLADDING SYSTEM - PRE-FINISHED 9MM FIBRE CEMENT PANEL (VITRAPANEL OR SIMILAR) - NEUTRAL TONE

NOTE:  
MTRED JOINTS TO ALL EXTERNAL CONCRETE PANEL CORNERS



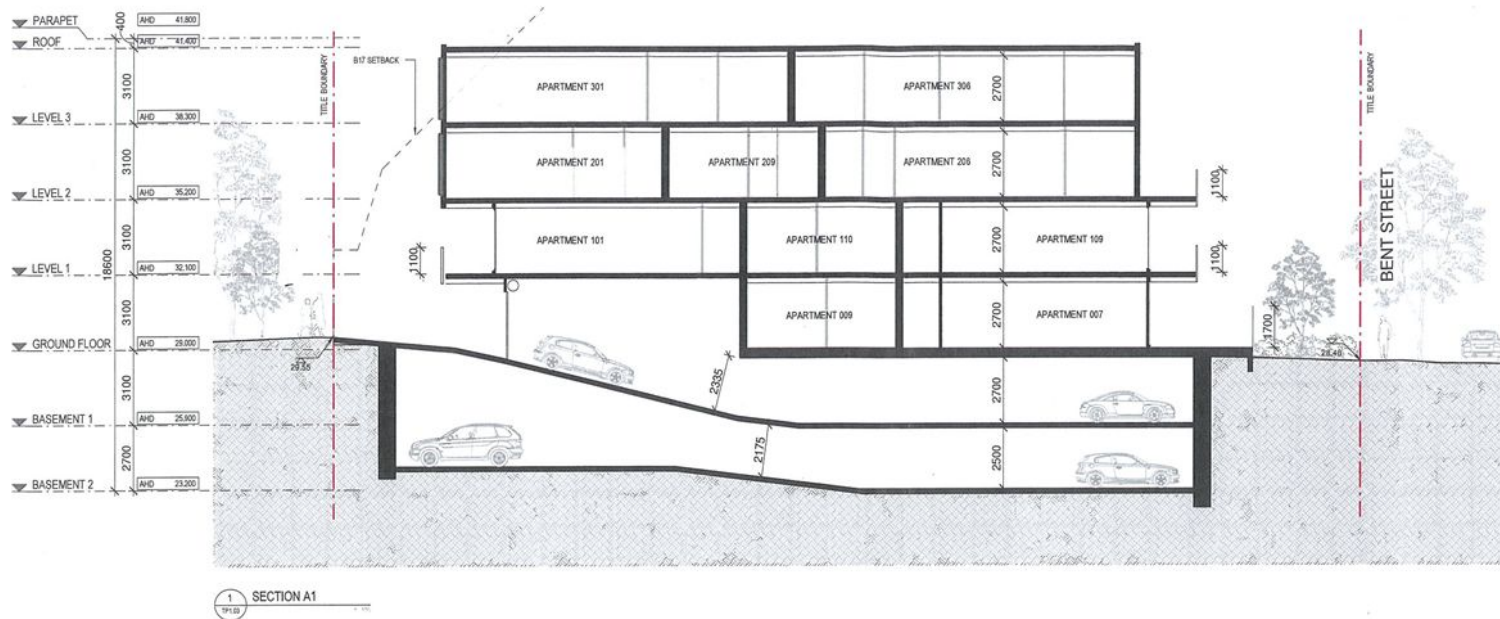
2 SOUTH ELEVATION  
TP104

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DEPARTMENT

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0 2.5 5 7.5 10m

### 3.0 ARCHITECTURAL DRAWINGS

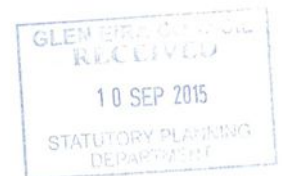
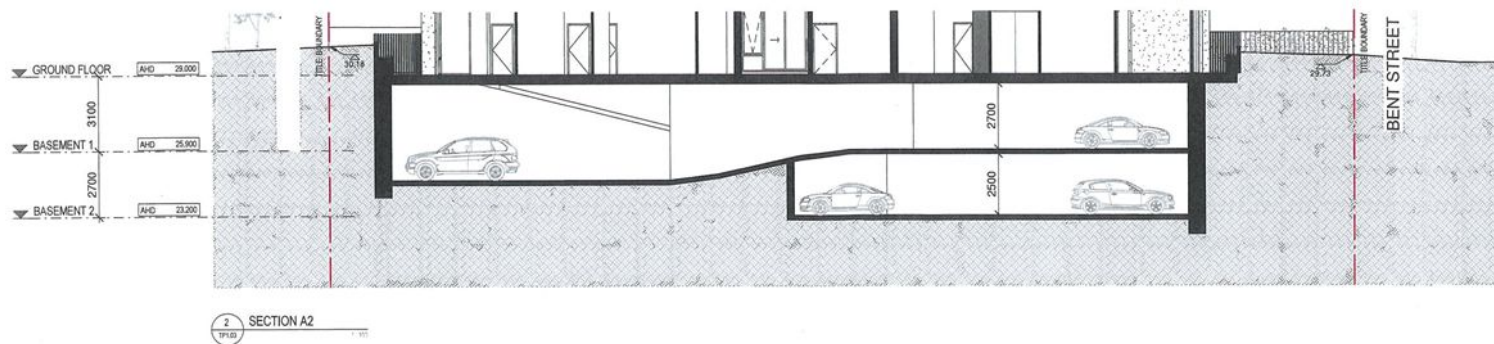
#### TP3.01 - SECTION A



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0 2.5 5 7.5 10m



ADVERTISED PLAN

Architectural section drawing of a multi-story building, showing internal layout, floor levels, and structural elements. The drawing includes labels for various rooms and spaces, such as 'APARTMENT 302', 'STORE', 'APARTMENT 305', 'APARTMENT 205', 'APARTMENT 107', 'ENTRY', and 'BENT STREET'. It also shows structural details like 'LIFT OVER-RUN', 'PLANT SCREEN', and 'B17 SETBACK'. The drawing is oriented vertically, with the building's footprint on the left and the street on the right.

Scale 1:200 @ A3



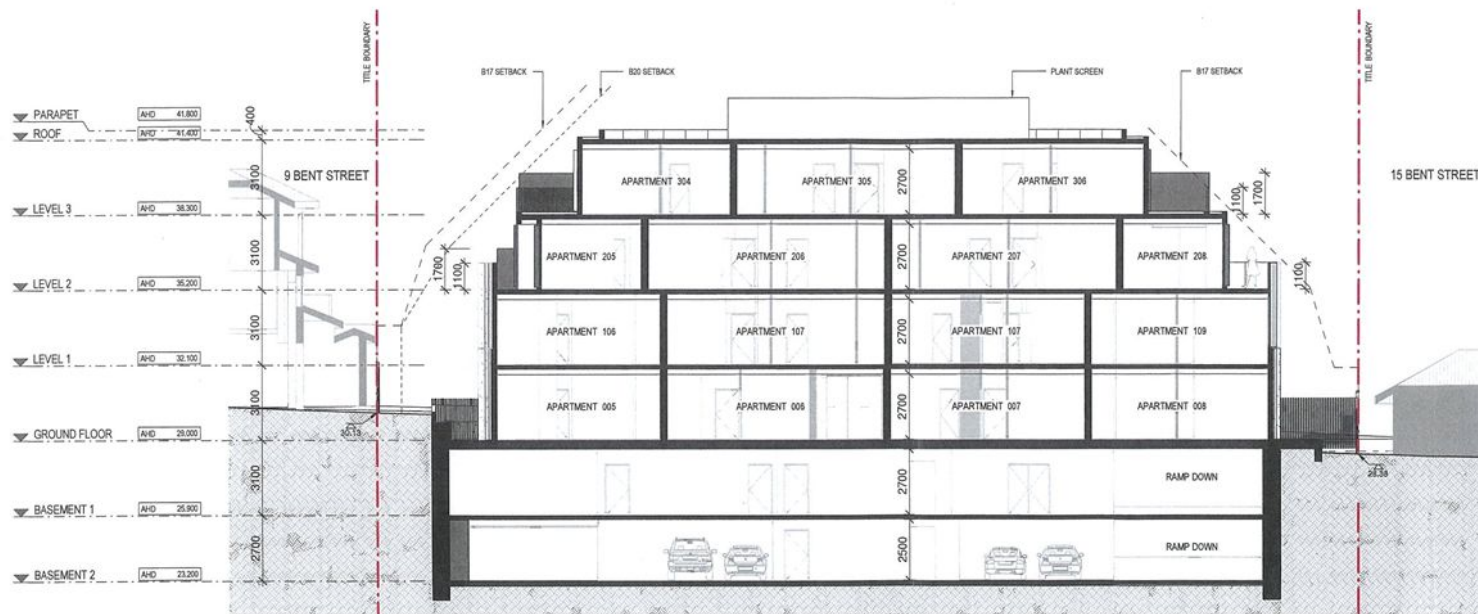
### 3.0 ARCHITECTURAL DRAWINGS

#### TP3.03 - SECTION C

ADVERTISED PLAN

29 OF 55

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GLEN EIRA COUNCIL  
RECEIVED  
10 SEP 2015  
STATUTORY PLANNING  
DEPARTMENT

Scale 1:200 @ A3  
0 2.5 5 7.5 10m

**Item 9.5****AMENDMENT C140  
11 MILE END ROAD & 93 MIMOSA ROAD  
CARNEGIE****Enquiries: Ron Torres  
Director Planning and Transport****1. Community Plan****Development and Planning**

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.

**Recreation and open space**

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

**2. Proposal**

**The amendment proposed to apply the Public Acquisition Overlay to (PAO) to 93 Mimosa Road and 11 Mile End Road, Carnegie.**

**Item 9.5 (cont'd)****3. Recommendation**

That Council:

- Note the conclusions and recommendations of the Panel Report for Glen Eira Planning Scheme Amendment C140;
- Adopt Glen Eira Planning Scheme Amendment C140 as exhibited.
- Request the Minister for Planning to approve Amendment C140 to the Glen Eira Planning Scheme.

**4. Background**

The purpose of the overlay is to identify land for future open space.

The amendment was exhibited from 9 July -10 August 2015.

During the public exhibition period three (3) submissions were received (one submission opposing and two supporting).

The submissions can be summarised as follows:

Oppose

- Parks have a reputation for being unsafe.
- Concerned for the safety of elderly residents.

Support

- A new park would create a great space for the local community.
- Traffic calming measures should be considered.
- The park should be fenced from the road and well lit.
- Request that the owners are not forced out of their home.

A planning conference was held on 24 August 2015. The conference was chaired by Councillor Cr Pilling one submitter supporting the amendment attended.

On 21 September 2015, Council resolved to request the Minister for Planning to refer Amendment C140 to an Independent Panel to consider the submissions.

The Panel process was conducted 'on the papers', as no submitters sought to be heard by the Panel. Council therefore lodged a written submission for the Panel Member to consider.

On 26<sup>th</sup> November Council received the Panel Report which recommended that the amendment be adopted as exhibited. (Appendix A- Copy of Panel Report)

**5. The Amendment**

Glen Eira has an acknowledged deficiency in public open space.

Council adopted the City of Glen Eira Open Space Strategy 2014 to address the provision of open space within Glen Eira over the next 13 years.

**Item 9.5 (cont'd)**

The strategy identifies “gap” areas that are poorly served by public open space.

The Open Space Strategy identifies two “gap” areas in Carnegie. Gap Area C1 is located in the north-west of Carnegie and Gap Area C2 is located south of Neerim Road and between Koornang and Murumbeena Roads.

The strategy recommends a new small local open space in Gap Area C1 on the west side of Koornang Road and north of Neerim Road. The proposed sites for acquisition are located in Gap Area C1 and satisfy the locational requirements for new open space outlined in the Strategy.

A Public Acquisition Overlay (PAO) is a mechanism under the Planning Scheme which identifies land that is proposed to be acquired by a public authority for future public purposes.

Application of a Public Acquisition Overlay to the land and future purchase will enable the land to contribute to the quantity and quality of open space in Carnegie.

Pursuant to the *Land Acquisition and Compensation Act 1986* Council must appropriately reserve the land for public acquisition before commencing to acquire any interest in the land.

The amendment is required to facilitate this process.

**6. The Panel Report**

**In response to the submissions the Panel made the following comments:**

**Planning Context**

**“The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework”**

**“The Amendment was widely advertised, resulting in one objecting submission and none from the sites’ landowners.**

**“No submitters sought to be heard by the Panel”**

**“The Panel accepts that the sites’ selection is consistent with the criteria in the OSP 2014. Council is required to appropriately reserve the land for public acquisition before commencing to acquire any interest in the land.**

**The Panel concludes that the Amendment is well founded and is strategically supported by the OSP 2014. The use of the PAO is consistent with the requirements of the Land Acquisition and Compensation Act 1986.”.**

**Safety and Design Issues**

**“Submitters were concerned with:**

- **Safety issues that may arise from the use of the land for open space.**
- **Design-based issues for the open space.**

**Item 9.5 (cont'd)**

**The safety and design issues raised are relevant to the detailed planning of the open space.**

**The Panel concludes that safety and design based issues are not relevant to its considerations”**

**“The Panel recommends that Amendment C140 to the Glen Eira Planning Scheme is adopted as exhibited.”**

**7. Planning Scheme Amendment Process**

The owners of the subject sites have been informed of the proposed PAO and they have not opposed it. The application of a PAO must go through the following fixed statutory steps:

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

The Panel may make a recommendation to:

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

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 5.

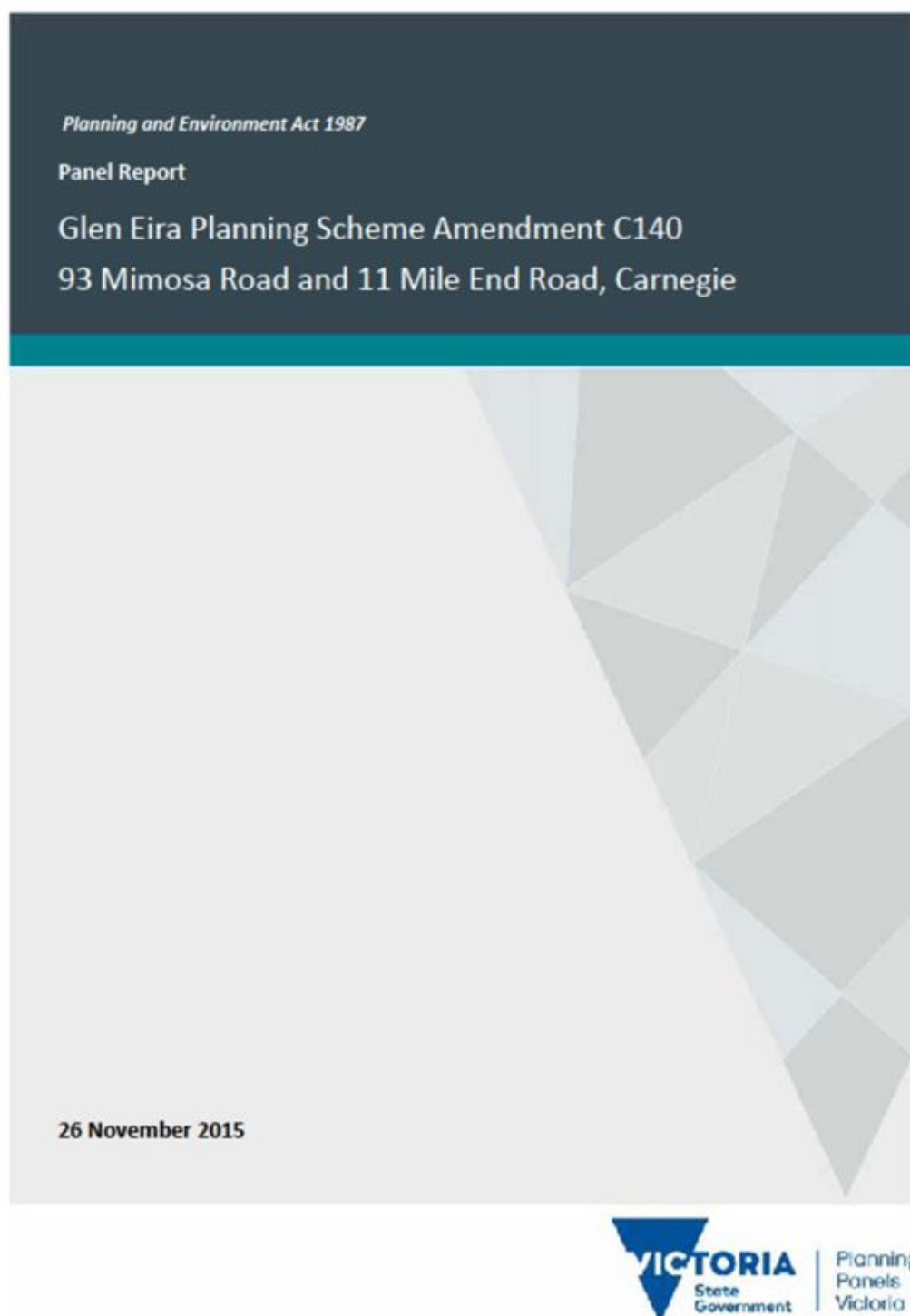
**Crs Esakoff/Okotel**

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

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



**Appendix A- Panel Report**



*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act  
Glen Eira Planning Scheme Amendment C140

26 November 2015

A handwritten signature in black ink, appearing to read 'DM', is positioned above the name David Merrett.

David Merrett, Chair

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## List of Abbreviations

CPTEDP	Crime Prevention Through Environmental Design Principle
LPPF	Local Planning Policy Framework
OSP 2014	Open Space Strategy 2014
PAO	Public Acquisition Overlay

## Overview

### Amendment Summary

<b>The Amendment</b>	Glen Eira Planning Scheme Amendment C140
<b>Subject Site</b>	93 Mimosa Road and 11 Mile End Road, Carnegie
<b>Planning Authority</b>	Glen Eira City Council
<b>Authorisation</b>	A03085 on 5 June 2015
<b>Exhibition</b>	9 July – 10 August 2015
<b>Submissions</b>	Number of Submissions: 3    Opposed: 1 <ul style="list-style-type: none"> <li>• R Yates</li> <li>• M Mandamadiotis</li> <li>• J and B Markwick</li> </ul>

### Panel Process

<b>The Panel</b>	David Merrett
<b>Directions Hearing</b>	Glen Eira municipal offices, 22 October 2015
<b>Panel Hearing</b>	Not required Matter considered 'on the papers'
<b>Site Inspections</b>	Unaccompanied, 22 October 2015
<b>Appearances</b>	Not applicable
<b>Date of this Report</b>	26 November 2015



## Executive Summary

Amendment C140 seeks to apply the Public Acquisition Overlay (PAO) to 93 Mimosa Road and 11 Mile End Road, Carnegie. The land is to be developed as public open space to address a strategic gap in open space identified by Council's Open Space Strategy 2014 (OSP 2014).

The Panel process was considered 'on the papers' as no submitters sought to be heard by the Panel.

The OSP 2014 established a number of site selection criteria which were used in identifying the suitability of the land for open space. Among these criteria were size, visibility, safety and access to services.

There were 3 submissions, with one objecting to the Amendment. The sole issue from the objector was the potential of the open space to attract undesirable people. Issues raised by other submitters were mainly design-based which will be considered in more detail by Council in the detailed planning of the open space.

The Panel has considered all issues and notes its discretion is limited to the appropriateness of applying the PAO to the land, not how the land may be developed for open space (or what it may look like). The Panel is, however comforted that Crime Prevention Through Environmental Design Principles (CPTEDP) will be used in the design of the open space. No submissions directly challenged the appropriateness of the PAO.

The Panel concludes that the Amendment is consistent with the Local Planning Policy Framework and the OSP 2014, and considers most of the issues raised by the submitters will be addressed as part of the detailed design of the open space.

### Recommendation

Based on the reasons set out in this Report, the Panel recommends that Amendment C140 to the Glen Eira Planning Scheme be adopted as exhibited.

## 1 Introduction

### 1.1 Panel process

Glen Eira Planning Scheme Amendment C140 (the Amendment) was prepared by the Glen Eira City Council as Planning Authority. As exhibited, the Amendment proposes to apply the Public Acquisition Overlay (PAO) to 93 Mimosa Road and 11 Mile End Road, Carnegie.

At its meeting of 21 September 2015, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 29 September 2015 and comprised David Merrett.

A Directions Hearing was held on 22 October 2015. Following the Directions Hearing, the Panel undertook an inspection of the subject sites and their surrounds.

Council was the only party that responded to the notice about the Panel process. On this basis Council supported the option of the matter being considered 'on the papers'. Council was invited to lodge a further written submission by 23 November 2015; which it has done.

### 1.2 The proposal

#### (i) The subject area

The Amendment applies to 93 Mimosa Road (767sqm) and 11 Mile End Road (449sqm), Carnegie. The land is shown in Figure 1.

Both lots contain a single storey dwelling. The sites combined are triangular in shape, the land is bordered on three sides by roads, and has one direct residential interface to the north. The land is set within an established residential area.

Figure 1 Aerial photo of the site and surrounds



Figure 2 93 Mimosa Road, Carnegie



Figure 3 11 Mile End Road, Carnegie (right side)



**(ii) Purpose of the Amendment**

The purpose of applying the PAO is to identify land for future open space and signal Council's intention to purchase the land for that purpose.

### **1.3 Background to the proposal**

Council has identified a deficiency in public open space in defined areas across the municipality.

Council adopted the OPS 2014 to address the provision of open space over the next 13 years.

Amendment C120 was approved by the Minister for Planning on 12 March 2015. It introduced a public open space contribution rate of 5.7% in the schedule to Clause 52.01 for all development (with the exception of the area known as the Caulfield Village), amended clause 21.13 (Open Space) of the Municipal Strategic Statement and inserted the OSP 2014 as a reference document.

### **1.4 Issues dealt with in this report**

The Panel has considered all written submissions. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspection of the sites and their surrounds.

The Panel's consideration of this Amendment is restricted to what the Amendment proposes; whether or not a PAO should be applied to the land. There were no submissions that directly challenged the use of the PAO.

This report deals with the issues under the following headings:

- Planning context
- Safety and design issues.



## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework:

##### Clause 11.03

To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.

Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.

Improve the quality and distribution of open space and ensure long-term protection.

Ensure open spaces are designed to accommodate people of all abilities ages and cultures.

The Public Acquisition Overlay will be applied to 93 Mimosa Road and 11 Mile End Road, Carnegie with the intention to acquire these parcels of land for the development of a public park.

#### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports Clause 21.13 (Open Space) because the intention of the PAO is to set land aside to acquire for public purposes, which in this instance will be for a public park. This will improve the amount, distribution and quality of open space and implement the OSP 2014.

Clause 21.13 states:

Applying the Public Acquisition Overlay to sites identified as being required for the future provision of public open space in order to reserve land for that purpose and to ensure that changes to the use or development do not prejudice the purpose for which the land is to be acquired.

#### (iii) Other planning strategies or policies used in formulating the Amendment

##### Open Space Strategy 2014

The OSP 2014 identifies two open space 'gap' areas in Carnegie. Figure 4 shows Gap Area C1 located in the north-west of Carnegie and Gap Area C2 located south of Neerim Road between Koornang and Murrumbeena Roads.

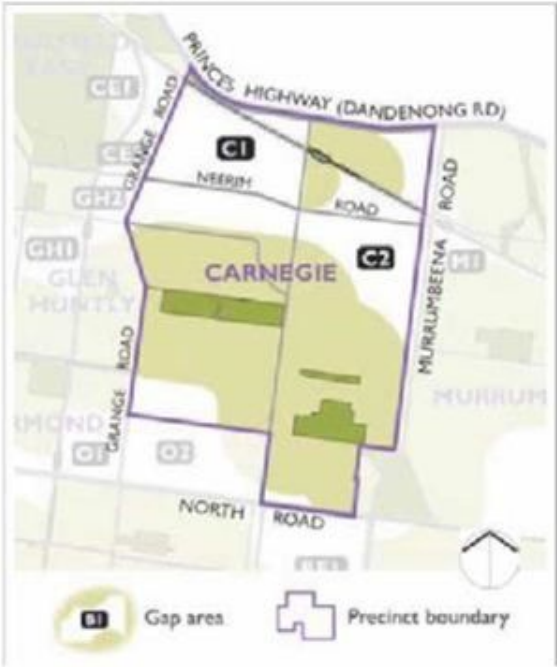


The OSP 2014 recommends a new small local open space be established in Gap Area C1 on the west side of Koornang Road and north of Neerim Road. The land proposed for acquisition is located in Gap Area C1 and satisfies the following locational criteria for new open space outlined in OSP 2014:

Table 1      Assessment matrix

Criteria	Assessment
Accessibility and transport	The sites are accessed by a number of local streets and provide for a large catchment of residents.
Visibility and condition	Passive surveillance opportunities are available from three sides. This is in line with Crime Prevention Through Environmental Design Principles (CPTEDP). A location that has this attribute is considered to be a safer and desirable option.
Size	Meets small local open space requirement of minimum size of 500sqm with minimum width in at least one direction of 20 metres. The combined land size is 1,216sqm.
Services and easements	Full access to services and infrastructure
Amenity	Meets criteria

Figure 4      Gap areas C1 and C2 identified in OSP 2014



## 2.2 Planning scheme provisions

### (i) Zones

The subject land and land to the north and west is currently zoned Neighbourhood Residential. This will not change as part of the Amendment.

Land to the east is zoned Residential Growth Zone.

### (ii) Overlays

The land is not affected by any overlay controls. The Amendment proposes to apply the PAO.

## 2.3 Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

### Ministerial Direction No 9 - Metropolitan Strategy

The Amendment complies with Ministerial Direction No. 9 relating to *Metropolitan Strategy* which requires that all planning authorities have regard to the State Government's Plan Melbourne.

The Amendment supports Direction 4.5 - Make Our City Greener.

Initiative 4.5.2 Provide new neighbourhood parks and open space states:

As our city grows and we accommodate more people, we will need to increase the quality and quantity of public open space and of leisure, recreation and sporting facilities.

The Amendment lends support to Plan Melbourne as it proposes to apply a Public Acquisition Overlay to two sites for the purpose of identifying land for future open space.

### Ministerial Direction No 11 - Strategic Assessment Guidelines

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment Guidelines)

### Ministerial Direction - The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

## 2.4 Discussion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel notes the extent of consultation Council has undertaken in the development of the OSP 2014 and the consideration of this Amendment. The Amendment was widely advertised, resulting in one objecting submission and none from the sites' landowners. Council held a planning conference (or mediation) with the submitters, with only one supporting submitter attending. No submitters sought to be heard by this Panel.

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Glen Eira Planning Scheme Amendment C140 | Panel Report | 26 November 2015

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The Panel accepts that the sites' selection is consistent with the criteria in the OSP 2014. Council is required to appropriately reserve the land for public acquisition before commencing to acquire any interest in the land.

The Panel concludes that the Amendment is well founded and is strategically supported by the OSP 2014. The use of the PAO is consistent with the requirements of the *Land Acquisition and Compensation Act 1986*.

The following chapter deals with the safety and design issues that were raised by submitters.

### **3 Safety and design issues**

#### **3.1 The issues**

Submitters were concerned with:

- Safety issues that may arise from the use of the land for open space.
- Design-based issues for the open space.

#### **3.2 Submissions**

Ms Mandamadiotis submitted that the use of the land for open space would result in decreased safety in the neighbourhood, due to undesirable people congregating at the open space.

Mr Yates, while supporting the Amendment, was concerned that landowners should not be forced out of their homes to make way for open space.

Mr and Mrs Markwick also supported the Amendment and requested design based issues be considered as plans are developed for the open space.

Council submitted that issues related to design and safety will be further discussed with the community during detailed planning for the sites.

#### **3.3 Discussion and conclusion**

The Panel acknowledges that the current landowners of the sites have not lodged a submission to the Amendment. Despite Mr Yates concern over the forced sale of land, the current landowners do not oppose the Amendment.

The safety and design issues raised are relevant to the detailed planning of the open space. This is a matter that is not within the ambit of the Panel. However the Panel notes that one of the criteria used for the selection of the sites was visibility and the consideration of Crime Prevention Through Environmental Design Principles (CPTEDP) during the detailed design of the open space should ensure any concern over undesirable people congregating at the open space can be addressed and minimised.

The Panel concludes that safety and design based issues are not relevant to its considerations.



## Item 9.6

10 Howe Street MURRUMBEENA  
APPLICATION NO. GE/PP-28337/2015

File No: GE/PP-28337/2015  
Enquiries: Rocky Camera  
Acting Manager Statutory Planning



## APPLICATION SUMMARY

<b>PROPOSAL</b>	Four double storey dwellings
<b>RECOMMENDATION</b>	Notice of Decision to Grant a Permit for four double storey dwellings.
<b>KEY ISSUES</b>	<ul style="list-style-type: none"> <li>• Impacts on adjoining properties</li> <li>• Streetscape appearance</li> </ul>
<b>MUNICIPAL STRATEGIC STATEMENT</b>	Housing Diversity Area Policy
<b>APPLICANT</b>	Garry Wallace Sharp
<b>PLANNING SCHEME CONTROLS</b>	General Residential Zone
<b>EXISTING LAND USE</b>	Residential (single dwelling)
<b>PUBLIC NOTICE</b>	<ul style="list-style-type: none"> <li>• 15 properties notified</li> <li>• 18 notices sent (owners and occupiers)</li> <li>• 1 sign erected on site</li> <li>• 15 objections received</li> </ul>
<b>Application fee payable</b> (fee increased by the State Government in 2009)	\$815.00



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

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

**2. Recommendation**

That Council:

- Issues a Notice Decision to Grant a Permit for Application No. GE/PP-28337/2015 for the construction of four double storey attached dwellings in accordance with the conditions contained in the Appendix.

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

- Plan Melbourne
- Rescode

Glen Eira City Council

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

**4. Reasons For Recommendation**

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

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

The key issues influencing the recommendation are as follows:

Neighbourhood Character

It is considered that the proposal is appropriate in the context of the General Residential Zone which encourages moderate housing growth, but also seeks to respect neighbourhood character. The dwellings have been well designed and their appearance is considered suitable for this location.

Impacts on Adjoining Properties

The proposed dwellings have an appropriate variation in side and rear setbacks and articulation of the facades. It is considered that the proposed dwellings will achieve an acceptable level of visual bulk when viewed from the adjoining properties. The use of different materials between ground and first floor will further assist this.

The first floor windows and balconies have been screened to maintain privacy for adjoining properties in accordance with ResCode.

**Item 9.6 (cont'd)**

The overshadowing impacts of the proposal on the adjoining properties, namely at 8 and 12 Howe Street, 35-37 Rosella Street and 22 Lydson Street are consistent with ResCode objectives.

At 7.2 metres in height, the building is well under the 10.5 metre maximum height requirement of the zone and is considered to be acceptable.

Landscaping

Landscaping opportunities are provided which will include the planting of canopy trees within the front and rear private open spaces of each dwelling. This is considered to be appropriate.

Parking and Traffic

The State Government parking guidelines suggest 5 on site spaces for the dwellings based on 1 car space per 2 bedroom dwelling and 2 car spaces per 3 bedroom dwelling. A visitor car space is not required as the proposal is for less than 5 dwellings.

A total of 5 spaces are provided on site for the resident parking which complies with the State Government requirements.

The car park layout is generally satisfactory but minor changes as suggested by Council's Transport Planning Department are required to ensure safe and convenient vehicle movements. The changes are included as conditions within the appendix.

Compliance with Prescriptive ResCode Standards

Site coverage of 55.8% satisfies the relevant ResCode standard of 60%.

There is a departure from the ResCode standard for the front setback. The front setback is required to be 7.8 metres yet 4.5 metres is proposed. In this instance, this is considered reasonable as the front setbacks in Howe Street vary greatly with many dwellings in Howe Street having setbacks in the vicinity of 4 metres.

All rear and side setbacks comply with the ResCode standards and are satisfactory.

There are some north-facing windows of 12 Howe Street. The required setback from these windows has been provided and solar access to these windows would be maintained in accordance with ResCode requirements.

Areas of private open space for ground floor dwellings are all larger than 25sqm with widths ranging between 2.6 metres to 4 metres. A condition contained within the appendix will require the widths to be not less than 3 metres.

Storage has not been provided. A condition in the appendix will require storage to be provided.

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

**ADDRESS: 10 Howe Street, MURRUMBEENA**  
**APPLICATION NO: GE/PP-28337/2015**

**1. Proposal**

(Refer to attached plans)

Features of the proposal include:

- Construction of four double storey attached dwellings.
- One 3 bedroom dwelling and three 2 bedroom dwellings
- 5 carparking spaces are proposed 4 of which would be in garages.
- Retaining the existing crossover for Dwelling 1 and creating a new crossover for dwellings 2, 3 and 4.
- Maximum building height of 7.2 metres (Dwelling 1)
- Site coverage of 55.8%

**2. Public Notice**

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

The objectors' concerns are summarised as follows:

- Overdevelopment of the site
- The development is visually dominant and out of character with the area.
- Overlooking and loss of privacy
- Collection of bins would be problematic
- Car parking and traffic issues
- Insufficient setbacks
- Will set a precedent
- Pedestrian safety
- Block is too narrow to accommodate 4 dwellings
- Walls on boundaries are inappropriate

**3. Referrals**

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

**Item 9.6 (cont'd)***Transport Planning*

- An adequate number of parking spaces is proposed.
- Minor changes are required to the location and widths of the crossovers
- If a permit was to be issued, a condition should be placed on the permit indicating that the proposed development would be ineligible for parking permits

*Parks Services*

- The impact from the proposed crossover on the street tree is major and the tree will not remain viable.
- If the development is to proceed in its current form the tree can be removed at the cost the applicant.

*Landscape Assessment Officer*

- No high value trees on site and no vegetation on neighbouring property that will be impacted on by the proposal.
- Planting of advanced canopy trees is required in the following areas:
  - (i) 1 x canopy tree within front set-back of Unit 1
  - (ii) 1 x canopy tree within each rear set-back of Units 1 – 4
  - (iii) 3 x canopy trees along drive

**4. Planning Conference**

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

- The proposal is an overdevelopment of the site.
- The proposal will set a precedent for future development.
- Car parking is already at capacity and the proposal will exacerbate the shortage of on street car parking.
- Vehicular access poses a safety risk for pedestrians.
- The application should be for fewer dwellings.
- There are inconsistencies in the reports submitted in support of the application.

**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 Job No. 5690, sheets TP5-7 and TP6-7, revision A, dated 03/09/2015 and prepared by Sharp Building Design) but modified to show:

**Item 9.6 (cont'd)**

- (a) A landscape plan in accordance with Condition 2.
  - (b) The width of all the private open space areas increased to a minimum of 3 metres with this change absorbed within the building envelopes.
  - (c) 6m<sup>3</sup> of storage provided for each dwelling in locations that are to the satisfaction of the Responsible Authority.
  - (d) The crossover to Dwelling 1 to be a single crossover with a 1.2 metre pedestrian refuge between the crossover at 8B Howe Street and the crossover of Dwelling 1.
  - (e) The crossover and accessway to Dwelling 1 to have a minimum width of 3 metres.
  - (f) Pedestrian sight triangles to be provided along the south side of the accessway for unit 1 and along the north side of the accessway servicing the remainder of the units measuring a minimum of 1 metre along the property line by 1.5 metres along the driveway edges. An annotation is to be added stating that the pedestrian sight triangles are to be clear of any objects or vegetation greater than 600mm in height.
2. A detailed Landscape Plan must be submitted to Council, to the satisfaction of 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 the following:
- (a) Buildings and trees (including botanical names) on neighbouring properties within 3 metres of the boundary.
  - (b) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - (c) Landscaping and planting within all open space areas of the site.
  - (d) 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) 1 x canopy tree within front set-back of Unit 1
    - (ii) 1 x canopy tree within each rear set-back of Units 1 – 4
    - (iii) 3 x canopy trees along drive
- or 6 trees in locations to the satisfaction of the Responsible Authority.
- Trees are not to be sited over easements. All species selected must be to the satisfaction of the Responsible Authority.
3. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. This does not apply to the exemptions specified in Clause 62 of the Glen Eira Planning Scheme. Note: This does not obviate the need for a permit where one is required



**Item 9.6 (cont'd)**

4. This Permit will expire if:

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

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

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

5. 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.
6. Privacy screens and obscure glazing must be in accordance with the endorsed plans and must be installed prior to the occupation of the development. All privacy screens and obscure glazing must be maintained to the satisfaction of the Responsible Authority.
7. 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.
8. 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
9. Prior to the commencement of the development, a fee of \$765.69 must be paid to the Responsible Authority for the removal and replacement of the existing street tree. Removal of the street tree may only be undertaken by the Responsible Authority
10. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plan(s) must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all weather sealcoat; and
  - (d) drained.

**Item 9.6 (cont'd)**

11. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
12. The permit holder must inform all purchasers about this planning permit, particularly drawing attention to Note G.
13. The car parking allocation for the approved development must be:
  - Not less than one (1) car space per one or two bedroom dwelling;
  - Not less than two (2) car spaces per three (3) or more bedroom dwelling

**Notes:**

- A. 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
- B. Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.
- C. Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.
- D. All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network
- E. All stormwater runoff must be connected to Council drainage network. No uncontrolled stormwater discharge to adjoining properties and footpaths.
- F. There must be no net increase in peak stormwater runoff to Council's drainage network. Post development peak storm water discharge to Council's drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations must be submitted to Council for approval prior any construction works.
- G. Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).

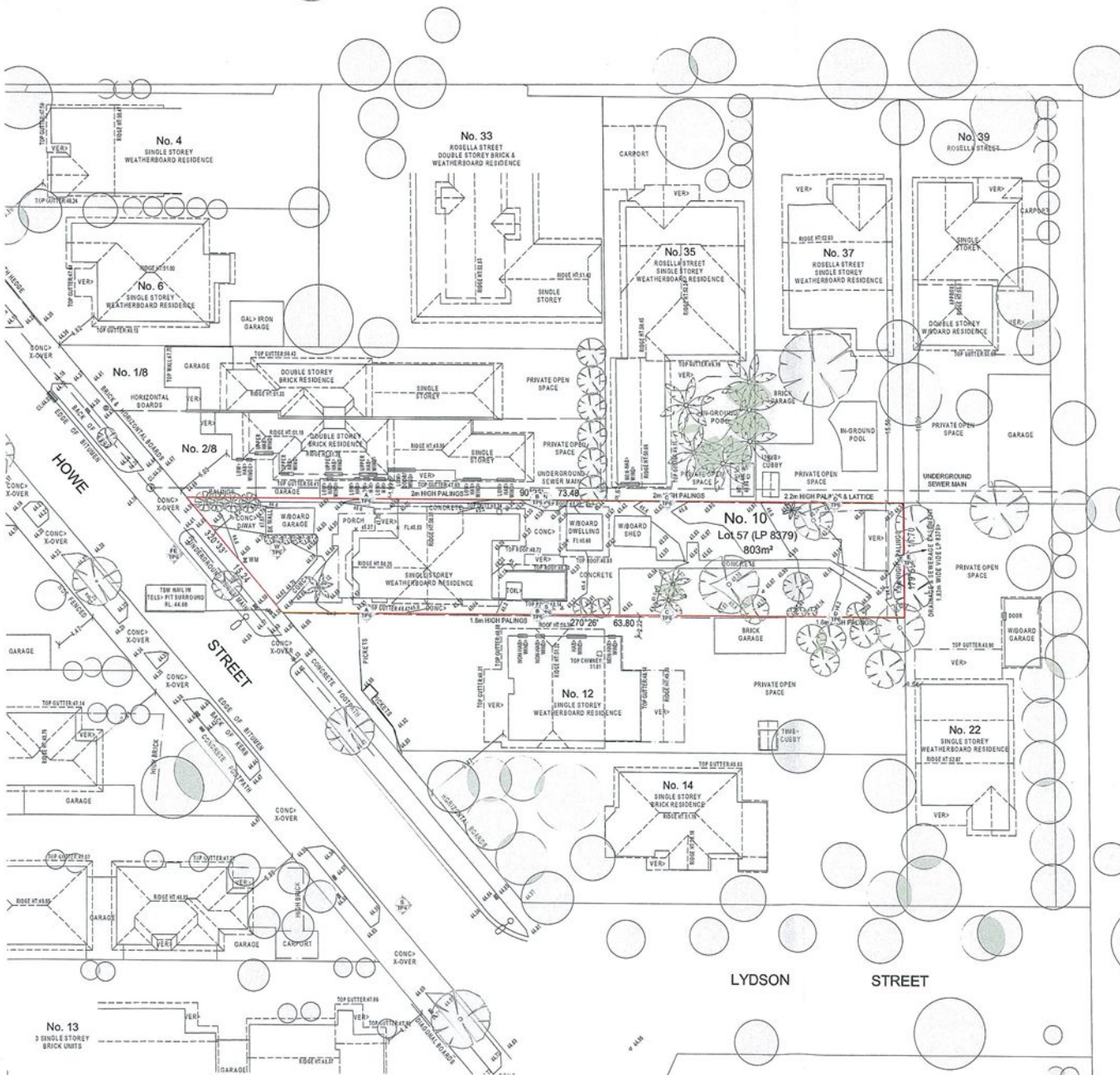
**Item 9.6 (cont'd)**

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

**Crs Okotel/Hyams**

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

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



J:\01-Projects\5600-5699\5690Guan - 10 Howe St Murrumbidgee\01-Drawings\Town Planning\5690\_Guan\_10HoweSt\_TP\_08-08-15\_(AC)\_RFI\_in progress.pln

SITE SURVEY  
1:200

#### LEGEND:

Public transport within close proximity to the subject site:

01	Poath Road	308m
02	Kangaroo Road	355m
03	Railway Parade	390m
04	Murrumbidgee Road	930m
05	Hughesdale Train Station	300m
06	Murrumbidgee Train Station	860m

#### NOTES:

Levels on the adjoining sites do not differ substantially from the subject site.

No known contamination on the site and on reason to suspect its presence.

No significant views from the site.

All level to A.M.D.

This drawing is to be read in conjunction with the written planning report prepared by Sharp Design which forms part of this planning permit.

HAB WIND - Adjoining habitable room window

NON HAB WIND - Adjoining non habitable room window

Schools within close proximity to the subject site:

01	St Patrick's Catholic Primary School	1585m
02	Sacred Heart Girls' College	1500m
03	Sacred Heart Catholic Primary School	1500m
04	Sts Anargel College	1205m

Public open space reserves within close proximity to the subject site:

01	Murrumbidgee Park	450m
02	Gairbally Reserve	550m
03	Riley Reserve	1285m
04	Springthorpe Gardens	1285m
05	Boyd Park	490m

Shopping within close proximity to the subject site:

01	Poath Road shopping strip	550m
02	Murrumbidgee Road shopping strip	970m

Additional Community Facilities within close proximity to the subject site:

01	Murrumbidgee Tennis Club	520m
02	Hughesdale Community Centre	590m
03	Community Health Centre	895m

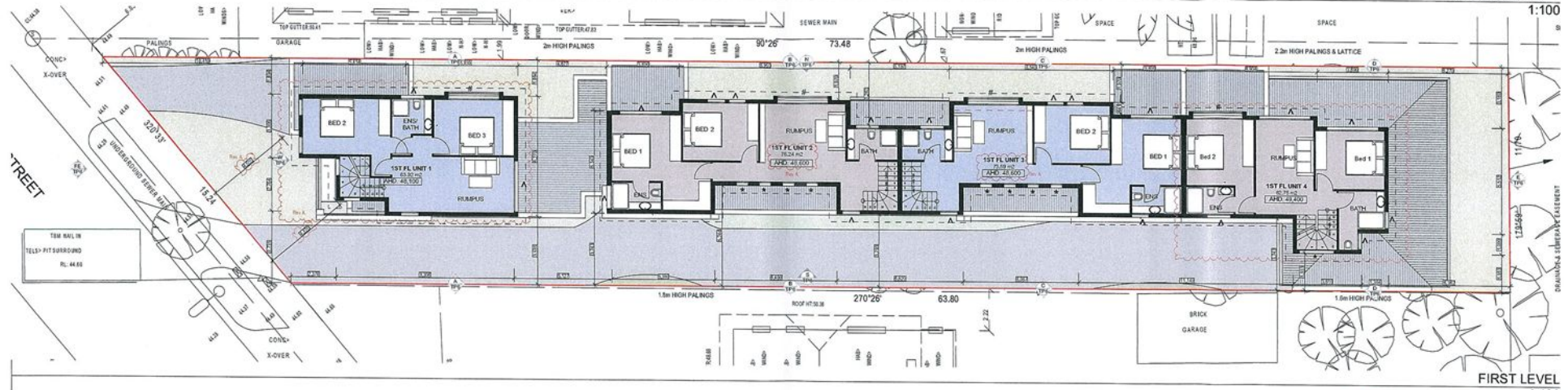
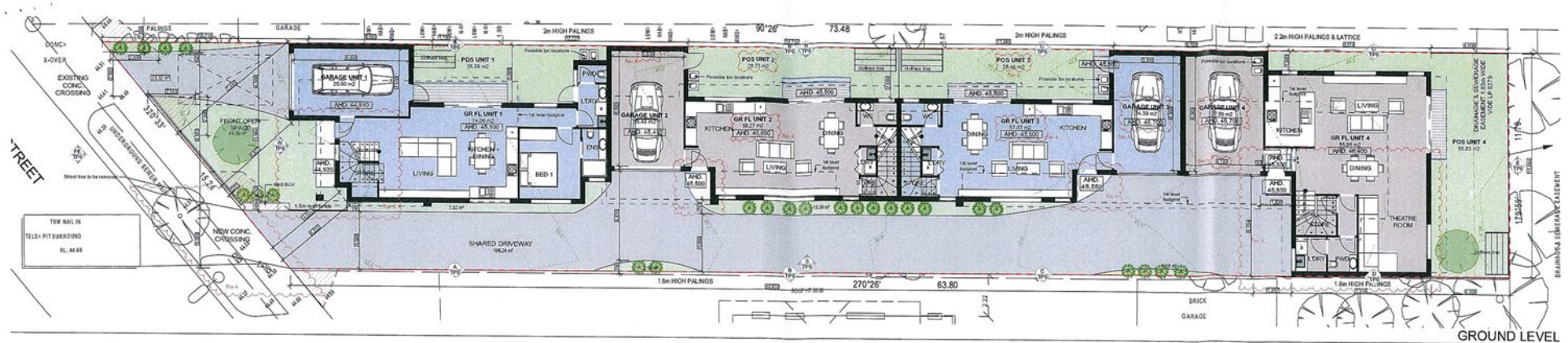
ADVERTISED PLAN

2 OF 10

This document is made available to the public for information only and is not to be used as part of a planning process. It is a confidential document and its use for any other purpose is strictly prohibited.

TOWN PLANNING			
CONTEXT PLAN			
DATE: 14/01/2015	REVISION: Rev A, RFL, 01-08-2015	SCALE: 1:200	
PROJECT DATE: 30/09/2015		PROJECT NAME: TP2 - 7	
		PROJECT NO: 5690	
<p>Buildings/structures to be checked and verified as dimensions and levels on site before commencement of any work, and initial entry on site is subject to liability will be accepted by SHARP BUILDING DESIGN for any errors and/or omissions.</p>			
<p><b>6 UNIT DEVELOPMENT</b> at 10 HOWE ST, MURRUMBEENA, VIC, for JOHNNY GUAN</p>			
<p>sharp design</p>			





# ADVERTISED PLAN S OF 10



SOUTH - WEST VIEW



NORTH - WEST VIEW

AREA ANALYSIS				
	GFL	1st FL	GARAGE	OPEN LIVING SPACE
Unit 1	74.06	63.92	25.00	26.39 P.O.S + 64.8
Unit 2	58.27	76.24	20.43	28.73 P.O.S
Unit 3	67.03	73.59	24.30	28.44 P.O.S
Unit 4	85.95	62.75	27.96	55.83 P.O.S
TOTAL GROUND FLOOR AREA	379.1m <sup>2</sup>			
TOTAL FIRST FLOOR AREA	278.5m <sup>2</sup>			
TOTAL FLOOR AREA	655.6m <sup>2</sup>			
TOTAL BUILDING AREA	448.2m <sup>2</sup>			
TOTAL IMPERVIOUS AREA	621.8m <sup>2</sup>			
SITE AREA	802.7m <sup>2</sup>			
SITE COVERAGE	55.8%			
PERVIOUS SURFACES	22.5%			

## LEGEND

- # VERTICAL SCREENING PANEL WITH MAXIMUM 25% TRANSPARENCY
- \* FIXED OBSCURE GLAZING UP TO 1.7M HIGH ABOVE THE FINISHED FLOOR LEVEL
- ▲ OBSCURE GLAZING WITH MAX AWMING OPENING OF 10mm
- Roof Below
- Open Space
- Driveway
- Proposed new walls
- Carport
- Outdoor Deck

**TOWN PLANNING**

14/01/2015

TP5 - 7

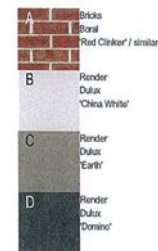
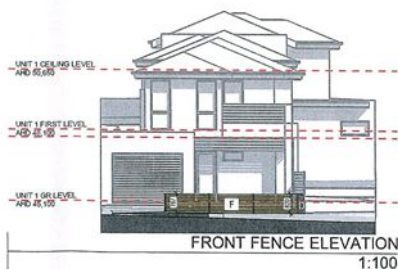
5690

6 UNIT DEVELOPMENT  
at 10 HOWE ST,  
MURRUMBIDGEA, VIC,  
for JOHNNY GUAN

3d design

24 Torgana Road, Carlingford, VIC 3103  
P: 03 9572 9554 F: 03 9572 9555  
E: 3d@3d-design.com.au





**ADVERTISED PLAN**  
6 OF 10

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- LEGEND**
- # VERTICAL SCREENING PANEL WITH MAXIMUM 25% TRANSPARENCY
  - \* FIXED OBSCURE GLAZING UP TO 1.2M HIGH ABOVE THE FINISHED FLOOR LEVEL
  - ▲ OBSCURE GLAZING WITH MAXIMUM OPENING OF 100mm

TOWN PLANNING			
ELEVATIONS & SECTIONS			
DATE: 14/01/2015	REVISION: 1	SCALE: 1:100	
PROJECT: 10 Howe St	PROJECT: 10 Howe St	PROJECT: 10 Howe St	
DATE: 30/09/2015	DATE: 30/09/2015	DATE: 30/09/2015	
PROJECT: JC	PROJECT: JC	PROJECT: JC	
PROJECT: JC	PROJECT: JC	PROJECT: JC	
6 UNIT DEVELOPMENT at 10 HOWE ST, MURRUMBEENA, VIC, for JOHNNY GUAN			
To: Progress Road, Camperdown, VIC 3173 P: 03 9577 9600 F: 03 9577 9600 E: 6unit@6unitdesign.com.au			

## Item 9.7

VCAT WATCH  
December 2015Enquiries: Michael Henderson  
Supervising Planner (VCAT)

## 1. Purpose

To report to Council recent VCAT decisions.

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

## 2. Decisions

ADDRESS	<b>3 ARDYNE STREET, MURRUMBEENA</b>
PROPOSAL	A THREE-STOREY BUILDING COMPRISING 13 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>• REDUCTION IN THE NUMBER OF DWELLINGS BY ONE (13 DWELLINGS IN TOTAL);</li> <li>• ALTERATIONS TO THE CAR PARK LAYOUT AND DESIGN; &amp;</li> <li>• INCREASED REAR BOUNDARY SETBACKS.</li> </ul>
VCAT DECISION	REFUSAL
APPELLANT	DYNAMITE BUILDING GROUP

***“The building does not acknowledge Ardyne Street’s character in any way bar complying with the Planning Scheme’s standard for front setbacks. This is the reason why I have not granted a permit.”*** VCAT Member – Michael Nelthorpe

- The subject site is located within the General Residential Zone and the Murrumbeena Neighbourhood Centre.
- The application was refused on grounds relating to its non-compliance with the purpose of the General Residential Zone and Housing Diversity Area Policy due to the proposal’s incompatibility with surrounding neighbourhood character and visual bulk. The application also failed to satisfy a number of ResCode Standards.
- In determining the application, the Tribunal held that the architectural style of the proposal failed to have appropriate regard to the neighbourhood character of Ardyne Street. Further, the Tribunal determined that a more sensitive design treatment of the buildings frontage was required to avoid the development’s scale and mass dominating the streetscape.
- On that basis, the Tribunal affirmed Council’s refusal.

## Item 9.7 (cont'd)

ADDRESS	<b>2-4 PENANG STREET, MCKINNON</b>
PROPOSAL	A THREE-STOREY BUILDING COMPRISING 24 DWELLINGS
COUNCIL DECISION	REFUSAL (RESOLUTION)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS AMENDED BY THE APPLICANT PRIOR TO THE VCAT HEARING BY THE SUBSTITUTION OF DIFFERENT PLANS TO THAT ORIGINALLY CONSIDERED BY COUNCIL. THE KEY CHANGES TO THE PROPOSAL WERE AS FOLLOWS: <ul style="list-style-type: none"> <li>• REDUCTION IN THE NUMBER OF DWELLINGS BY TWO (22 DWELLINGS TOTAL);</li> <li>• ALTERATIONS TO THE CAR PARK LAYOUT AND DESIGN;</li> <li>• ALTERATION TO SCREENING MEASURES TO PREVENT OVERLOOKING;</li> <li>• INCREASED GROUND AND FIRST FLOOR STREET SETBACKS; &amp;</li> <li>• RELOCATION OF THE LOBBY GROUND FLOOR ENTRANCE FROM PENANG STREET TO GRAHAM AVENUE.</li> </ul>
VCAT DECISION	PERMIT
APPELLANT	SUTANTO DEVELOPMENTS PTY LTD

***“We are satisfied with all of these changes. The level access into the principal ground floor entry to the building is a significant improvement and we note this is combined with a wider front entry corridor (which we also required to be changed).”*** VCAT Member – Rachel Naylor (Presiding) and Gary Chase

- The subject site is located within the General Residential Zone and the McKinnon Neighbourhood Centre.
- The application was refused on grounds relating to its non-compliance with the purpose of the General Residential Zone due to the proposal's incompatibility with surrounding neighbourhood character and visual bulk. The application also failed to satisfy a number of ResCode Standards.
- During the hearing residents (objectors) made submissions to the Tribunal about the potential flooding of the subject site and the impact that this may have on the basement level. The Tribunal determined that due to the amended design of the basement level, plus the information received Melbourne Water, the risk of flooding has been appropriately mitigated.
- Further, the Tribunal held that the relocation of the dwelling entrance and the opportunity for mature tree planting resulted in an appropriate outcome that will be respectful of the character and amenity of the neighbourhood.
- On that basis, the Tribunal directed that a planning permit be issued for the application.

**Item 9.7 (cont'd)**

ADDRESS	<b>247-251 NEERIM ROAD, CARNEGIE</b>
PROPOSAL	A FOUR-STOREY BUILDING COMPRISING 48 DWELLINGS
COUNCIL DECISION	PERMIT (RESOLUTION)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	PERMIT
APPELLANT	WYNDHAM ACE PTY LTD

***“The planning scheme is clear in its direction that the planning scheme dimensions are to be used in preference to the Australian Standard. Mr Ptok made a submission that in an area where apartments are being used by families, the extra 0.2 metre is important to the useability of the car space. I am not persuaded that the Australian Standard should be permitted in the case to replace the requirements of clause 52.06.***

***I am persuaded by Council's submission that whilst the site is located within the Carnegie Urban Village, and well serviced by public transport, the area is undergoing significant change. Whilst there may be spare capacity for on street parking currently, the demand parking survey does not take into account the sites that have approval for redevelopment.”***

VCAT Member – Tracey Bilston-McGillen

- The subject site is located within the Residential Growth Zone and the Carnegie Urban Village.
- Council determined to support the application, subject to conditions that increased setbacks to Neerim Road and adjoining properties. Council also determined that the full requirement for visitor parking should be provided on-site, while a number of additional conditions were included to ensure that vehicles can safely egress to and from the site.
- In determining the application, the Tribunal held that the built form of the development was generally satisfactory. Therefore, the Tribunal directed that Council's conditions relating to increased setbacks be deleted.
- The Tribunal determined that that full compliance with visitor parking be provided on-site having regard to the number of recently approved developments in the area and the change expected. The Tribunal also held that the layout and design of the car park should be amended to reflect the planning scheme requirements.
- On that basis, the Tribunal directed that a modified planning permit be issued.

**Item 9.7 (cont'd)**

ADDRESS	<b>7 PACKER STREET, MURRUMBEENA</b>
PROPOSAL	DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF TWO DOUBLE-STOREY DWELLINGS
COUNCIL DECISION	REFUSAL (MANAGER)
PROPOSAL CONSIDERED BY VCAT	THE PROPOSAL WAS NOT AMENDED PRIOR TO THE VCAT HEARING
VCAT DECISION	REFUSAL
APPELLANT	NICK ZACCARDI

***“My concern however is the same as council with regard to the first floor setbacks being 12.6 and 13.6 as not being of sufficient setback to meet the objective of not being dominant and being subservient to the preferred neighbourhood character.”*** VCAT Member – Tracey Bilston-McGillen

- The subject site is located within the Neighbourhood Residential Zone and is affected by the Neighbourhood Character Overlay.
- Council determined to refuse the application on grounds relating to its non-compliance with the policy requirements of Council's Minimal Change Area Policy and the objectives of Neighbourhood Character Overlay.
- In determining the application, the Tribunal held demolition of the existing dwelling was acceptable, subject to an appropriate replacement building. However, the Tribunal determined that the first floor setback was visually dominant and the provision of two crossovers was inconsistent with the streetscape.
- On that basis, the Tribunal affirmed Council's refusal.

**3. Recommendation**

That Council note:

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

**Crs Lipshutz/Magee**

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

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



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

COMPULSORY CONFERENCE	FULL HEARING	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
3 December 2015	18 January 2016	P2102/2015	21-25 Nicholson Street, Bentleigh	Construction of a four-storey building comprising 45 dwellings	RGZ	Refusal (Manager)	Refusal (Applicant)
15 December 2015	1 February 2016	P2178/2015	6-8 Blair Street, Bentleigh	Construction of a four-storey building comprising thirty-five (35) dwellings	RGZ	Refusal (Manager)	Refusal (Applicant)
11 January 2016	9 February 2016	P2251/2015	168-176 Hotham Street, Elsternwick	Modification to an existing permit allowing the construction of a five- storey building. The proposed change seeks to: <ul style="list-style-type: none"> <li>Alter the requirements of the Section 173 agreement relating to the provision of affordable housing for disadvantaged and underprivileged persons</li> </ul>	MUZ	Permit (Resolution)	Conditions (Applicant)
11 January 2016	11 February 2016	P2256/2015	8 Station Street & 11-15 Bond Street & 56 Kambrook Road, Caulfield North (Caulfield Village)	119 Lot Subdivision (appeal against allocation of common property)	PDZ	Permit (Officer)	Conditions (Applicant)

**PLANNING AND ENVIRONMENT LIST**

HEARING DATE	APPEAL NO.	PROPERTY	PROPOSAL	ZONE	COUNCIL DECISION	APPEAL AGAINST
2 December 2015	P2235/2015	342 Hawthorn Road, Caulfield South	The removal of a drainage easement.	C1Z	Permit (Officer)	Conditions (Applicant)
9 December 2015	P1986/2015	1 Marilyn Court, Bentleigh East	Construction of two double-storey dwellings	NRZ	Permit (DPC)	Conditions (Applicant)
7 January 2016	P2086/2015	35 Hawson Avenue, Glen Huntly	Construction of two double-storey dwellings	NRZ	Permit (DPC)	Conditions (Applicant)
7 January 2016	P2122/2015	198 Booran Road, Ormond	Partial demolition of the existing dwelling and construction of a single storey dwelling on land affected by the Heritage Overlay	NRZ	Refusal (Manager)	Refusal (Applicant)
1 April 2016	P1974/2015	532 North Road, Ormond	Construction of a five-storey building, containing 10 dwellings and a shop	MUZ	Refusal (Manager)	Refusal (Applicant)
13 April 2016	P2120/2015	29-31 Prince Edward Avenue, McKinnon	Construction of a three-storey building comprising of twenty-one (21) dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
15 April 2016	P2094/2015	1112 Dandenong Road, Carnegie	Construction of a three-storey building comprising eight (8) dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
18 April 2016	P2129/2015	101 Grange Road, Glen Huntly	A 3 storey extension to the existing building to comprise of three (3) dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
18 April 2015	P2144/2015	1A Osborne Avenue, Bentleigh	Construction of two double-storey dwellings	NRZ1	NOD (DPC)	NOD (Objector)
19 April 2016	P2147/2015	3 Adrian Street, Bentleigh East	Construction of two double-storey dwellings	NRZ	Permit (DPC)	Conditions (Applicant)
20 April 2016	P2189/2015	2 Millis Avenue, Bentleigh	Construction of two double-storey dwellings	NRZ	Refusal (DPC)	Refusal (Applicant)
21 April 2016	P2139/2015	19-21 Rothschild Street, Glen Huntly	Construction of a three-storey building comprising twenty-six (26) dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)

22 April 2016	P2165/2015	8 Murrong Avenue, Bentleigh East	Construction of two double-storey dwellings	NRZ	Permit (DPC)	Conditions (Applicant)
22 April 2016	P2175/2015	18 Browns Road, Bentleigh East	Construction of four (4) three-storey dwellings	GRZ	Refusal (Manager)	Refusal (Applicant)
22 April 2016	P2176/2015	34 Marquis Road, Bentleigh	Construction of two double-storey dwellings	NRZ	Refusal (Manager)	Refusal (Applicant)

**Item 9.8****TRANSPORT ADVISORY COMMITTEE****1. Purpose**

On 17 March 2015, Council resolved:

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

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

Cr Sounness has worked with other Councillors to produce the attached draft terms of Reference for Council's consideration.

**2. Recommendation**

If Council wishes to proceed as attached, an appropriate resolution would be

That Council establish a Transport Advisory Committee, adopt the attached Terms of Reference, appoint [three Councillors] as members and advertise for four community representatives.

**Crs Sounness/Lipshutz**

**That Council establish a Transport Advisory Committee, adopt the attached Terms of Reference, appoint Cr Sounness, Cr Pilling and Cr Hyams as members and advertise for four community representatives.**

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

## **Transport Advisory Committee –Terms of Reference**

### **Role of Committee**

The Transport Advisory Committee is an Advisory Committee of Council established under section 86 of the *Local Government Act (1989)* to advise Council on transport matters by:-

- facilitating understanding of transport initiatives affecting Glen Eira;
- considering the Sustainable Transport, Walking and Cycling & related strategies;
- holding public forums to gain comprehensive community involvement on transport topics;
- providing a forum for informed stakeholders to have a wide ranging technical discussion on achieving policy goals;
- considering urban design initiatives to achieve high quality pedestrian friendly public realm outcomes;
- providing advice on Council's advocacy roles;
- making recommendations on policy issues where appropriate, and
- reporting back to Council

### **Membership**

The advisory committee will comprise three Elected Councillors, being voting members and four community representatives, being non-voting members with a strong connection with Glen Eira. Community members may include:-

- Transport Planning professionals;
- Urban Design professionals;
- Public & Community Transport advocates;
- Experts in all ability access;
- Enthusiasts of walking, cycling & alternative transport forms.

Appointments of community representatives shall commence on the date of the resolution appointing them and end on the earlier of:-

- the expiration of two years;
- the cessation of the committee;
- the member(s) resigning;
- Council resolving to remove the member from the Committee, or
- the expiration of the Council term.

### **Meetings**

Committee Meetings shall be held at least 4 times a year.

Open forum community consultation meeting shall be held at least once every year, and more frequent open forums are to occur while grade separation projects are taking place.



## **Reporting**

Committee recommendations will be submitted to the next appropriate ordinary Council Meeting for consideration.

## **Conflict of Interest**

Meetings of the Committee may be an assembly of Councillors as defined under Section 76AA of the Local Government Act 1989. In the interests of good governance, all meetings of the Committee shall be treated as if they were an assembly of Councillors and each member of the Committee must comply with provisions of the Act relating to conflicts of interest as though they were a Councillor.

### ***--- history –***

- Assembly of 17 March 2015 (part iiv of the agenda) reported in OCM Minutes of 8 April 2015

**Item 9.9****BENDIGO AVENUE AND BURGESS STREET BENTLEIGH  
- CREATION OF EASEMENTS OVER COUNCIL CAR  
PARKS**

**File No:**  
**Enquiries: Noel Kiernan**  
**Title: Manager Buildings and**  
**Properties**

**1. Purpose**

For Council to authorise the Director Assets and Facilities to accept an offer of compensation from the Alliance that reflects the impact of easements over Council car parks.

**2. Community Plan**

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

**3. Background**

The Victorian Government's Level Crossing Removal Authority (LXRA) plans to remove the level crossing at Centre Road, Bentleigh in 2016. The project is being delivered through a public-private alliance.

In preparing to remove the level crossing, the alliance needs to realign a South East Water sewer and Melbourne Water drain to the south of Centre Road. The new alignments pass through Council owned car parks at 85 Bendigo Avenue and 45 Burgess Street (refer to plans in Attachments 1 and 2).

The car parks are freehold land (ie have the same land title status as private property). To construct the sewer and drain under the car parks, the alliance needs:

- i. Council approval to occupy the land to carry out works; and
- ii. Council's agreement to create easements in favour of the asset owner (most likely South East Water for the sewer and Melbourne Water for the drain)

To keep the level crossing removal project on-track, the alliance needs to occupy parts of car parks from January 2016 to commence re-aligning the sewer and drain. Council officers have already permitted the alliance to occupy the car parks for a few days in December to complete preliminary investigations.

The Government could use its powers to compulsorily acquire the necessary easements to occupy and construct the infrastructure on the car parks. Given this process would typically take more than six months; the alliance would like to create the easement by agreement with Council instead.

**Item 9.9 (cont'd)**

Given it is in the best interest of the local community to complete the project quickly, officers strongly recommend that Council agree to create the easements by agreement.

**4. Issues**

The alliance's proposed timelines are very tight. The proposed steps for Council to give consent to occupy and create the easements are:

- i. Alliance to finalise the design of the re-alignments;
- ii. Council and the alliance to agree on extent, type and alignment of easements to suit the design;
- iii. Council and the alliance's Certified Practicing Valuers prepare and agree on current valuations for the loss in market value.
- iv. Council and the alliance agree and sign a licence agreement for the alliance to occupy the car parks. Terms of the licence(s) would need to include:
  - Duration and extent of temporary occupation of the car parks;
  - a licence fee;
  - agreement on the amount of compensation payable to Council for loss of market value in the land due to the creation of the easement; and
  - requirements on the alliance to notify members of the community affected by the re-alignment works.

Given the next Council meeting is not until 2 February 2016 time does not allow for Council to formally consider the licence agreement. Instead, it is proposed that Council's Director Assets and Facilities be authorised to finalise the licence agreement and consent to creation of the easement. In doing so the Director will apply the following principles:

- a) The easements will be of the minimum extent necessary to reasonably accommodate the alliance's needs;
- b) the duration of occupation be kept to minimum<sup>1</sup>;
- c) permanent loss of parking spaces will be kept to an absolute minimum.
- d) compensation will not be less than the agreed valuation;
- e) the licence fee will be at least commensurate with the loss of parking valued at market rates;

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<sup>1</sup> In addition to re-aligning the sewer and drain, the alliance needs to access the railway corridor through the car parks. Total occupation is likely to be 10 months.

**Item 9.9 (cont'd)**

- f) affected members of the community will be given reasonable notice before the alliance occupies the car parks; and
- g) any other matter the Director considers relevant.

**5. Recommendation**

That Council authorise the Director of Assets and Facilities to:

- i. Enter into a licence agreement for the alliance to temporarily occupy the Council car parks at 85 Bendigo Avenue and 45 Burgess Street, Bentleigh;
- ii. To reach agreement with the alliance in relation to compensation payable to Council based upon the loss in market value associated with the creation of easement; and
- iii. Council authorises the Director Assets and Facilities to finalise the terms of such agreement in an appropriate manner including affixing of the common seal.

**Crs Lipshutz/Hyams**

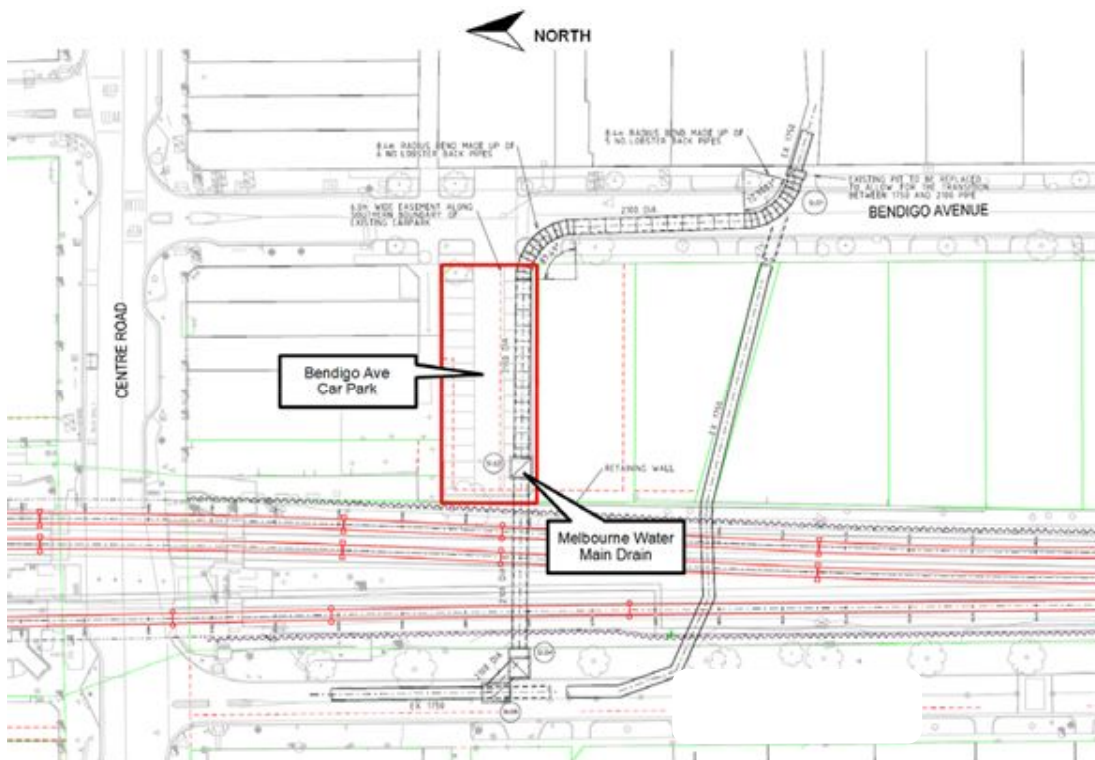
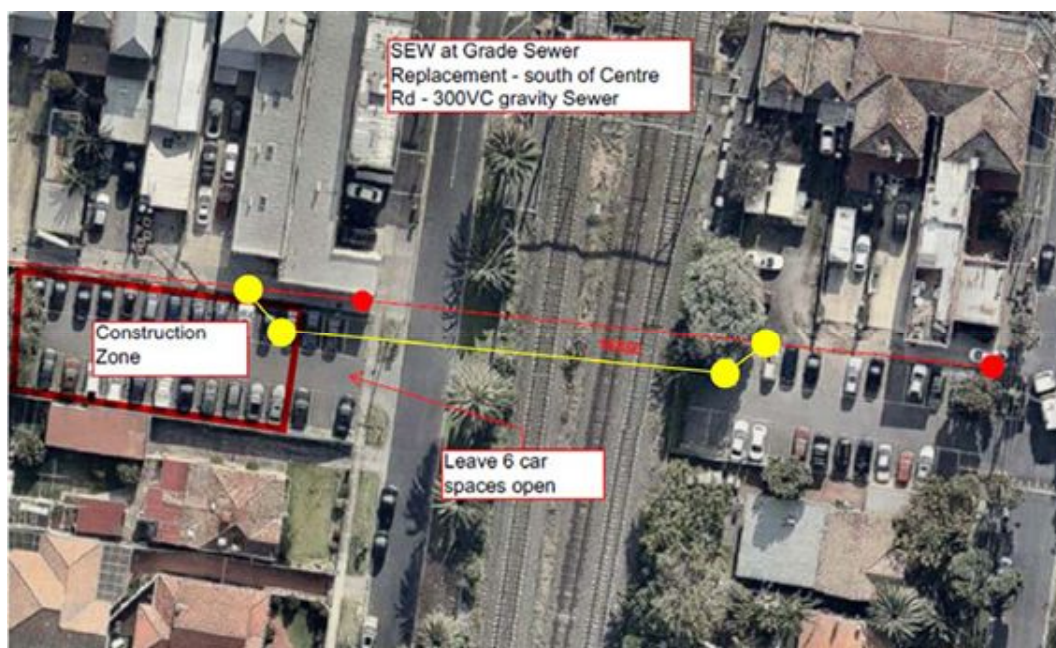
**That the recommendation in the report be adopted.**

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





## ATTACHMENT 2

**Plan of drainage works****85 Bendigo Avenue – Melbourne Water Main Drain works****45 Burgess St – South East Water Sewer Relocation**

**Item 9.10****FOUNDATION FOR YOUTH EXCELLENCE  
COMMITTEE GRANT APPLICATIONS****Enquiries: Paul Burke  
Director Community Relations****1. Proposal**

To seek Council agreement to the attached recommendations in respect of grant applications made to the Foundation for Youth Excellence and to authorise the nominated payments.

**2. Recommendation**

That Council;

- a. Agree the recommendations contained in the attached document.
- b. Authorise the nominated payments in the documents.

**Crs Delahunty/Hyams**

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

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

**Item 9.10 (cont'd)****FOUNDATION FOR YOUTH EXCELLENCE GRANTS****Background**

The Foundation for Youth Excellence is a Glen Eira City Council program, which recognises young people who have achieved excellence in the fields of creative and performing arts, education, leadership or sport. Grants are awarded to young people who aim to achieve further success in their chosen field.

Young people aged between 10 and 25 (inclusive), living in the City of Glen Eira who are competing or performing at state, national or international level in creative and performing arts, education, leadership or sport activities, are eligible to apply.

**Selection Criteria**

Categories cover Creative and Performing Arts, Education, Leadership and Sport. Within these categories are three levels upon which grant amounts are decided. These levels are State, National and International competition.

<b>STATE:</b>	Up to \$360
<b>NATIONAL:</b>	Up to \$600.00
<b>INTERNATIONAL:</b>	Up to \$1,200.00

Applicants are required to provide the following as part of the set guidelines for the Foundation:

- A letter outlining the significance of the nominated event as recognised by a state, national or international body, including the impact that this event will have on the applicant with a view to enhance their chosen pursuit;
- The individuals state, national and or international ranking;
- Evidence of potential to achieve success at national and or international level;
- Evidence from the organisational body outlining how the applicant was chosen for the event and the selection criteria used to make this decision;
- An indication of the number of training / study hours per week, or additional documents that supports their application.

**Recommendations Quarter 4 , 2015**

**WELSH, Amy**

Category: Sport

Level: International

Applicant selected to represent local gymnastic club at the 2016 Aloha Gymfest competition in Kailua, Hawaii.

**Recommendation:** NIL

Not eligible for FFYE funding. Application does not meet FFYE funding criteria as application is for neither a recognised representative team nor a recognised competition

**Item 9.10 (cont'd)****KETTLE, Tess**

Category: Sport

Level: International

Applicant selected to represent local gymnastic club at the 2016 Aloha Gymfest competition in Kailua, Hawaii.

**Recommendation: NIL**

Not eligible for FFYE funding. Application does not meet FFYE funding criteria as application is for neither a recognised representative team nor a recognised competition

**MAHONY, Linley**

Category: Creative &amp; Performing Arts

Level: International

Applicant selected to represent Australia at the ICU World University Cheerleading Championships in Orlando, USA.

**Recommendation: \$1200**

Funding to contribute towards registration and competition expenses.

**RYAN, Lochlan**

Category: Sport

Level: National

Applicant selected to represent Victoria at the School Sport Australia Athletics Championship in Canberra, ACT.

**Recommendation: \$600**

Funding to contribute towards registration and competition expenses

**O'CONNOR, Emily**

Category: Sport

Level: International

Applicant selected to represent Australia at the 2015 Trampoline Senior World Championships in Odense, Denmark.

**Recommendation: \$1200**

Funding to contribute towards registration and competition expenses

**MERCURI, Amelia**

Category: Sport

Level: National

Applicant selected to represent Victoria at the Softball Australian Championships in Blacktown, Sydney, NSW.

**Recommendation: \$600**

Funding to contribute towards registration and competition expenses

**Item 9.10 (cont'd)****HIGGINS, Chloe**

Category: Education

Level: International

Applicant selected as part of the 'Specialists Without Borders' delegation travelling to Malawi and Zimbabwe to lead training seminars for medical personnel in low-resource settings.

**Recommendation:** \$1200

Funding to contribute towards travel insurance, immunization and living expenses.

**LIZAK, Nathaniel**

Category: Education

Level: International

Applicant selected to present research at the 31st Congress of ECTRIMS (European Committee for treatment and research in Multiple Sclerosis) in Barcelona, Spain

**Recommendation:** \$1200

Funding to contribute towards presentation and living expenses.



**Item 9.11**

**GLEN EIRA CITY COUNCIL  
FINANCIAL REPORT  
FOR THE PERIOD ENDING 30 NOVEMBER 2015**

**File No:  
Enquiries: Peter Swabey  
Chief Financial Officer**

**1. Proposal**

To receive the Financial Report for the period ending 30 November 2015.

**2. Corporate Goal*****Theme 4: Governance***

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

**3. Key Points**

The positive operating result year to date is higher than was anticipated when the annual budget was set. The balance sheet position and the cash position are sound.

**4. Contents**

Executive Summary .....	1
Financial Strategy .....	5
Assurance Map .....	8
Income Statement .....	10
Balance Sheet.....	11
Performance Graphs.....	12
Capital Works Program Expenditure .....	17
Debtors .....	19

**5. Recommendation**

That the report be received and noted.

**Crs Lipshutz/Okotel**

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

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

## **Executive Summary**

*for the period ending 30 November 2015*

### **a) Current Month Budget Result**

At the end of November 2015, the performance against budget from ordinary activities showed a positive variance of \$2.66M due to higher than anticipated revenue of \$525K and savings in operating expenditure of \$2.14M (refer to page 12 for details of the variances).

Please note that a large amount of the current variances are due to timing differences (i.e. between the scheduling of budgets and timing of actual results). The next few months should reflect whether these variances (particularly the expenditure variances) become more permanent for the 2015-16 financial year.

### **b) Current Month Forecast Result**

The forecast result expected for the financial year is an operating surplus of \$16.52M compared with the original adopted 2015-16 Annual Budget of \$13.28M.

Any surplus from day-to-day operations is used to accelerate capital works projects. Annual budget to forecast movements to date show an increase in operating revenue of \$14K; decrease in operating expenditure of \$3.11M and a net favourable variance in non-operational activities \$107K.

### **c) Liquidity**

Working capital is the excess of current assets above current liabilities. This calculation recognises that although Council has current assets, some of those assets are already committed to the future settlement of liabilities in the following 12 months, and are therefore not available for discretionary spending.

Council needs to ensure working capital is maintained such that sufficient cash reserves are available to meet normal cash flow requirements. Council will continue to have a large investment in capital works projects. The liquidity ratio expresses the level of current assets the Council has available to meet its current liabilities.

Council should hold sufficient cash to cover 'Restricted Assets' such as: Residential Aged Care Deposits, Public Open Space Reserve, Contract Deposits and Fire Services Property Levy.

This ratio has been adjusted for residential aged care deposits (refer page 14).

## ***Executive Summary (continued)***

### **d) Open Space Contributions**

#### ***Contributions***

All multi-unit developers now need to pay a uniform 5.7% of the value of the land (or give Council 5.7% of the area of the land). All money raised by the levy will go into more and better open space.

The uniform rate of 5.7% is the highest rate ever achieved across a whole municipality by any suburban council.

Council formulated the new levy in 2014, based on the analysis in the Open Space Strategy. The 5.7% levy was supported by an independent panel in October 2014 and was approved by the State Planning Department. The higher rate took effect from 12 March 2015.

#### ***Open Space Reserve***

The balance of the Open Space Reserve as at 30 November 2015 is as follows:

<b>Description</b>	<b>2015-16 Current Month Actual</b>	<b>2015-16 Year-to-Date</b>
Open Space Contributions Received	\$193,948	\$1,758,263
Open Space Capital Expenditure	(\$118,352)	(\$1,229,720)
<b>Net Movement</b>	<b>\$75,596</b>	<b>\$528,543</b>
<b>Opening Balance as at 1 July 2015</b>		<b>\$3,541,640</b>
<b>Closing Balance – Open Space Reserve</b>		<b>\$4,070,183</b>

*Note: the majority of the Open Space Reserve funds are earmarked to be spent on the development of Booran Reserve (formerly Glen Huntly Reservoir).*

## ***Executive Summary (continued)***

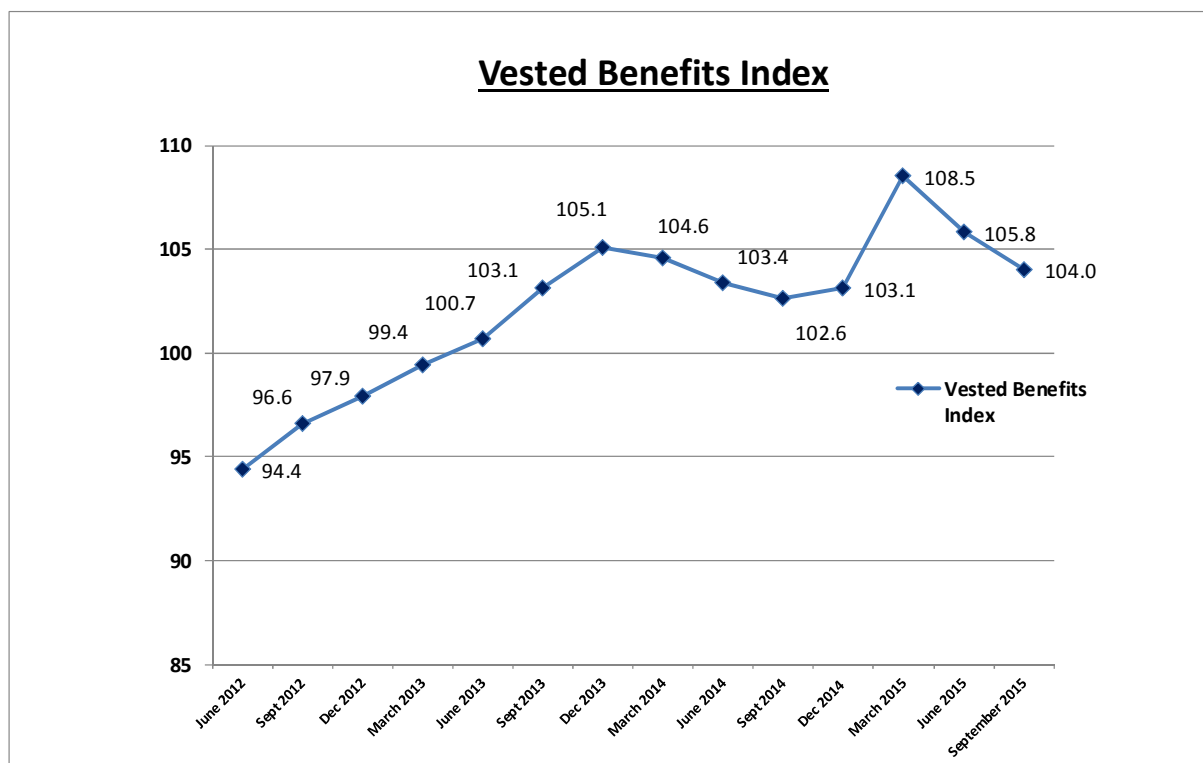
### **e) Superannuation – Defined Benefits Scheme**

#### ***Forward Planning***

Council has made provision in the Strategic Resource Plan of a total of \$2.5m over two years, 2016-17 and 2017-18, in the event of a future call from the Defined Benefits Scheme.

#### ***Vested Benefits Index (VBI)***

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms, this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day. For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. Below is the estimated VBI since 30 June 2012:



## ***Executive Summary (continued)***

### **f) Forecast adjustments for November 2015**

#### ***Income from ordinary activities increase of \$270K***

The favourable expenditure forecast movement is mainly due to:

- Statutory fees and fines - increase of \$290K due to higher than anticipated parking infringements income \$198K and food act registration fees \$54K.

#### ***Expenditure from ordinary activities decrease of \$220K***

The favourable expenditure forecast movement is mainly due to:

- Employee costs decrease of \$353K due to the timing of staff recruitment and agency costs in business units, including: Parks and Gardens \$57K, Human Resources \$52K, Community Care \$52K, Customer Service Centre \$31K, Depot \$25K and Finance \$25K.

### **g) Capital Works Program**

As at the end of November 2015, total capital works expenditure in 2015-16 is expected to be \$36.41M, represented by:

- New capital works projects as per the 2015-16 Annual Budget \$30.15M
- Capital works funding \$1.9M
- Carry forward expenditure from the 2014-15 financial year \$3.87M
- Forecast increase year to date \$450K.

There are no forecast adjustments for the month of November.



## Financial Strategy

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils. In previous years the Auditor-General published the results for individual Councils. In 2014-15 the Auditor-General assessed the financial sustainability risk at a sector level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 7 provides indicators for Glen Eira City Council.

### (a) Financial sustainability risk indicators

Indicator	Formula	Description
Net result (%)	Net result / Total revenue	A positive result indicates a surplus, and the larger the percentage, the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the long term. Net result and total revenue is obtained from the comprehensive operating statement.
Liquidity (ratio)	Current assets / Current liabilities	This measures the ability to pay existing liabilities in the next 12 months. A ratio of one or more means there are more cash and liquid assets than short-term liabilities.
Internal financing (%)	Net operating cash flow / Net capital expenditure	This measures the ability of an entity to finance capital works from generated cash flow. The higher the percentage, the greater the ability for the entity to finance capital works from their own funds. Net operating cash flows and net capital expenditure are obtained from the cash flow statement.
Indebtedness (%)	Non-current liabilities / Own-sourced revenue	Comparison of non-current liabilities (mainly comprised of borrowings) to own-sourced revenue. The higher the percentage, the less able to cover non-current liabilities from the revenues the entity generates itself. Own-sourced revenue is used—rather than total revenue—because it does not include capital grants, which are usually tied to specific projects.
Capital replacement (ratio)	Cash outflows for property, infrastructure, plant and equipment / Depreciation	Comparison of the rate of spending on infrastructure with its depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciating rate. This is a long-term indicator, as capital expenditure can be deferred in the short term if there are insufficient funds available from operations, and borrowing is not an option. Cash outflows for infrastructure are taken from the cash flow statement. Depreciation is taken from the comprehensive operating statement.
Renewal gap (ratio)	Renewal and upgrade expenditure / Depreciation	Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. Ratios higher than 1:1 indicate that spending on existing assets is faster than the depreciating rate. Similar to the investment gap, this is a long-term indicator, as capital expenditure can be deferred in the short term if there are insufficient funds available from operations, and borrowing is not an option. Renewal and upgrade expenditure are taken from the statement of capital works. Depreciation is taken from the comprehensive operating statement.

## Financial Strategy (continued)

### (b) Financial sustainability risk assessment criteria

The financial sustainability risk of each local council is assessed using the criteria outlined below:

Risk	Net result	Liquidity	Indebtedness	Internal financing	Capital replacement	Renewal gap
High	<b>Negative 10% or less</b> Insufficient revenue is being generated to fund operations and asset renewal.	<b>Less than 0.75</b> Immediate sustainability issues with insufficient current assets to cover liabilities.	<b>More than 60%</b> Potentially long-term concern over ability to repay debt levels from own-source revenue.	<b>Less than 75%</b> Limited cash generated from operations to fund new assets and asset renewal.	<b>Less than 1.0</b> Spending on capital works has not kept pace with consumption of assets.	<b>Less than 0.5</b> Spending on existing assets has not kept pace with consumption of these assets.
Medium	<b>Negative 10%–0%</b> A risk of long-term run down to cash reserves and inability to fund asset renewals.	<b>0.75–1.0</b> Need for caution with cash flow, as issues could arise with meeting obligations as they fall due.	<b>40–60%</b> Some concern over the ability to repay debt from own-source revenue.	<b>75–100%</b> May not be generating sufficient cash from operations to fund new assets.	<b>1.0–1.5</b> May indicate spending on asset renewal is insufficient.	<b>0.5–1.0</b> May indicate insufficient spending on renewal of existing assets.
Low	<b>More than 0%</b> Generating surpluses consistently.	<b>More than 1.0</b> No immediate issues with repaying short-term liabilities as they fall due.	<b>40% or less</b> No concern over the ability to repay debt from own-source revenue.	<b>More than 100%</b> Generating enough cash from operations to fund new assets.	<b>More than 1.5</b> Low risk of insufficient spending on asset renewal.	<b>More than 1.0</b> Low risk of insufficient spending on asset base.

Source: Victorian Auditor-General's Office.

**Financial Strategy (continued)**





























**Monthly Report Relative to Financial Strategy**

Financial Sustainability Risk Indicators	Objective	2014-2015 Actuals	2015-2016 Annual Budget as at 30 June 2016	2015-2016 Annual Forecast as at 30 June 2016	Risk based on Annual Forecast as at 30 June 2016	Comment
(1) Net Result Ratio	Generating surpluses consistently of greater than 0%.	9.11%	8.43%	10.48%	Low	Council is generating positive surpluses.
(2) Liquidity Ratio	To measure Council's ability to repay short-term liabilities as they fall due. The indicator is to be greater than 1.0.	0.99	0.86	1.08	Low	Council's forecast to 30 June 2016 indicates a Liquidity Ratio of greater than 1.0.
(3) Indebtedness Ratio	Lower than 40% relates to the ability to repay debt from own-source revenue.	19.41%	14.70%	17.45%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
(4) Internal Financing Ratio	Generating enough cash from operations to fund new assets. The indicator is to be greater than 100%.	116.94%	101.42%	109.27%	Low	Council is generating enough cash from operations to fund new assets.
(5) Capital Replacement	To ascertain the level of risk of insufficient spending on asset renewal. The indicator is to be more than 1.5.	1.62	1.66	1.70	Low	Council operates at a low level of risk with respect to capital replacement.
(6) Renewal Gap	To ensure there is sufficient spending on Council's asset base. The indicator is to be greater than 1.0.	1.21	1.45	1.45	Low	Council spends sufficient funds on its asset base.
Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate.	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,463	\$1,538	\$1,541	Average rates and charges are well below the average of inner metropolitan Councils. In addition the Council provides one of the highest pensioner rebates in Victoria.*	
<ul style="list-style-type: none"> <li>Average Rates and Charges</li> <li>Pensioner Rate Rebate</li> </ul>		\$270	\$270	\$270		
Operating costs per property should be kept as low as possible in order to generate <u>both</u> operating surpluses <u>and</u> lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$2,150	\$2,292	\$2,241		

## Assurance Map

The assurance map considers the key risks to Council in achieving its objectives and performance expectations, and the assurance activities which have been conducted over the operation of controls that apply to those risks. The Assurance Map is indicative of the type of activity in place to provide Council Management with comfort that the control environment is operating as intended. A formal review of strategic risks is undertaken annually by Executive. The risks have been identified, assessed and ranked in order of risk exposure to Council. The assurance map will be updated after every formal review and when assurance activities are proposed or undertaken.

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. Legislation or Standards – Changes generally	E							Food Safety (2011/12) Statutory Planning (2013/14)
2. Legislation or Standards – Cost shifting	E							
3. Funding – Shortfalls	H							
4. Contracts – consultant errors	H							Tendering (2013/14) Contract Management (2013/14)
5. Insurance – failure to comply with policy	H							
6. Contracts – indemnities beyond insurance coverage	H							Contract Management (2013/14)
7. Contractors - insurances	H							Contract Management (2013/14)
8. Contractors – Council liability for the actions of contractors	H							Contract Management (2013/14) Parks & Open Space Maintenance (2014/15)
9. Terrorist Attack – Lone Wolf	H							Security Protocol Review (2014)
10. IT – security compromised	H							IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) IT Strategy (management) (2013/14)
11. Advice – incorrect advice provided	H							Statutory Planning (2013/14)

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous (2011-2014) and proposed IA activity 2014/15-2016/17, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review / self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
12. Infrastructure – serious deficiency	H							Asset Management (2013/14) Parks & Open Space Maintenance (2014/15) Land and Building Revaluation biennial (ongoing)
13. Contracts – wrong authority / process	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
14. Road Management Act / Plan – failure to comply	H							
15. Clayton Landfill – tightening of requirements and fines	H							Clayton Landfill Review (2014/15)
16. Contract Agreements /Partnerships inappropriate relationships entered into	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (ongoing)
17. Clayton Landfill – permanent site closure	H							Clayton Landfill Review (2014/15)
18. Health & Safety – safe & healthy workplace not maintained	H							SafetyMAP recertification (2013/14) OH&S Review (2015/16)
19. Embezzlement	H							Fraud Review (2013/14) Financial Controls (2014/15) Financial Compliance transaction analysis (ongoing)
20. Public Liability General	M							

*\*Reviews performed are ad-hoc and Council may or may not be included in selected sampling Level of coverage provided where not all aspects of the risk may have been addressed by assurance activity.*

*Please note that the External Audit process is designed to enable the A-G to express an opinion on the annual financial report. The external audit is not a comprehensive audit of all systems and processes and is not designed to uncover all deficiencies, breaches and irregularities in those systems and processes.*

Level of coverage:  Extensive  Partial  None



# Income Statement

for the period ending 30 November 2015

	2015-16 Year to Date Actual	2015-16 Year to Date Budget	2015-16 Year to Date Variance	2015-16 Year to Date Variance	2015-16 Last Month Forecast	2015-16 Current Month Forecast	2015-16 Current Month Forecast Movement	2015-16 Annual Budget	2015-16 Budget Forecast Variance	2015-16 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
<b>Income</b>										
<b>Income from Ordinary Activities</b>										
General Rates	81,739	81,624	114	0.1%	81,724	81,739	14	81,624	114	0.1%
Supplementary Rates	599	550	49	8.9%	556	599	43	550	49	8.9%
Waste and Recycling Charges	13,759	13,701	57	0.4%	14,296	14,289	(7)	14,232	57	0.4%
Grants (Operating and Capital)	9,705	10,228	(523)	(5.1%)	22,400	22,549	149	23,702	(1,153)	(4.9%)
Interest Received	517	375	142	37.9%	1,011	1,042	31	900	142	15.8%
User Fees	10,127	10,408	(281)	(2.7%)	24,942	24,848	(94)	25,129	(281)	(1.1%)
Statutory Fees and Fines	3,057	1,840	1,217	66.1%	5,209	5,499	290	4,282	1,217	28.4%
Contributions - Monetary	1,758	1,923	(165)	(8.6%)	5,081	4,835	(246)	5,000	(165)	(3.3%)
Other Income	563	648	(85)	(13.1%)	1,549	1,638	89	1,605	33	2.1%
<b>Total Income from Ordinary Activities</b>	<b>121,824</b>	<b>121,299</b>	<b>525</b>	<b>0.43%</b>	<b>156,768</b>	<b>157,038</b>	<b>270</b>	<b>157,024</b>	<b>14</b>	<b>0.0%</b>
<b>Expenses</b>										
<b>Expenses from Ordinary Activities</b>										
Employee Costs	28,973	29,852	879	2.9%	68,069	67,717	353	69,287	1,570	2.3%
Materials and Consumables	2,065	2,489	424	17.0%	5,624	5,599	25	6,023	424	7.0%
Contractor Payments	11,180	11,583	403	3.5%	26,649	26,648	2	27,292	644	2.4%
Maintenance	2,174	2,617	443	16.9%	6,502	6,539	(37)	6,986	448	6.4%
Utility Services	1,816	1,807	(9)	(0.5%)	3,782	3,852	(70)	3,843	(9)	(0.2%)
Insurances	581	704	123	17.4%	932	909	23	1,032	123	11.9%
Other Expenses	1,662	1,456	(206)	(14.1%)	4,069	4,192	(123)	3,986	(206)	(5.2%)
Grants and Subsidies	494	582	89	15.2%	835	789	46	916	127	13.9%
Borrowing Costs	716	707	(10)	(1.4%)	1,685	1,684	1	1,674	(10)	(0.6%)
<b>Total Expenses from Ordinary Activities</b>	<b>49,662</b>	<b>51,797</b>	<b>2,135</b>	<b>4.1%</b>	<b>118,147</b>	<b>117,928</b>	<b>220</b>	<b>121,039</b>	<b>3,112</b>	<b>2.6%</b>
<b>Surplus before non operational activities</b>	<b>72,162</b>	<b>69,502</b>	<b>2,660</b>	<b>3.8%</b>	<b>38,621</b>	<b>39,111</b>	<b>490</b>	<b>35,985</b>	<b>3,126</b>	<b>8.7%</b>
<b>Non-operational Activities</b>										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	352	210	142	67.3%	612	622	10	481	142	29.5%
Written Down Value of Assets Sold/Disposed	861	638	(223)	(35.0%)	1,828	1,754	75	1,531	(223)	(14.6%)
Depreciation and Amortisation	8,833	9,021	188	2.1%	21,525	21,462	63	21,650	188	0.9%
<b>Surplus for the period</b>	<b>62,820</b>	<b>60,054</b>	<b>2,766</b>	<b>4.6%</b>	<b>15,879</b>	<b>16,517</b>	<b>637</b>	<b>13,284</b>	<b>3,233</b>	<b>24.3%</b>
Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.										

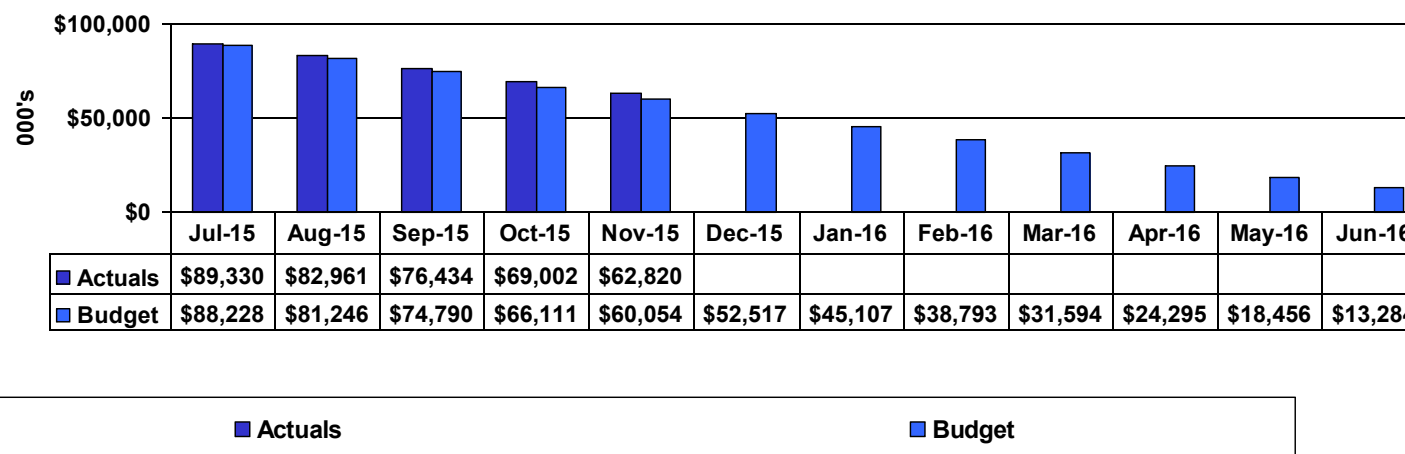
## Balance Sheet

for the period ending 30 November 2015

	Actuals 2014-15 \$ 000's	Annual Budget 2015-16 \$ 000's	Annual Forecast 2015-16 \$ 000's	Year to Date Actual 2015-16 \$ 000's	Previous Month's Actuals \$ 000's
<b>Assets</b>					
<b>Current Assets</b>					
Cash and Cash Equivalents	41,404	33,093	45,961	47,041	40,942
Trade and Other Receivables	8,984	8,707	8,984	69,972	82,082
Other Assets	1,309	472	1,309	612	656
<b>Total Current Assets</b>	<b>51,697</b>	<b>42,272</b>	<b>56,254</b>	<b>117,625</b>	<b>123,680</b>
<b>Non-Current Assets</b>					
Property, Infrastructure, Plant and Equipment	1,701,565	1,718,355	1,715,385	1,702,718	1,701,014
Intangible Assets	750	794	750	683	684
Investments in Joint Operations	2,595	2,040	2,595	2,595	2,595
Other Financial Assets	5	5	5	5	5
<b>Total Non-Current Assets</b>	<b>1,704,915</b>	<b>1,721,194</b>	<b>1,718,735</b>	<b>1,706,000</b>	<b>1,704,298</b>
<b>TOTAL ASSETS</b>	<b>1,756,612</b>	<b>1,763,466</b>	<b>1,774,989</b>	<b>1,823,626</b>	<b>1,827,978</b>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	13,732	11,466	13,732	7,879	6,791
Trust Funds and Deposits	24,670	23,909	24,670	35,394	34,544
Provisions	12,692	12,641	12,692	12,532	12,516
Interest-Bearing Liabilities	1,231	1,263	1,231	1,147	1,253
<b>Total Current Liabilities</b>	<b>52,325</b>	<b>49,279</b>	<b>52,325</b>	<b>56,953</b>	<b>55,105</b>
<b>Non-Current Liabilities</b>					
Provisions	1,187	708	1,187	1,223	1,223
Interest-Bearing Liabilities	20,037	18,955	19,037	19,613	19,613
Other Liabilities - Joint Operations	3,352	-	3,352	3,352	3,352
<b>Total Non-Current Liabilities</b>	<b>24,576</b>	<b>19,663</b>	<b>23,576</b>	<b>24,188</b>	<b>24,188</b>
<b>Total Liabilities</b>	<b>76,901</b>	<b>68,942</b>	<b>75,901</b>	<b>81,141</b>	<b>79,292</b>
<b>Net Assets</b>	<b>1,679,711</b>	<b>1,694,524</b>	<b>1,699,088</b>	<b>1,742,484</b>	<b>1,748,686</b>
<b>Equity</b>					
Accumulated Surplus	878,187	891,216	897,564	940,477	946,735
Asset Revaluation Reserve	797,983	801,213	797,983	797,937	797,956
Public Open Space Reserve	3,541	2,095	3,541	4,070	3,995
<b>Total Equity</b>	<b>1,679,711</b>	<b>1,694,524</b>	<b>1,699,088</b>	<b>1,742,484</b>	<b>1,748,686</b>

## Performance Graphs

### Financial Performance for the period ending 30 November 2015

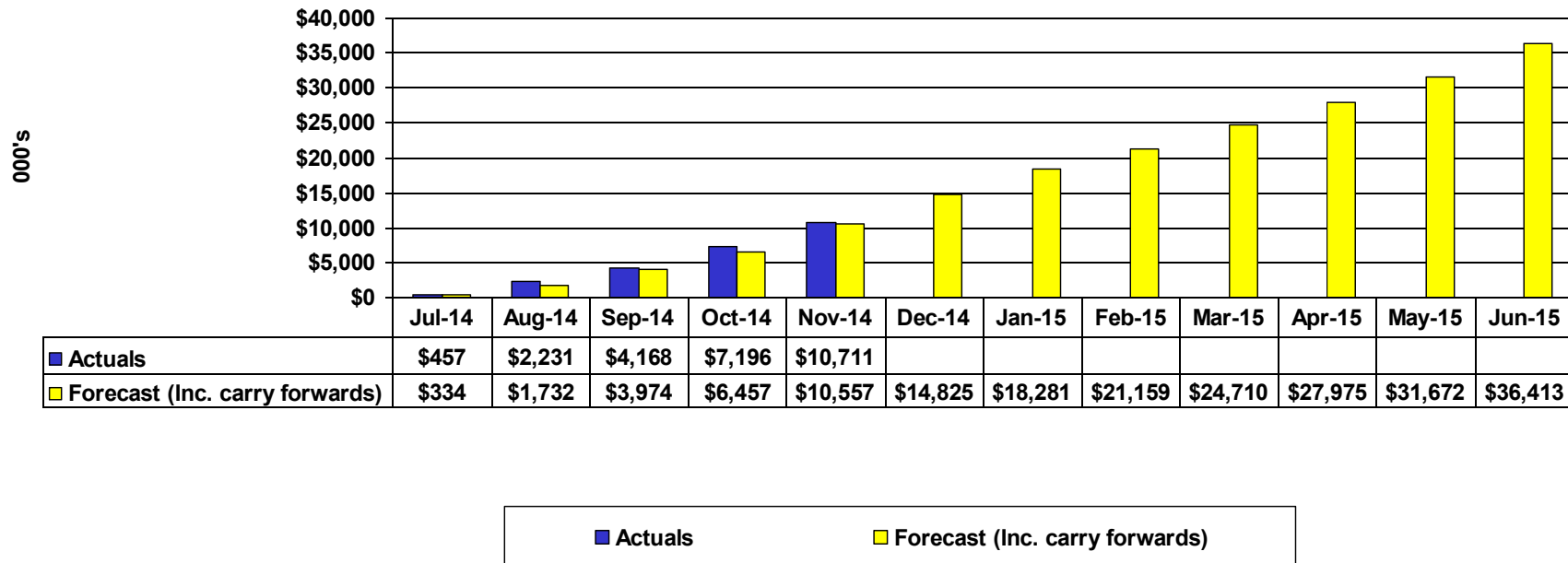


The November 2015 year to date financial performance was \$2.77M better than the year to date budget mainly due to:

- Better than anticipated income received for Statutory Fees and Fines \$1.22M, Supplementary and General Rates \$163K, Interest Received \$142K and Waste and Recycling Charges \$57K.
- Favourable variances in expenditure items including: Employee Costs \$879K, Maintenance \$443K, Materials and Consumables \$424K, Contractor Payments \$403K, Insurances \$123K and Grants and Subsidies \$89K.
- Unfavourable variances in Grants (Operating and Capital) \$523K, User Fees \$281K, Other Expenses \$206K, Contributions-Monetary (Open Space) \$165K and Other Income \$85K.

Please note that a large amount of the current variance is due to timing differences (i.e. between the scheduling of budgets and timing of actual results). The next few months should reflect whether these variances (particularly the expenditure variances) become more permanent for the 2015-16 financial year.

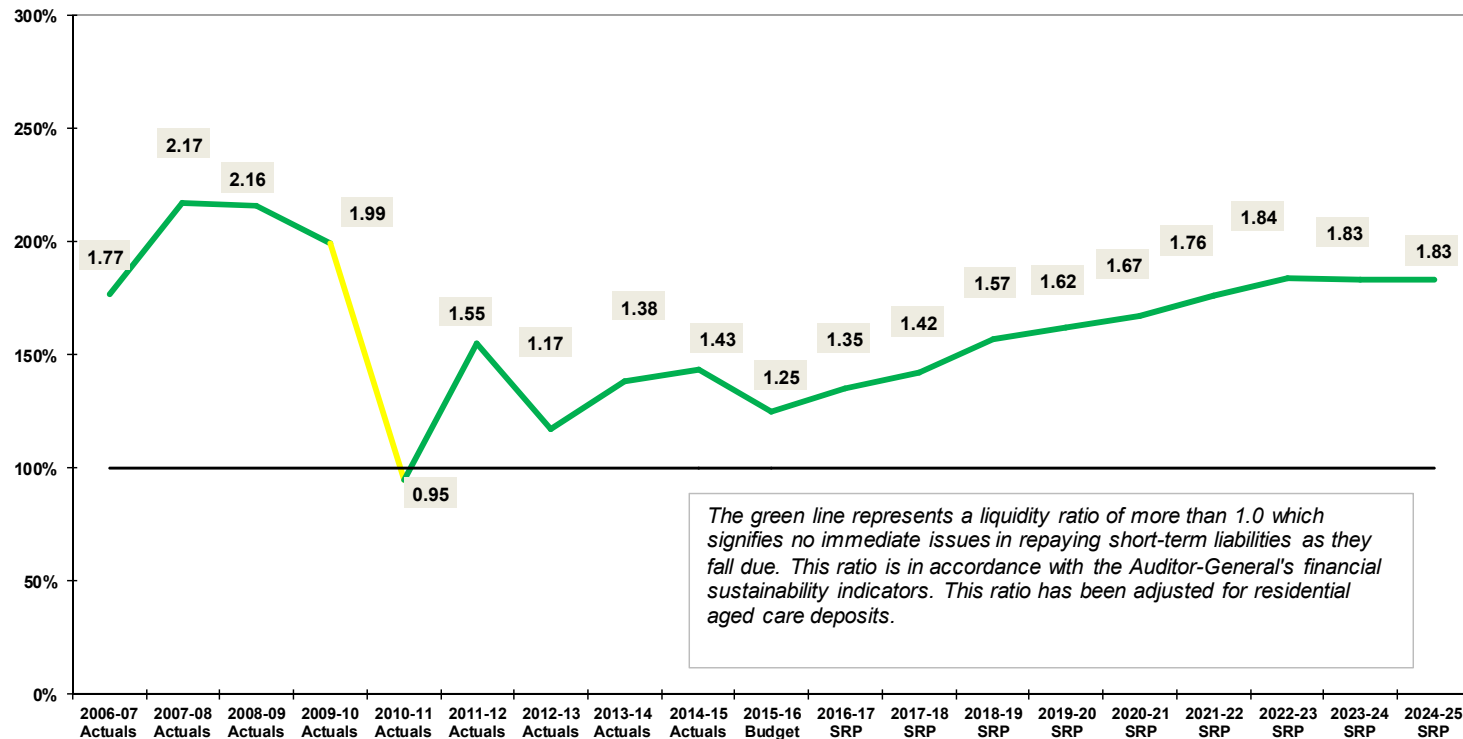
### Capital Works Expenditure for the period ending 30 November 2015



Council's capital expenditure is ahead of forecast by \$154K mainly due to Drainage Improvements \$554K, Duncan Mackinnon Pavilion Upgrade \$409K, Booran Reserve Redevelopment \$274K, Shopping Centre Car Park Improvements \$255K and Information Systems \$172K. Offsetting this is later than anticipated expenditure on Local Road Resurfacing \$286K, GESAC Defect Rectification Works \$274K, Building Improvements \$535K, Upgrade and Replacement of Aged Park Furniture \$221K and Traffic Engineering \$163K.

## Liquidity Management

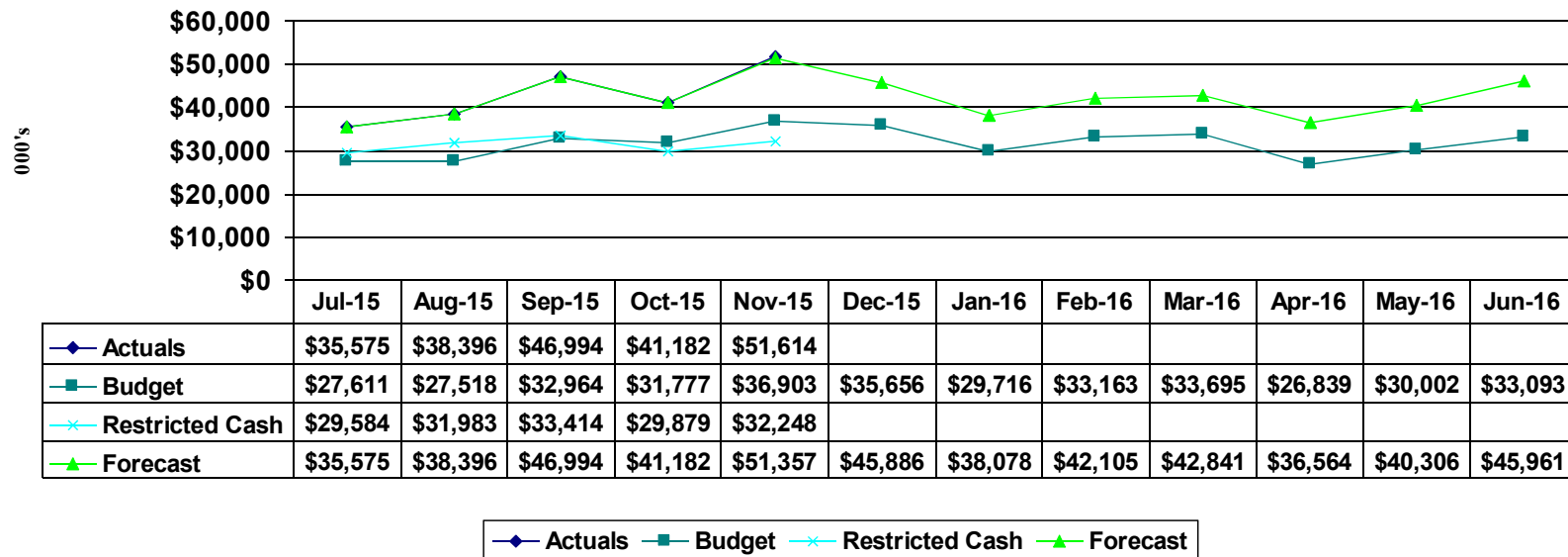
### Adjusted Working Capital Ratio



Over the last few years, Council has invested heavily in its capital works program by fully utilising cash reserves. Council has fully borrowed \$25m to fund the construction of the Glen Eira Sports and Aquatic Centre (GESAC). Council will continue to have a large investment in capital works projects. The adjusted working capital ratio above expresses the level of current assets the Council has available to meet its current liabilities. This ratio has been adjusted for residential aged care deposits. Council's long-term forecast has the adjusted liquidity ratio remaining around 1 or 100% for the remainder of this Council term and into the next. This means careful monitoring of the cash flow position to ensure current liabilities are adequately covered and that unanticipated or unbudgeted capital or operating expenses are avoided. As at end of November 2015, the Adjusted Working Capital Ratio is 3.01.



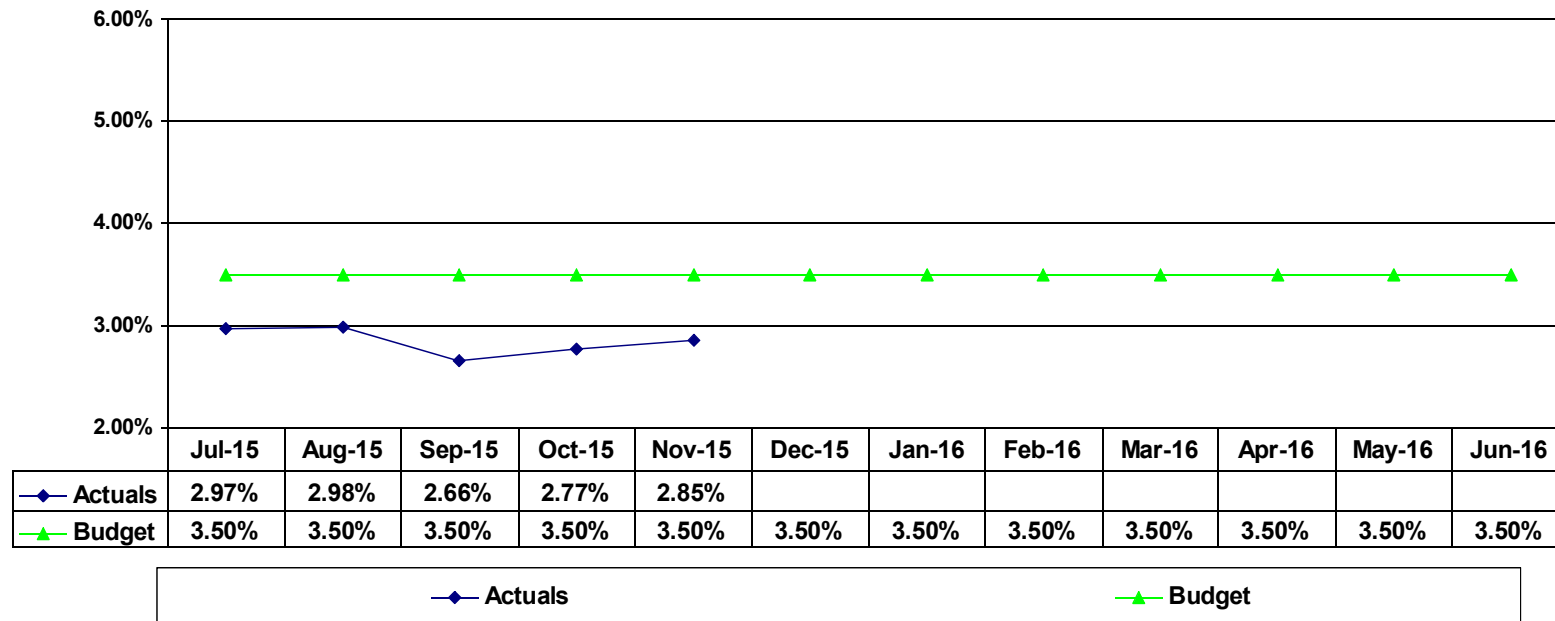
### Cash and Investments Balances for the period ending 30 November 2015



Council's year to date cash balance of \$51.61M is higher than budget for the current month. Council's forecast position to June 2016 of \$45.96M has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.

Council has cash assets that are subject to restrictions. Restricted funds as at 30 November 2015 include: Residential Aged Care Deposits of \$22.32M, Trust Funds and Deposits \$4.09M (including asset protection permits), Open Space Reserve \$4.07M and Fire Services Property Levy \$1.77M.

### Actual Interest Rate vs Budget Interest Rate for the period ending 30 November 2015



Council achieved a lower return of 2.85% against the budget of 3.50%.

## Capital Works Program Expenditure

for period ending 30 November 2015

Description	2015-16 Carry Forwards from 2014-15	2015-16 Adopted Annual Capital Budget	2015-16 Capital Grant Funding	2015-16 Budget Plus 2014-15 Carry Forward	2015-16 YTD Work In Progress	2015-16 YTD Forecast	2015-16 YTD Variance	2015-16 Annual Forecast Projected end of June 2016 expenditure	2015-16 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b><u>CAPITAL WORKS: MUST DO</u></b>									
Information Systems	82,271	748,000	-	830,271	202,359	30,000	172,359	830,271	-
Vehicle Replacements	-	1,021,091	-	1,021,091	307,679	225,582	82,097	1,021,091	-
Footpath Replacement		1,725,000	-	1,725,000	636,742	718,750	(82,008)	1,725,000	-
Kerb and Channel Replacement	-	160,000	-	160,000	19,403	65,000	(45,597)	160,000	-
Road Rehabilitation	-	3,512,000	-	3,512,000	648,121	566,000	82,121	3,512,000	-
Drainage Improvement	-	3,500,000	-	3,500,000	1,506,651	952,738	553,913	3,554,238	54,238
Local Road Resurfacing		1,500,000	-	1,500,000	13,598	300,000	(286,402)	1,500,000	-
Right of Way Renewal	-	255,000	-	255,000	1,140	110,000	(108,860)	255,000	-
Traffic Signal Renewal	-	100,000	-	100,000		-	-	100,000	-
Local Area Traffic Management (LATM) Replacement	-	251,000	-	251,000	23,198	85,000	(61,802)	251,000	-
Car Park Rehabilitation	-	560,000	-	560,000	125,832	-	125,832	560,000	-
Roads to Recovery	-	-	576,000	576,000	185	-	185	822,920	246,920
<b>TOTAL MUST DO</b>	<b>82,271</b>	<b>13,332,091</b>	<b>576,000</b>	<b>13,990,362</b>	<b>3,484,908</b>	<b>3,053,070</b>	<b>431,838</b>	<b>14,291,520</b>	<b>301,158</b>
<b><u>CAPITAL WORKS: ROLLING ANNUAL</u></b>									
Building Improvements	123,000	650,000	-	773,000	53,393	325,500	(272,107)	773,000	-
Kitchen Upgrades	-	46,000	-	46,000	11,249	20,000	(8,751)	46,000	-
Plant Renewal	-	260,100	-	260,100	7,930	-	7,930	260,100	-
Roof Replacement	28,500	135,500	-	164,000	75,842	20,000	55,842	164,000	-
Shopping Centre Car Park Improvements	333,042	550,000	-	883,042	588,076	333,042	255,034	883,042	-
Traffic Engineering	-	1,081,000	-	1,081,000	26,719	190,000	(163,281)	1,081,000	-
Library Materials	-	743,467	61,123	804,590	405,602	350,446	55,156	804,590	-
Building Painting Program	-	128,000	-	128,000	13,229	51,200	(37,971)	128,000	-
Recreation	41,000	700,000	-	741,000	314,235	182,000	132,235	741,000	-
Pool Refurbishment	-	50,000	-	50,000	-	10,000	(10,000)	50,000	-
Bicycle Strategy	97,000	150,000	-	247,000	39,257	122,000	(82,743)	247,000	-
Upgrade and Replace Aged Park Furniture	-	881,000	-	881,000	154,279	375,000	(220,721)	926,000	45,000
Sports Ground Lighting	-	90,000	-	90,000	47	-	47	90,000	-
Drought Tolerant Grass	-	30,000	-	30,000	9,800	30,000	(20,200)	30,000	-
Park Pathway Lighting	28,000	-	-	28,000	33,850	28,000	5,850	28,000	-
<b>TOTAL ROLLING ANNUAL</b>	<b>650,542</b>	<b>5,495,067</b>	<b>61,123</b>	<b>6,206,732</b>	<b>1,733,508</b>	<b>2,037,188</b>	<b>(303,680)</b>	<b>6,251,732</b>	<b>45,000</b>
Contd. next page									

**Capital Works Program Expenditure**  
**for period ending 30 November 2015 (continued)**

Description	2015-16 Carry Forwards from 2014-15	2015-16 Adopted Annual Capital Budget	2015-16 Capital Grant Funding	2015-16 Budget Plus 2014-15 Carry Forward	2015-16 YTD Work In Progress	2015-16 YTD Forecast	2015-16 YTD Variance	2015-16 Annual Forecast Projected end of June 2016 expenditure	2015-16 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b><u>CAPITAL WORKS: MAJOR PROJECTS</u></b>									
Centenary Park Pavilion Upgrade	128,482	-	-	128,482	58,093	128,482	(70,389)	128,482	-
Duncan Mackinnon Pavilion Upgrade	91,281	1,363,000	-	1,454,281	1,864,264	1,454,281	409,983	1,454,281	-
Centenary Park Car Park Construction	311,414	-	-	311,414	421,300	311,414	109,886	311,414	-
<b>TOTAL MAJOR PROJECTS</b>	<b>531,177</b>	<b>1,363,000</b>	<b>-</b>	<b>1,894,177</b>	<b>2,343,657</b>	<b>1,894,177</b>	<b>449,480</b>	<b>1,894,177</b>	<b>-</b>
<b><u>CAPITAL WORKS: OPEN SPACE STRATEGY IMPLEMENTATION</u></b>									
Public Toilet Rolling Program	-	550,000	-	550,000	99,608	100,000	(392)	550,000	-
Open Space Strategy Initiatives	35,678	940,000	75,000	1,050,678	791,283	715,678	75,605	1,050,678	-
Elsternwick Plaza Improvements	508,513	215,000	-	723,513	475,768	516,000	(40,232)	723,513	-
Shade Sails Rolling Program	-	270,000	-	270,000	-	-	-	270,000	-
Bin Enclosures	-	18,000	-	18,000	7,508	3,000	4,508	18,000	-
Booran Reserve	343,539	3,415,000	585,000	4,343,539	974,119	700,000	274,119	4,343,539	-
<b>TOTAL OPEN SPACE STRATEGY IMPLEMENTATION</b>	<b>887,730</b>	<b>5,408,000</b>	<b>660,000</b>	<b>6,955,730</b>	<b>2,348,286</b>	<b>2,034,678</b>	<b>313,608</b>	<b>6,955,730</b>	<b>-</b>
<b><u>SHORT TERM PROJECTS</u></b>									
Furniture & Fittings	22,344	50,000	-	72,344	32,975	52,344	(19,369)	72,344	-
Information Systems	77,760	-	-	77,760	5,250	77,760	(72,510)	77,760	-
Electronic Variable Message Trailer Sign	-	19,250	-	19,250	17,802	19,250	(1,448)	19,250	-
Heating, Ventilation and Cooling Systems Renewal	150,000	-	-	150,000	128,701	150,000	(21,299)	150,000	-
Building Improvements	104,000	2,346,060	-	2,450,060	313,746	576,756	(263,010)	2,464,305	14,245
Upgrade Audio & Visual Equipment	-	15,000	-	15,000	5,695	-	5,695	15,000	-
Refurbishment of ILUs	-	100,000	-	100,000	56,729	50,000	6,729	100,000	-
Murrumbeena Youth Play Area	-	-	-	-	(86,730)	-	(86,730)	-	-
Multi-Purpose Sports Court Redevelopment	-	395,000	-	395,000	10,200	-	10,200	395,000	-
Library Electronic and Cash Payment Hardware	-	74,480	-	74,480	12,015	-	12,015	74,480	-
Dial Before You Dig (DBYD) automated response process	-	13,000	-	13,000	3,350	-	3,350	13,000	-
Recreation	71,000	630,000	650,000	1,351,000	36,260	71,000	(34,740)	1,351,000	-
Glen Eira Sports & Aquatic Centre (GESAC)	1,280,373	412,000	-	1,692,373	30,967	305,352	(274,385)	1,692,373	-
Parks Minor Capital Works	-	200,000	-	200,000	139,400	120,000	19,400	290,000	90,000
Outdoor Fitness Stations	-	55,000	-	55,000	60,776	25,000	35,776	55,000	-
Glen Works Depot	8,933	-	-	8,933	-	-	-	8,933	-
Residential Aged Care	-	220,000	-	220,000	33,889	90,000	(56,111)	220,000	-
Upgrade Vaccination Storage Equipment	-	21,748	-	21,748	-	-	-	21,748	-
<b>TOTAL SHORT TERM PROJECTS</b>	<b>1,714,410</b>	<b>4,551,538</b>	<b>650,000</b>	<b>6,915,948</b>	<b>801,025</b>	<b>1,537,462</b>	<b>(736,437)</b>	<b>7,020,193</b>	<b>104,245</b>
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>3,866,130</b>	<b>30,149,696</b>	<b>1,947,123</b>	<b>35,962,949</b>	<b>10,711,384</b>	<b>10,556,575</b>	<b>154,809</b>	<b>36,413,352</b>	<b>450,403</b>

## Debtors

for period ending 30 November 2015

for period ending 30 November 2015

Description	Current 0-30 days	31-60 days	61-90 days	90 + days	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
(a) General Debtors	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Finance & Valuations	25	2	1	-	28	-	709
Buildings and Facilities	-	-	-	-	-	-	-
Planning & Transport	212	-	-	20	232	5	227
Community Relations	151	14	3	2	170	1	170
Arts & Cultural Services	-	1	7	7	15	2	13
Recreational Services	58	35	3	-	96	-	96
Community Services	331	26	1	-	358	-	358
Child Care Centres	80	-	-	1	81	0	81
Residential Aged Care Facilities	183	11	1	2	197	1	197
Home and Community Care	97	11	1	-	109	-	109
Assets and Facilities	-	3	-	-	3	-	3
General Debtors Total	1,137	103	17	32	1,289	8	1,962
(b) Parking	Current 0-3 months	4-6 months	7-12 Months	12 Months +	Total Debtors	Provision for Doubtful Debtors	Net Debt Outstanding
Parking Infringements - Council	920	119	26	20	1,086	109	977
Parking Infringements - PERIN	235	130	72	1,018	1,455	1,310	146
Other Debtors Total	1,155	249	98	1,038	2,541	1,418	1,123
Total Debtors	2,292	352	115	1,070	3,830	1,426	3,085
Council's Parking Debtors for the current period comprise of :					\$'000		
Collection by Council					1,086		
Collection by PERIN Court					1,455		
Total Parking Debtors					\$ 2,541		
(c) Rate Debtors			2015-2016 Opening Balance	2015-2016 Year to date			
			\$'000	\$'000			
Arrears Brought Forward			5,235	5,235			
2015-16 Rates & Garbage Generated			95,567	95,567			
2015-16 Fire Services Property Levy			12,735	12,735			
Total Rates & Charges			113,537	113,537			
Adjustments:							
Glen Eira Pension Rebate			(447)	(458)			
State Government Rebate			(1,669)	(1,713)			
Fire Services Property Levy Rebate			(392)	(402)			
Receipts			-	(47,863)			
Interest			-	99			
Supplementary Valuations			-	726			
Adjustments			-	3			
Total Adjustments			(2,508)	(49,608)			
Rates & Charges Balance at Month End			111,030	63,929			



**10. URGENT BUSINESS****(a) Crs Hyams/Lipshutz**

**That an item relating to the security of Council property be treated as an item of Urgent Business.**

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

**Crs Hyams/Pilling**

**That Council release, distribute to the Leader newspaper and place on Council's website the following statement:**

**'At its Special meeting of October 20, Council considered a motion in the confidential part of the meeting that related to the provision of security services on Council property. Council stands by its decision to consider that item confidentially, as we give priority to public safety, and believe it is potentially detrimental to public safety if details of security measures and any limitations on those are revealed to those who may wish to disrupt or attack an event – operational matters related to security are not generally put into the public domain, nor should they be.**

**However, Council wishes to make clear the following points:**

- As stated in a statement dated December 11, there is no authorisation by Glen Eira Council for the carrying of firearms for any current or future event anywhere in Glen Eira;**
- Council is aware of no specific threat beyond the heightened alert;**
- At recent major events on Council parks where extra private security has been provided, such security has been provided in coordination with the police, and the police have been informed of the security measures to be taken; and**
- Council's role in such events is to decide whether to accept a booking for a Council venue and, if so, on what conditions'.**

**PROCEDURAL MOTION****Crs Hyams/Magee**

**That an extension of time be granted for tonight's Council Meeting to conclude at 11.00PM.**

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

**DIVISION**

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

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

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

(b) Crs Delahunty/Lobo

That an item relating to the Minutes of the Special Council Meeting commencing at 7.59PM on 20 October 2015 dealing with security cease to be Confidential and be released to the public be dealt with as Urgent Business.

The **MOTION** was put and **LOST**.

11. **ORDINARY BUSINESS**

11.1 Requests for reports from Officers

(a) Crs Delahunty/Okotel

That a report be prepared to inform council as to the best way to engage the community and Victoria Police (at Superintendent level or above) in a meaningful open and public forum to discuss the policing and security of events on land or in facilities for which the council is responsible. This report should explain Council's role in managing risks to the community in relation to events on land or in facilities for which the council is responsible and suggest what involvement if any the Minister for Police could have in convening or participating in the forum.

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

(b) Crs Sounness/Hyams

That a report be prepared into the development of a policy or procedure to inform the public of the imminent removal of a street or open space tree considered significant or visually prominent.

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

**11.2 Right of reply****11.3 Councillor questions – Nil.****11.4 Public questions to Council**

**From:** Ben Steel  
**Subject:** Guns in Public Spaces

*“Councillors, I would like to know have you approved private security guards to carry guns in public spaces in the past, present, or for the future?”*

The Mayor read Council’s response. He said:

“On 11 December 2015 Council issued a Media Release stating:

‘There is no authorisation by Glen Eira City Council for the carrying of firearms for any current or future event anywhere in the City of Glen Eira.

The use of firearms is regulated by the *Victorian Firearms Act* of 1996. The *Firearms Act* is administered by state agencies, not by Local Government.’

For reasons of confidentiality, Council is unable to comment as to whether any such permissions have been given in the past.”

**From:** Jack Bertolus  
**Subject:** Vision Super Retirement funds

*“I applaud Council for its strategies/plans regarding sustainability and moving to a low-carbon economy. It makes me proud to be a part of this City. I have however noticed a substantial oversight on one particular point. That is, despite having a policy to hold no direct investments in fossil fuels ('Investments' 2.4.1), nor via Fund Managers ('Investments' 2.4.2, as only Cash & Fixed Interest is permitted), and having hosted an 'Ethical investments' seminar on 19/2/2015; Council systematically directs its employees to the Vision Super Superannuation fund. Whilst Vision Super has very recently reduced their fossil fuel exposure, they continue to hold a large pool of stock in high carbon-intensity fossil fuel companies. Members cannot even opt for a fossil fuel-free option. Can Council ask Vision Super to consider divesting its fund of fossil fuels, as Local Government Super has? Or else consider finding another default fund?”*

**10.15PM Cr Esakoff left the Chamber.**

The Mayor read Council's response. He said:

"Superannuation contributions belong to employees, not employers.

There are no Council funds invested with the Vision Super Accumulation Fund.

Vision Super was selected as the default superannuation fund as part of enterprise agreement negotiations between Council, employees and relevant unions and remains binding for the life of the agreement. The selection of a default fund will form part of the negotiations for the next enterprise agreement.

Employees can elect to have their contributions paid to an option within the default fund or to a different fund.

Council cannot direct the superannuation fund as to how to invest its funds. Within these constraints, Council has already raised these issues with Vision Super. At its Meeting of 28 April 2015 Council adopted a recommendation of its Environment Advisory Committee "That Council support the 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". Vision Super has responded to Council including outlining their approach. Vision Super has since provided further information on their website: <https://www.visionsuper.com.au/about-us/our-news/news/610-investing-sustainably>."

**From:** Mark Blackman  
**Subject:** Vision Super Retirement funds

*"Council has developed several important strategies/plans relating to environmental sustainability and acknowledges it has "an important role to play" (Environment Sustainability Strategy, p. 11) in reducing greenhouse gas emissions, both within the Council itself and the wider community. These important documents include the 'Carbon Emissions Reduction Plan' and the 'Environment Sustainability Strategy'. As such, does Council believe its practice of directing employees to Vision Super, a fund which invests a significant proportion of member money in stock of high carbon-intensity fossil fuel companies, aligns with these policies? In addition, does Council believe that A) its employees are aware of this situation? and B) this is what its employees want? Is there scope to alter existing strategies/plans/policies to ensure that, by default, member money is directed to a fund which excludes fossil fuel investments? After all, Council policy is not to invest in fossil fuels."*

**10.18PM Cr Esakoff returned to the Chamber.**

The Mayor read Council's response. He said:

"Superannuation contributions belong to employees, not employers.  
There are no Council funds invested with the Vision Super Accumulation Fund.

Vision Super was selected as the default superannuation fund as part of enterprise agreement negotiations between Council, employees and relevant unions and remains binding for the life of the agreement. The selection of a default fund will form part of the negotiations for the next enterprise agreement.

Employees can elect to have their contributions paid to an option within the default fund or to a different fund.

Council cannot direct the superannuation fund as to how to invest its funds. Within these constraints, Council has already raised these issues with Vision Super. At its Meeting of 28 April 2015 Council adopted a recommendation of its Environment Advisory Committee "That Council support the 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". Vision Super has responded to Council including outlining their approach. Vision Super has since provided further information on their website: <https://www.visionsuper.com.au/about-us/our-news/news/610-investing-sustainably>."

**From:** Rosetta Manaszewicz  
**Subject:** Plan Melbourne Refresh and the Local Government Act Review

*"Will Council publish its submissions on Plan Melbourne Refresh and the Local Government Act Review? I also ask why council does not seek a formal resolution endorsing all submissions made to Government reviews or inquiries?"*

The Mayor read Council's response. He said:

"When finalised, the submissions will be posted on Council's website.  
Resolutions are sought as required."

**From:** Rosetta Manaszewicz  
**Subject:** Public Notice of Meeting

*"The second Special Council Meeting of 20th October failed to meet the advertising requirements of 7 days public notice. The Local Government Act also calls for council to "specify the urgent or extraordinary circumstances which prevented the Council from complying with subsection (4) in the minutes.". Why weren't both of these requirements of the Local Government Act met?"*

**10.20PM Cr Magee left the Chamber.**

The Mayor read Council's response. He said:

"Section 84 of the Local Government Act 1989 (the Act) allows for the calling of a special meeting of the Council.

Section 89(4) of the Act requires, inter alia, for at least seven days' notice to be given to the public before the holding of a special meeting.

Section 89(4) is qualified by section 89(4A), which provides that where section 89(4) cannot be complied with, Council must give such notice as is practicable, and specify the urgent or extraordinary circumstances which prevented the Council from complying with the public notice time provision. It should be noted that the second requirement, the specification of the circumstances as to the urgent nature of the meeting, is not specified as something that needs to be in the public notice.

The special meeting was required following the matter having been discussed, but not completed, in an Ordinary Council Meeting on 13 October, 2015, that part of which was held in-camera. As the matter was only part completed at that meeting, it was necessary for the Council to reconvene to hold a further meeting about the subject matter.

The special meeting was called by the then Mayor and was required to be held as soon as possible due to the time sensitivities of the nature of the matter being discussed.

Accordingly, notice for a special meeting was given on 15 October, 2015 for a meeting on 20 October, 2015. These time sensitivities are the "urgent" circumstances that resulted in the notice not complying with section 89(4) of the Act.

Section 89(4A)(b) requires Council to specify the urgent or extraordinary circumstances which prevented Council from complying with the notice period. In Council's view, as the matter being discussed was closed to the public, section 89(4A)(b) was unable to be complied with as disclosure of the circumstances could compromise the confidentiality of the discussions to be held."

**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 the awarding of the contract for Tender No 2016.017 Provision of catering (eg Australia Day Breakfast, Business Development Events, Council Meetings, ANZAC Day Ceremonies, Citizenship Ceremonies, etc)**

<b>Number of tenders received</b>	<b>Eight (8)</b>
<b>Number of evaluation criteria tenders assessed against</b>	<b>Three (3)</b>
<b>Estimated contract value</b>	<b>\$130,000 pa. including some payments by participants</b>

- 12.2 under s89 (2) (d) “contractual” which relates to the awarding of the contract for Tender No. 2016.011 Provision of Mechanical Maintenance Services to GESAC**

<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</b>

- 12.3 under s89 (2)(a) “personnel” which relates to Community Consultation Committee membership**

- 12.4 under s89 (2)(a) “personnel” which relates to the appointment of a Caretaker CEO.**

- 12.5 under s89(2) (a) “personnel” which relates to the Chief Executive Officer.**

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

**10.22PM Cr Magee returned to the Chamber.**

**OUTCOME OF CONSIDERATION OF CERTAIN CONFIDENTIAL ITEMS****Item 12.1**

**Crs Okotel/Delahunty**

1. That Council appoints the following panel of contractors under Tender number 2016.017 in accordance with the Schedule of Rates submitted:

**FORMAL CATERING ONLY**

- Artistic Culinaire Pty Ltd, trading as Artistic Food Service, A.C.N. 082 724 623
- Lisa Ann Haddon, trading as Aussie Food Fairies, A.B.N. 32 795 035 770

**FORMAL & INFORMAL CATERING**

- The Black Truffle Food Concepts Pty Ltd, trading as Black Truffle Catering, A.C.N. 146 571 379
  - M&BT Investments Pty Ltd, A.C.N. 124 141 171 as the trustee for M&BT Trust, trading as Healthlink Catering (A.B.N. 29 577 433 738)
  - Priors Catering Pty Ltd, A.C.N. 169 898 168 as the trustee for Priors Unit Trust, trading as Priors (A.B.N. 95 469 162 820)
  - Remington Consulting Group Pty Ltd, trading as Simply Sensational Catering & Events, A.C.N. 006 239 121
  - Uniting Care Prahran Mission, trading as The Mission Caters, A.B.N. 77 812 307 472
  - Waverley Industries Ltd, A.C.N. 005 803 369
2. That the contracts be prepared in accordance with the Conditions of Contract included in the tender.
  3. That the contracts be executed in an appropriate manner by affixing of the Council Seal.
  4. That this resolution be incorporated in the public minutes of this Meeting.

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

**Item 12.2**

**Crs Lipshutz/Magee**

- 1. That Council appoints A G Coombs Servicing Pty Ltd, A.C.N. 053 933 056 as a contractor under tender number 2016.011 Provision of Mechanical Maintenance Services to GESAC in accordance with the lump sum and 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 including by affixing of the Council Seal.**
- 4. That this resolution be incorporated in the public minutes of this Meeting.**

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

**Item 12.4**

**10.26PM the Director Community Services left the Chamber.**

**Crs Pilling/Okotel**

- 1. That Council:**
  - (a) Note that the current CEO resigned on 20 October 2015 and that s94(1A) of the Act requires that “*The Council must make a permanent appointment to the position of Chief Executive Officer as soon as is reasonably practicable after a vacancy in the position occurs*”;**
  - (b) Note that a process is underway in accordance with s94 of the Act to advertise and fill the vacancy and that *Jo Fisher and Associates* has been engaged to assist Council in this process;**
  - (c) Note that the position of Chief Executive Officer needs to be occupied at all times in order for the responsibilities and authorities vested in the position to be discharged;**
  - (d) Regard the period between the departure of the current CEO and the commencement of the substantive CEO as a Caretaker Period in which the pre-existing administrative arrangements would continue e.g. no changes to organisational structure or Senior Officer employment;**
  - (e) Set the remuneration for the Caretaker CEO at 90% of the remuneration of the current CEO and, if it continues beyond 31 March 2016, 95% in view of the Budget process;**
  - (f) Resolve that Peter Jones be appointed Caretaker CEO from 27 January 2016 until the substantive CEO commences or as otherwise resolved by Council.**
- 2. That this Resolution be incorporated in the public minutes of this Meeting and made available to all staff members of the Council.**

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

**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 10.51PM.

CONFIRMED THIS 2 FEBRUARY 2016

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**CHAIRPERSON**